



» FACT SHEET

HOW DO I JOIN A COMPLAINT?

This information is of a general nature only and is correct as at 1 November 2018.

What this fact sheet covers

This fact sheet provides information on how you can apply to join (be made a party to) a complaint about the distribution of a death benefit.

Who can be joined to a complaint?

Generally, your application to join (become a party to) a complaint regarding the payment of a death benefit will be approved if:

- » a superannuation provider has made a decision to pay all or part of a death benefit that is the subject of an existing complaint to you; and/or
- » you are a potential beneficiary of the death benefit (as defined in the superannuation provider's trust deed).

What is a trust deed?

A trust deed is a legal document that sets out the rules for a superannuation fund, and what the superannuation provider can and cannot do in relation to the fund.

Am I a potential beneficiary?

Generally, potential beneficiaries will be one or more of the following:

- » the spouse of the member (including a de facto or same-sex spouse);
- » a child of the member;

- » a person with whom the member had an interdependency relationship;

- » a person who was wholly or partially financially dependent on the member; and/or

- » the member's legal personal representative.

The trust deed of the member's fund will outline the potential beneficiaries.

How do I become a party to the complaint?

In order to join a complaint regarding the death benefit of a deceased member, you must apply in writing to the Superannuation Complaints Tribunal.

When applying, please provide the following information:

- » your name, address, email address and telephone number;
- » the name of the member and the superannuation provider;
- » your relationship to the member; and
- » how you think the death benefit should be distributed.

We will then assess your eligibility to join the complaint.

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Can I be represented in the complaint?

You do not need a representative to be joined to the complaint.

If you wish to be represented by someone such as a family member, friend or solicitor, you must ask the Tribunal and provide reasoning. We will advise if this is approved, and you will be responsible for any costs associated with representation.

I have been invited to join a complaint. Can I say no?

You may refuse an invitation to join a complaint. However, if you do, you will have no input into the complaint or its resolution. We will be unable to provide you with any information about the complaint or its resolution.

I've decided to join the complaint. What happens now?

If your application to join a complaint is approved, you will be invited to submit any documentation to support your preference for the distribution of the death benefit. You will also receive copies of all papers submitted to us, and will have the chance to respond.

If the matter is not first withdrawn, you will be invited to attend a conciliation conference with the complainant, the trustee and any other joined parties.

The aim of the conciliation is to reach a mutually agreeable resolution. If it is successful, the complaint will be resolved.

If the complaint is not resolved at conciliation, it will proceed to review. The Tribunal will meet to determine the outcome of the complaint, and you will receive a copy of the determination.

Conciliation and review

If the complaint proceeds to conciliation and/or review, we will send you more information about these stages. You can also find more information about our complaint resolution process at www.sct.gov.au.

Contact us

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