



Superannuation death benefits win for adult children of deceased mother

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At Hall Payne Lawyers, we work with clients to maximise their entitlements under a variety of different insurance policies. Many clients seek advice from us in relation to superannuation death benefits, and TPD claims.

We are extremely proud of a matter where we negotiated a payment to adult children who had been left out of a superannuation distribution after the death of a parent.

What is the purpose of superannuation?

Most people understand that the primary purpose of superannuation is to provide a long-term savings plan for one's retirement. However, many people do not know that their superannuation may include additional benefits, including different forms of insurance.

One benefit in most superannuation funds is life insurance, that pays out as part of the total 'death benefit'.

What are death benefits in superannuation?

A superannuation death benefit is a payment made to dependent beneficiaries or to the trustee of a deceased estate after the member has died. It consists of the superannuation balance plus additional benefits payable under the policy. The death benefit is allocated by the trustee of the superannuation fund amongst the superannuation beneficiaries.

In order to have your super death benefit paid to the person(s) you would like to receive it, you need to provide a written 'binding death benefit nomination' form to the superannuation trustee (a form available from your super fund). This directs the superannuation trustee to pay the death benefit to specific individuals.

These nominations usually lapse after 3 years and need to be renewed. You need to be careful that the persons you wish to nominate are allowed under the superannuation trust deed or your nomination may fail. Care should be taken to ensure that you nominate allowable superannuation beneficiaries or your nomination may be void.

If you don't make a nomination the trustee has the discretion as to whom the payments will be made.

Win for adult children of deceased mother

In the case we referenced earlier, our clients were children of their deceased mother.

Whilst alive, their mother made a promise to include them as beneficiaries of her superannuation fund in the event of her death. However, when their mother died and the children claimed part of the death benefit, the superannuation trustee made a decision that the whole death benefit was to be paid to their step-father.

We helped our clients pursue, and ultimately win, their rights.

Get help from a superannuation and insurance lawyer

If you find that you have been left out of a Will, or a distribution of superannuation and death benefit monies or private insurance death benefits, contact Hall Payne to help you make a claim for your fair share.

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