



## What Happens to Your Partner When You Die?

*Seventh Edition – February 2008*

### **IF YOU HAVE READ THIS ARTICLE BEFORE, HAVE YOU ACTED ON IT ?**

The ACT Defence Widows' Support Group (DWSG) provides support to Defence widows and widowers, particularly the newly bereaved. The Group contacts them after the funeral of their partner. Experience has shown that the same problems seem to surface repeatedly and that some forward planning would help relieve some of the burden and distress to your partner when death occurs –

*ARRANGEMENTS PUT IN PLACE NOW WILL SAVE YOUR PARTNER  GRIEF  
AND EFFORT WHEN THE TIME COMES.*

### **SOME ISSUES TO CONSIDER NOW**

**PERSONAL BANK ACCOUNTS.** Most banks freeze joint accounts on the death of a signatory. Your partner will need an account **IN THEIR OWN NAME** before they can receive ComSuper benefits. It would therefore be prudent for both you and your partner *now* to each have one account in your own name.

**WILLS, POWER OF ATTORNEY and ENDURING POWER OF ATTORNEY.** Every adult over the age of eighteen should have a current Will and a completed Power of Attorney. Both should be kept in a secure place, the location of which is known to your Partner and at least one Executor; both should be updated on a regular basis, for example on renewal of your driving licence. Each State has different regulations.

Remember that your Power of Attorney may be needed by your partner at any time, e.g., if you are incapacitated due to even temporary medical care. Having Power of Attorney means that your partner can pay bills, give instructions about your medical treatment and attend to your affairs, if you are unable to do so.

A copy of your Service Record kept with these documents is also advisable.

**FUNERAL ARRANGEMENTS.** Each partner should know the other's choice of funeral arrangements, have them written down and preferably kept with the Wills.

**ROUTINE HOUSEHOLD BILLS.** Keep a list, or even just a file, of regular accounts and direct debits (eg, rates, security systems, home and content

insurances, vehicle insurance, health insurance, phone and mobile providers, internet service providers, water, gas and electricity). How and when they are paid and the approximate amounts will save your partner distress and uncertainty, particularly if he/she is not in the habit of handling those particular accounts. Preferably, both partners should be equally familiar with arrangements for paying household accounts.

These days it is particularly important that your partner can access and terminate such accounts either over the phone or via the Internet, so they will need your log-ins: usernames and passwords. You will be amazed how many you have and how often you, and therefore your partner, will need to be able to access them!

A list of trusted tradesmen, or their fridge magnets on the fridge door, can be a great help.

**CLUB AND ASSOCIATION MEMBERSHIPS.** An up to date list of organizations of which you are a member, along with your membership numbers and their addresses, will be a help. Your partner may need, or wish, to become a member of some of them. It can also be very distressing for your partner to keep receiving mail from such organisations addressed to you personally long after you are gone.

**VETERANS' ENTITLEMENTS.** Your partner may be entitled to benefits from the Department of Veterans' Affairs (DVA), but to apply she/he will need documentation and proof of your Defence Service. *You should establish your partner's possible entitlements prior to their needing them, i.e., while both of you are still alive and can explain your circumstances.* Collating this information NOW and having it on hand will greatly assist in any applications to DVA. (Note: A Gold Card is not transferable. However if a widow is granted a War Widows pension or is the widow of a TPI pensioner, she will be entitled to her own Gold Card).

## **OTHER MATTERS TO CONSIDER FOR THE NEWLY BEREAVED**

Based on the experiences of the ACT DWSG, the following are just some of the issues you should be aware that your newly bereaved partner may face. They will need to be dealt with by your partner and your executor at a stressful time, so any forward planning will be appreciated. The information is neither definitive nor applicable in all States but is intended as a guide. Further details should be sought from your solicitor, your advocate or the relevant Government Departments.

**YOUR DFRB/DFRDB/MSBS BENEFIT.** Upon notification of the death of a recipient of a DFRB/DFRDB benefit, ComSuper will cease payment until the necessary forms, correctly filled out, are submitted. Only then will the

partner receive her/his entitlements, paid into an account IN HER/HIS OWN NAME. These entitlements generally are:

- DFRB: A lump sum equal to seven pays (14 weeks) of the difference between his (old) and her (new) pension, plus the commencement of a fully CPI indexed pension (being five eighths of the deceased's old pension), paid fortnightly.
- DFRDB: A lump sum equal to seven pays of the difference between the deceased's (old) and the partner's (new) pension, plus the commencement of a partially CPI indexed pension. In outline, the new pension is five eighths of the deceased's full old pension as if he/she had not commuted his/her benefit when leaving the Service. The value of that additional part is "frozen" and the part relating to the deceased's previous fortnightly pension is CPI indexed. The pension is paid fortnightly.
- MSBS: These benefits are quite different from DFRB / DFRDB and are calculated on an individual basis upon application.
- CHILDREN. If there are dependent children and/or full time students, additional pension benefits may be payable. Documents required will include copies of the Marriage Certificate and the Death Certificate (though a copy of a newspaper notification of death may be accepted until the Death Certificate is available).

**MARITAL SEPARATION** For a variety of reasons including dementia or invalidity, you and your partner may have needed to live separately for a period. Your partner may need written advice or a certificate from your doctor advising that the separation was for medical reasons before ComSuper will commence your spouse's pension payment

**VETERANS' ENTITLEMENTS.** As mentioned previously, your partner will need to contact DVA and be ready to provide the documentation required. If death was caused by a Service related injury (or the deceased was already in receipt of a DVA pension) the partner may be entitled to a DVA pension. As also mentioned previously, check on the possible entitlements prior to needing them, ie while both of you are still alive. Contact the DVA, DFWA, Legacy, Vietnam Veterans' Association of Australia, Vietnam Veterans' Federation of Australia, or other ex-Service agencies for further information. If there are entitlements to any other compensation payments these need to be submitted as soon as possible. Entitlements for dependent children may also be payable.

**BANKING.** As also advised above, your partner will need an account IN HER/HIS OWN NAME. Some bank loans may be written off if an insurance

fee was paid. A signature of the surviving partner and/or your executor may need to be pre-recorded with the bank to allow ready access to some bank security boxes.

**THE HOUSE.** After a required period of time (usually 28 days) a house in joint names may be transferred to the surviving Joint owner upon application to the relevant Titles Office. Documentation required may include copies of the Marriage Certificate, Death Certificate and the Will, and Title documents. Westpac or the National Australia Bank will need to be advised regarding Defence Service Home Loans. The house and contents insurance notices will need to be transferred to a single name.

**THE CAR.** Your car can be transferred to your partner if he/she is the sole beneficiary of the Will. Ideally, the family car should be registered in both names. The deceased's driving licence may be eligible for a refund of the remaining valid period. Copies of the car registration papers and the surviving partner's driving licence as well as the Marriage Certificate, Death Certificate and Will may be required. Insurance companies will need to be advised of any change of car ownership.

**TAX RETURNS.** A (final) tax return will need to be lodged with the Australian Taxation Office on behalf of the deceased's estate.

Upon probate, the estate can be distributed to any beneficiaries, and sufficient money needs to be set aside to meet any final tax obligations. This will usually be arranged by your executor. Other related matters to note include possible Capital Gains Tax for shares purchased after 1985 or other assets, stamp duty and other fees.

**CLUBS, MEMBERSHIPS, and SUBSCRIPTIONS.** All the deceased's memberships will need to be cancelled. Refunds may be payable. As with tax returns, centrally kept records will help manage these matters.

**LEGACY.** Your partner may be eligible for assistance from Legacy due to your service in a War Zone, operational service, or training for operations. Contact Legacy for further details.

**PRIVATE HEALTH INSURANCE.** Benefits may be payable from private health insurers. Future premiums may be reduced, particularly if the family rate reduces to the single rate, so the health fund must be informed of the death.

**PENSION ENTITLEMENTS.** If the total income of the surviving partner is below a certain amount, a Centrelink pension, either full or part, may be payable. Bridging finance prior to the start of the ComSuper pension may be provided. Copies of the Marriage Certificate, Will and Death Certificate

will be needed.

POWER OF ATTORNEY and ENDURING POWER OF ATTORNEY. The continuing validity of these vary between States and Territories. In general, the surviving partner should have a new Will and Power of Attorney drawn up. After all, he or she has just lost you, their partner, who was probably central to their previous Will and Power of Attorney. A solicitor should be contacted to assist in the revision of the Will of the surviving partner and the raising of a new Power of Attorney / Enduring Power of Attorney.

CONTRACTS. The current trend towards contracts for mobile phones, Internet, security systems and the like can cause problems. These may have to be paid out in full. Some contracts may need to be re-negotiated or transferred to the surviving partner. Your partner needs to be able to access all relevant account details, passwords, etc, to be able to avoid running up further bills.

FINALLY .... It is advised that the newly bereaved keep an exercise book to record all business phone calls etc made after the partner's death. In the fog of grief, memory can be faulty and a record of calls and decisions made will be very useful. Relatives and friends may make decisions and arrangements on her/his behalf and trying to remember all these will be difficult. A copy of all correspondence and forms completed and kept in an accordion file is an added bonus.

*These are just some of the issues when the ACT DWSG  
has helped widows / widowers.*

*Some thought and time spent now will be of immense help  
to your partner in the future.*

*If you are reading this in hardcopy, check on the DFWA website -  
[www.rdfwa.org.au/widows.htm](http://www.rdfwa.org.au/widows.htm) - that you have the most up to date version  
and contact the DWSG at your nearest Defence Force Welfare Association  
Branch if you require further information or advice.*

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