

## Fact sheet

You are generally entitled to a Division E pension if you are declared totally and permanently disabled. For more information on your benefit entitlements, please refer to the Member Booklet for Division E, available from our website.

## Benefit payable if you die

If you die while receiving a Division E disability pension, a lump sum is payable.

The lump sum is equal to the lump sum benefit that would have been payable if you had died on the date of your disability retirement (adjusted by the percentage increase in the Index as provided under the rules, for the period the disability pension was paid) less the total amount of disability pension payments already paid to you.

In some circumstances (e.g. if you have been receiving a pension for a long time), there may not be a residual lump sum amount payable.

### To your spouse

If an amount is payable it will be paid to your surviving 'Spouse' (see definition in following section), or spouses where more than one person is eligible, in proportions determined by the trustee.

### If you have no spouse

If you do not have a spouse, the lump sum amount (if any) will be paid to your legal personal representative (i.e. the executor or administrator of your account).

If you have no spouse and no legal personal representative, no further benefit is payable.

### Child allowance

An eligible 'Child' (see definition in following section) may be entitled to an allowance if the trustee determines, based on the age and circumstances of the child and any other relevant matters, that they are wholly or substantially 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.

## Proof of eligibility

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

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 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 in writing if you are in a de facto relationship, including the date the 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.

## Definition of 'Spouse'

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

- a person who was 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

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- 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 lump sum benefit may be split between spouses in such proportions as the trustee determines.

## Definition of 'Child'

If you die on or after 1 July 2008, under the rules for Division E, 'Child' means:

- your natural child, adopted, ex-nuptial or step-child, the natural, adopted, ex-nuptial or step-child of your 'spouse' (as defined above), 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 Commonwealth Bank Group ('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

 [oursuperfund.com.au](http://oursuperfund.com.au)

 **1800 135 970** between 8am and 7pm (Melbourne time)  
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