

Claiming a death benefit: Frequently Asked Questions

June 2025

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You should read these Frequently Asked Questions in along with the *Claiming a death benefit guide*. You can access this document at virginmoney.com.au/super-insurance.

How do I start a death benefit claim?

To start a death benefit claim, contact our claims team at **1300 217 430** to inform us of the member's passing. If you're calling from overseas, please call us on +61 3 9192 4419. We'll guide you through the necessary steps and documentation required.

If you're unable to call, you can also let us know by post:

Virgin Money Claims Team
GPO Box 4650
Melbourne VIC 3001

Who can make a death claim?

The member's dependants can make a death claim.

The member's Legal Personal Representative (LPR) can also make a claim. This is the person who is nominated to be the executor of their will or the administrator of their estate.

Both dependants and the LPR can also make a claim together.

Who can be included in a death benefit claim?

The key people involved can include you (as either a potential claimant or the Legal Personal Representative), your case manager, and the trustee.

Potential claimant

If you're the claimant, we'll ask you for some documents to help with the claim. You can really help with finalising the claim by getting these documents back to us as quickly as you can.

The Legal Personal Representative (LPR)

This is the person responsible for managing the affairs of a member who has passed away. It's usually the executor of the will, or a court-appointed person if there is no will.

Note: Potential claimants and LPR can be represented by other authorised parties, for example solicitors or financial advisers.

Your case manager

We will assign a case manager to your claim, and you'll hear directly from them. They're dedicated to helping you through what can be a difficult time. They will guide you through the process, inform you of what's required, and help you if there are any difficulties with documents.

The trustee

The trustee of Virgin Money Super is responsible for managing the super fund on behalf of members. This includes making death benefit payment distribution decisions.

Who is considered a dependant to receive a superannuation death benefit?

A **dependant** includes the member's spouse or de facto spouse, children, and anyone who was financially dependent on the member, or in an interdependency relationship with them when they died.

- A **spouse** or **de facto spouse** is someone (of the same or a different gender) who the member is in a genuine domestic relationship with and living together. They can be legally married or not; but need to be in a relationship as a couple.
- A **child** includes a biological child, an adopted child, a stepchild, a child of a spouse, or an ex-nuptial child of the member.

There is no age limit on who is considered a child of someone who has passed away. This means that an adult child can apply for a death benefit, but minor children and financially dependent children will generally be considered first.

When a child under the age of 18 is eligible for payment, a surviving parent or guardian will need to accept the benefit in trust on their behalf.

A **financial dependant** is someone who relied on the member to help them meet their daily living expenses and any shared financial commitments on a regular and ongoing basis, up to when they died.

An **interdependency relationship** is when two people share a close personal relationship, live together, and provide each other with financial support, household help and personal care. This may still apply if either or both have a disability preventing them from meeting all criteria, or they're temporarily living apart (such as during a hospital stay or being in prison). This generally does not apply to a typical parent-child or sibling relationship unless a serious illness or disability exists, or to people living in shared accommodation if not in a relationship.

Important

Under superannuation law we can only consider other persons if there are no dependants or no LPR.

Documents

What documents do I need to submit with a death claim?

We've listed the main documents in the *Claiming a death benefit guide* to assist. However, depending on your individual claim, we will outline the specific documents required in your letter.

How do I get a certified copy of an official document?

Please refer to the *Completing proof of identity factsheet* available at virginmoney.com.au/super/proof-of-identity.

While ceremonial certificates for births and marriages display the basic details, they cannot be used as proof of identity or marriage.

We require the original certified copies of the official documents, which are issued by the Registry of Births, Deaths and Marriages, and printed on security paper.

What if the member's name or date of birth is different from the death certificate?

We understand this can happen and your Case Manager will be able to assist.

I can't find some of the details I need to identify the member

We will support you in identifying the member and may ask for additional information like previous addresses, email addresses, Tax File Number (TFN), or details of previous employers.

If the claim involves an Aboriginal or Torres Strait Islander, your Case Manager will be able to assist.

I can't provide the cause of death

Your Case Manager will assist you to explore your options.

Can I claim a reimbursement for funeral expenses?

No. Funeral expenses cannot be paid from a superannuation death benefit. Paying funeral expenses does not make someone a dependant (see definition of dependant below).

For example, if a friend pays for the funeral, that doesn't make them a dependant. They won't be able to receive any money from the late member's superannuation account.

Claim processing and timeframes

How long will it take to assess the claim?

We provide timeframes for each of the steps involved in making a claim in our *Claiming a death benefit guide*. You can find this at virginmoney.com.au/super-insurance.

We abide by industry standards about timeframes for handling claims. However, there may be times where *exceptional circumstances* can lead to delays in processing times.

What are *exceptional circumstances*?

Exceptional circumstances broadly cover claims where:

- There are delays in the supply of documents
- The claimant has not responded within the expected timeframes
- The claim is complex and requires investigation beyond expected timeframes

How can I speed up the claim?

We understand that this process can be overwhelming, and we want to help you move your claim forward as smoothly as possible. To ensure your claim is processed quickly, please provide all requested documents and information as soon as you can.

If you have any questions or are unsure about any of the documents or forms, don't hesitate to reach out to us before submitting them. We're here to assist you, as unclear or incomplete forms can lead to delays in processing your claim.

Call **1300 217 430**, Monday to Friday 9am-5pm (AEST/AEDT). If you're calling from overseas, please call us on +61 3 9192 4419.

What is the role of the trustee during the claims process?

As the trustee, we have an important role when it comes to death claims. We will:

- Review and assess all documentation
- Determine who will receive a portion of the benefit and pay accordingly

What is the Trust Deed?

The Trust Deed is the foundational legal document for any super fund in Australia. It sets out the rules and terms for establishing, operating and managing the fund. It outlines the fund's objectives, powers and responsibilities of the trustee, and rules for who can be a member, and their rights. In addition, this includes the eligible dependants in the deed.

The Trust Deed operates in line with superannuation law to form the fund's governing rules.

Who gets paid?

Each claim is different and depends on various factors, including the complexity of family situations, the number of claimants, and the type of beneficiary nomination(s) held on the late member's account.

Each claim is assessed on a case-by-case basis. There are different ways we approach claims based on their complexity.

Simple cases: If the late member provided a **valid binding nomination** or **reversionary nomination** at the date of death, we are required to pay as directed.

We will:

- Review the required documents provided by the beneficiary
- Request any outstanding information to validate the binding nomination
- Notify all identified beneficiaries about the trustee's payment distribution decision
- Request the beneficiary to complete the payment form(s)
- Process the payment to the beneficiary

Complex cases: These arise when there is **no valid binding nomination (or reversionary nomination for pension)** at the date of death. This includes when:

1. The late member did not provide us with instructions for their death benefit
2. The late member provided a preferred nomination that is not legally binding (we will take the late member's wishes into account, but we are not bound by them)
3. Multiple people have expressed an interest in claiming a share

To assess complex cases, we may need to:

- Identify all potential beneficiaries and check who wants to make a claim
- Review the completed documents provided and assess each potential beneficiary's dependency on the member at the time of death based on superannuation law and the Trust Deed
- Decide which beneficiaries will receive a share of the total benefit, and how much each will receive

It may take time to contact everyone and receive all documents if there are multiple potential beneficiaries. You can help us move the claim forward by providing the information we request as soon as possible.

What if I'm not happy with the trustee's decision about who to pay

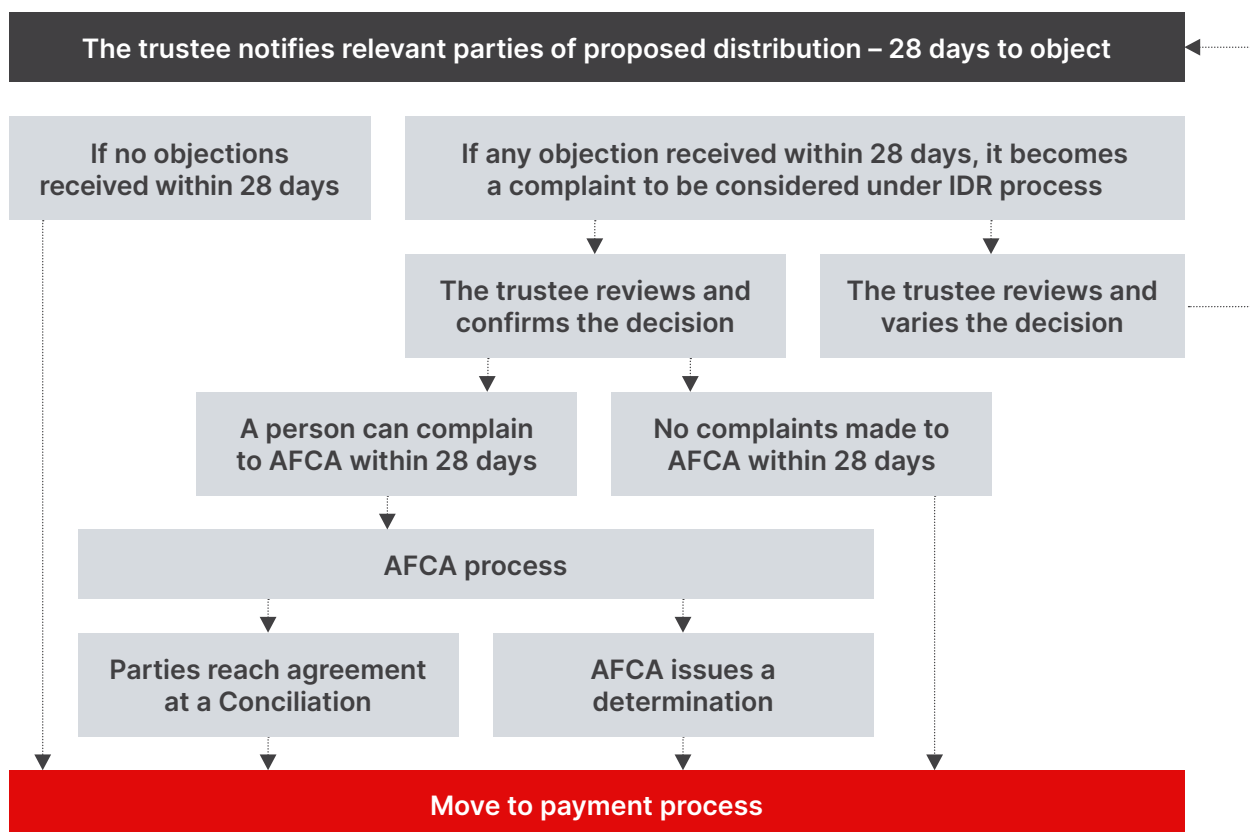
If you receive a claim-staking notice and disagree with the trustee's decision, you can lodge an objection within the 28-day claim-staking process. **Claim-staking** is the process by which a claimant can formally object to the trustee's decision regarding the distribution of a death benefit.

If this happens, we will provide you with information about the next steps, which includes the Internal Disputes Resolution (IDR) process.

Important: Any person identified as a potential beneficial may lodge an objection. The trustee will require additional time to review if this occurs.

At the end of the IDR process, once the trustee confirms its decision about who to pay, you can lodge a complaint with the Australian Financial Complaints Authority (AFCA).

The diagram below outlines the steps that apply once a claimant objects to the initial trustee decision about who to pay.



While we aim to resolve the matter as soon as possible, it may take up to 90 days to issue a response. Please note that this timeframe can be extended if we are waiting for additional information. Once a decision has been made, we'll inform you and the other potential beneficiaries in writing.

Finalisation of the death benefit

When will the claim be finalised?

If there is a valid binding nomination (or reversionary nomination) at the date of death, the payment process can begin as outlined in Step 5 of the *Claiming a death benefit guide*.

In all other cases, the claim can be finalised when one of the following occurs:

- The trustee makes a decision about who to pay (and in what proportions) and there is no 28-day claim staking process
- If a 28-day claim-staking process occurs and no objections to the trustee's proposed distribution are received during this period
- If objections received during the initial 28-day claim staking process and have been resolved by the trustee, and no further objections are lodged with AFCA in the 28 days following the trustee's final decision about who to pay
- A decision has been agreed upon by all parties at an AFCA conciliation conference, or a determination has been made by AFCA

How will payments be made?

Payments to individuals

We'll send each person receiving a portion of the benefit a letter outlining the final documents required. Please see Step 6 of the *Claiming a death benefit guide*.

Once we have received the payment details and validated ID, payments will be made.

What if I don't have a bank account in my name?

To receive a benefit payment, you will need to open a bank account in your name. A jointly named bank account is acceptable.

Payments to the estate

The death benefit is paid to the estate bank account or to their LPR in their capacity as the executor of the estate. The LPR is responsible for distributing the funds according to the member's will, or under relevant state laws if there is no will.

To pay a death benefit to the estate, we may need legal documents confirming who is allowed to act on behalf of the estate.

- **Probate:** A legal document issued by the court that confirms the will is valid and the executor has the authority to manage the estate.
- **Letters of Administration (LoA):** Issued when there is no will, and the court appoints someone to manage the estate.

We will let you know if probate or LoA are required for your claim.

Please note: If you're having any difficulties, please contact your case manager to discuss further options.

Are there any tax or financial implications if I receive a benefit?

Yes, Australian taxation law determines how a death benefit is taxed.

The rules and rates of tax depend on things such as:

- Whether the person is recognised by the Australian Taxation Office (ATO) as a dependant (which is different to the definition of 'dependant' under superannuation law).
- If the benefit is paid to the Legal Personal Representative on behalf of the member's estate.
- If the amount is paid as an income stream, if the member and recipient were under or over 60 years of age.

You can find more information on the ATO's website about [tax and superannuation death benefits](#). It's also a good idea to seek financial advice to understand the financial impact of a death benefit payment.

What if the beneficiary is a minor?

If any of the beneficiaries are minors, the payment will generally be paid into a minor trust. The responsible parties for the minor will oversee the trust until they turn 18.

Minor children may also choose to receive their benefit as an income stream. The type of payment may have tax implications therefore we recommend you consider obtaining independent financial advice.

We're here to help

If you're unsure about anything or need some help, you can speak with one of our claim's consultants on **1300 217 430**, Monday to Friday 9am-5pm (AEST/AEDT). If you're calling from overseas, please call us on +61 3 9192 4419.

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