

Fact sheet

You are generally entitled to a Division D pension if:

- you retire, resign, exercise Super Choice or are retrenched from the Commonwealth Bank Group ('the Group') after age 55
- you are declared to be a Disability Retiree.

For more information on your benefit entitlements, please refer to the Member Booklet for Division D, available from our website.

Benefits payable if you die

To your spouse

If you die while receiving a Division D pension, a pension (known as a reversionary pension) is payable for life to your surviving 'Spouse' (see *Proof of eligibility* and *Definitions* in the following sections).

The reversionary pension is equal to 67% of the pension benefit that you were entitled to at the time of your death.

Spouse option to take a lump sum benefit

Generally, if your spouse is entitled to a reversionary pension, they have the option to take all or part of the benefit amount (determined by the trustee upon actuarial advice) as a lump sum payment. However, if your spouse chooses to take part of the benefit as a lump sum and part as a pension, they must take at least 20% of the benefit amount as a pension.

There is a 3-month waiting period after your death before your spouse can choose to take a lump sum benefit. Your spouse must notify us within a further 3 months from the end of this period if they wish to take a lump sum.

Note: The trustee may waive the initial 3-month waiting period if it is satisfied that you do not have a 'De Facto Spouse' (see *Proof of eligibility* and *Definitions* in the following sections).

Entitlement to only one Division D pension

Generally, your spouse can only receive one pension from Commonwealth Bank Group Super at any one time. This means they are not entitled to receive more than one pension:

- a) as a spouse of a deceased member, or
- b) as a member in their own right and a spouse of a deceased member.

If your spouse would otherwise be entitled to more than one pension under (a) or (b) above, they are entitled to receive the higher of the pension amounts. This might be the case if your spouse is receiving a disability pension as a member of the fund in their own right or is receiving a reversionary pension from the fund after the death of a previous spouse, and then becomes entitled to a reversionary pension after your death.

However, your spouse will be entitled to a benefit as a member in their own right and as your spouse if your marriage occurred or your de facto relationship last began while either or both of you were employees of the Group or before either of you became an employee of the Group.

If your spouse chooses to take a lump sum benefit and later becomes eligible to receive a benefit as the spouse of another member, that benefit will be reduced by the trustee based on actuarial advice.

Child benefit

If you were receiving a disability retirement pension and you have one or more eligible 'Children' (see *Definitions* in the following sections) but do not have an eligible spouse at the date of your death, an amount equal to your preserved lump sum amount less the total amount of disability pension payments already paid to you is payable in equal proportions to each child (unless you have notified the trustee in writing of specified proportions to be paid to each child).

If you were receiving a retirement pension (i.e. not a disability retirement pension) there is no child benefit payable.

Child allowance

If you were receiving a disability retirement pension at the date of your death, a child may also be entitled to an allowance under Division D rules if the trustee determines, based on the age and circumstances of the child and any other relevant matters, that they are wholly or substantially financially dependent upon the receipt of the allowance. The allowance is payable only for the period that the child meets these requirements.

The child allowance as at 1 July 2012 is \$4,586 per year.

If you were receiving a retirement pension (i.e. not a disability retirement pension), there is no child allowance payable.

If you have no spouse or children

If you die and have no spouse or children, your contributions (adjusted for earnings at the fund's declared rate, which may be positive or negative) less the total amount of pension payments already paid to you is payable to your legal personal representative (i.e. the executor or administrator of your estate).

If you do not have a legal personal representative, no benefit is payable.

Proof of eligibility

We will ask the administrator or executor of your estate to provide proof of a relationship to confirm if someone qualifies as a spouse under the rules of Division D.

If you are legally married, confirmation is usually a certified copy of your marriage certificate. However, if your husband or wife is not living with you at the time of your death, we must establish that they were wholly or mainly maintained by you, or entitled to be or to have been wholly or mainly maintained by you at that time in order to be eligible as a spouse.

If you are in a de facto relationship, we strongly suggest that you advise us of the relationship in writing, including the date the

What happens if I die while receiving a Division D pension?

FACT SHEET

relationship began. Likewise, if the relationship ends, you should also let us know.

Regardless of whether you notify us or not, we will seek confirmation that the de facto relationship continued up until the time of your death and will ask for objective evidence of a genuine de facto relationship (e.g. bills in joint names, property held in joint names, provision in your will, etc.).

Some factors that we would consider in order to determine eligibility include:

- the duration of the relationship
- the nature and extent of the common residence
- whether or not a sexual relationship existed
- the degree of financial interdependence, and any arrangements for support, between or by the parties
- the ownership, acquisition and use of property
- whether the relationship produced any children
- the performance of household duties
- the degree of mutual commitment and support
- reputation and 'public' aspects of the relationship.

If you marry or begin a de facto relationship after your pension commenced

There are special provisions if you marry or begin a de facto relationship after your pension commenced.

In this case, your spouse is only entitled to a reversionary pension if the marriage occurred or the de facto relationship last began **at least 3 years** before your death.

Definitions of 'Spouse'

Under the rules for Division D, if you die on or after 1 July 2008, 'Spouse' means, at the date of your death:

- a person who is legally married to you, or
- a person (whether of the same or opposite sex) with whom you are in a relationship registered under a prescribed state/territory relationships register, or
- a person (whether of the same or opposite sex) who, although not legally married to you, lives with you on a genuine domestic basis in a relationship as a couple;

AND at that time the person must be either:

- living with you, or
- wholly or mainly maintained by you, or
- in the opinion of the trustee, entitled to be or have been wholly or mainly maintained by you.

In some cases, more than one person may meet the definition of spouse, e.g. you may be separated from your legal spouse but still providing substantial financial support to that person, and have subsequently begun a de facto relationship. If you have more

than one eligible spouse, the reversionary pension may be split between spouses in such proportions as the trustee determines. However, the total amount of pension payable will not exceed the total pension that would have been payable if you had had only one spouse.

Who is a 'De Facto Spouse'?

Under the rules for Division D, 'De Facto Spouse' means a person who though not legally married to you, in the opinion of the trustee lives or lived with you as at the relevant date on a genuine domestic basis in a relationship as a couple.

Definition of 'Child'?

If you die on or after 1 July 2008, under the rules for Division D, 'Child' means in relation to you:

- your natural child, adopted, ex-nuptial or step-child, the natural, adopted, ex-nuptial or step-child of your spouse (as defined in the previous section), or a child born to you or your spouse through artificial conception or surrogacy; or
- a child in your regular care, custody or control before (and as at) the date you ceased to be an employee of the Group; or
- a child whose support or maintenance you were wholly or partially responsible for immediately before you ceased to be an employee of the Group.


However, 'Child' does **not** include any person whose claim to be your child depends on a relationship that was created or commenced after you ceased to be an employee of the Group (unless the trustee determines otherwise).

Please note that different definitions of 'Spouse' and 'Child' applied if death occurred prior to 1 July 2008.

Commonwealth Bank Group Super


Defined Benefits members and pensioners

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