



## Death Benefit complaints

### Information Request – Interdependency Relationships

With some exceptions, two persons (whether or not related by family) have an interdependency relationship if:

- they have a close personal relationship; and
- they live together; and
- one or each of them provides the other with financial support; and
- one or each of them provides the other with domestic support and personal care.

The *Superannuation Industry (Supervision) Regulations 1994* ('SIS Regulations') provide further guidance as to what factors should be taken into account to establish whether two persons have a 'close personal relationship'. These factors include:

- the duration of the relationship; and
- whether or not a sexual relationship exists; and
- the ownership, use and acquisition of property; and
- the degree of mutual commitment to a shared life; and
- the care and support of children; and
- the reputation and public aspects of the relationship; and
- the degree of emotional support; and
- the extent to which the relationship is one of mere convenience; and
- any evidence suggesting that the parties intend the relationship to be permanent.

If you claim to be a person who had an interdependency relationship with the deceased please answer the questions below. In addition to answering the questions below, please provide a written statement addressing each of the factors (where relevant) listed above. This information will help us determine whether or not you had an interdependency relationship with the deceased person.

**1 Did you have a close personal relationship with the deceased?**  Yes  No

(a) What is your relationship with the deceased?

- Parent  Grandparent  Uncle  Aunt  Child  Sibling  Partner  
 Friend  Other (please describe) \_\_\_\_\_

(b) Why do you think that you had a close personal relationship with the deceased?

The duration of our relationship \_\_\_\_\_ years

Our shared life  Yes  No

The reputation and public aspects of our relationship  Yes  No

**Provide some evidence of these indicators** – for example, of the intended permanence of the relationship, the shared acquisition, ownership and use of property, affidavits provided by friends, family, associates etc. Note that the absence or presence of any indicators is not necessarily conclusive evidence of the absence or presence of an interdependency relationship.

**2 Were you living together at the time of death of the member?**  Yes  No

(a) If 'Yes', for how long? \_\_\_\_\_  
Where did you live together? (address) \_\_\_\_\_  
\_\_\_\_\_

If renting, in whose name was the property rented? \_\_\_\_\_  
If owned, in whose name is the title held? \_\_\_\_\_

(b) Why were you living together?

Because of our special relationship?  Yes  No

Sharing accommodation for convenience (e.g. flatmates)?  Yes  No

Providing a paid carer service (e.g. assistance with mobility, personal hygiene to the deceased)?  Yes  No

Other reasons? (please describe) \_\_\_\_\_  
\_\_\_\_\_

(c) If you were not living together at the time of death (although you did so previously) what was the reason for not living together?

Holiday  Visiting relatives  Work commitments (since \_\_\_/\_\_\_/\_\_\_\_\_)  Disability (complete Question 5)  Other (describe) \_\_\_\_\_

(d) If you were not living together at the time of death (although you did so previously), did both of you intend to resume living together?  Yes  No

If 'Yes', when did you expect to be re-united? \_\_\_\_\_

Is there any evidence to support that both of you intended to resume living together? (e.g. letters written by the deceased or given by close associates etc.) If so, please provide copies or affidavits.  Yes  No

**3 Did one or each of you provide the other with financial support?**  Yes  No

(a) If 'Yes', what financial support was provided, and by whom?

The deceased contributed financial support by paying part or all of the rent / mortgage / rates / other expenses of living together?  Yes  No

You contributed financial support by paying part or all of the rent / mortgage / rates / other expenses of living together?  Yes  No

(If yes, attach documents to support this – eg rent receipts, bank statements)

If either the deceased or you provided financial support to each other in other ways, state what that financial support was and attach any supporting documents.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If 'No', what was the reason for not providing financial support?

Because one or each of us suffered from a disability?  Yes  No  
(Provide details of the disability under Question 5 below)

Other reasons? (please describe)  Yes  No

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4 Did one or each of you provide the other with domestic support and personal care?**

Yes  No

(a) If 'Yes', what domestic support and personal care was provided, and by whom?

Specify any domestic support and personal care activities carried out by the deceased (e.g. cooking, cleaning, shopping, laundry, childcare, caring for animals etc.)

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Specify any domestic support and personal care activities carried out by you.

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(b) If 'No', what was the reason for not providing domestic support and personal care?

Because one or each of us suffered from a disability?  Yes  No

(Provide details of the disability under Question 5 below)

Other reasons? (please describe)  Yes  No

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**5 Did one or each of you suffer from any disability?**

Yes  No

If 'Yes', what is the nature of the disability/ies?

\_\_\_\_\_ since \_\_\_/\_\_\_/\_\_\_

If the disability/ies were the reason why you were not living together at the time of death, explain how those disability/ies affected your ability to live together (include any evidence of special medical and physical care needs such as doctor's reports)

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**Note – If you have answered 'Yes' to Question 5, ensure you have also answered Questions 3(b) and 4(b).**

**STATEMENT I declare that the information on this form is complete and correct.**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

\_\_\_/\_\_\_/\_\_\_  
(Date)

## SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993

### - SECT 10A

#### Interdependency relationship

(1) Subject to subsection (3), for the purposes of this Act, 2 persons (whether or not related by family) have an *interdependency relationship* if:

- (a) they have a close personal relationship; and
- (b) they live together; and
- (c) one or each of them provides the other with financial support; and
- (d) one or each of them provides the other with domestic support and personal care.

(2) Subject to subsection (3), for the purposes of this Act, if:

- (a) 2 persons (whether or not related by family) satisfy the requirement of paragraph (1)(a); and
- (b) they do not satisfy the other requirements of an interdependency relationship under subsection (1); and
- (c) the reason they do not satisfy the other requirements is that either or both of them suffer from a physical, intellectual or psychiatric disability;

they have an *interdependency relationship*.

(3) The regulations may specify:

- (a) matters that are, or are not, to be taken into account in determining under subsection (1) or (2) whether 2 persons have an *interdependency relationship*; and
- (b) circumstances in which 2 persons have, or do not have, an *interdependency relationship*.

## SUPERANNUATION INDUSTRY (SUPERVISION) REGULATIONS 1994 –

### Interdependency relationships (Act s 10A)

(1) For paragraph 10A (3) (a) of the Act, the following matters are to be taken into account in determining whether 2 persons have an interdependency relationship, or had an interdependency relationship immediately before the death of 1 of the persons:

(a) all of the circumstances of the relationship between the persons, including (where relevant):

- (i) the duration of the relationship; and
- (ii) whether or not a sexual relationship exists; and
- (iii) the ownership, use and acquisition of property; and
- (iv) the degree of mutual commitment to a shared life; and
- (v) the care and support of children; and
- (vi) the reputation and public aspects of the relationship; and
- (vii) the degree of emotional support; and
- (viii) the extent to which the relationship is one of mere convenience; and
- (ix) any evidence suggesting that the parties intend the relationship to be permanent;

(b) the existence of a statutory declaration signed by one of the persons to the effect that the person is, or (in the case of a statutory declaration made after the end of the relationship) was, in an interdependency relationship with the other person.

(2) For paragraph 10A (3) (b) of the Act, 2 persons have an interdependency relationship if:

- (a) they satisfy the requirements of paragraphs 10A (1) (a) to (c) of the Act; and
- (b) one or each of them provides the other with support and care of a type and quality normally provided in a close personal relationship, rather than by a mere friend or flatmate.

Examples of care normally provided in a close personal relationship rather than by a friend or flatmate

1. Significant care provided for the other person when he or she is unwell.

2. Significant care provided for the other person when he or she is suffering emotionally.

(3) For paragraph 10A (3) (b) of the Act, 2 persons have an interdependency relationship if:

- (a) they have a close personal relationship; and
- (b) they do not satisfy the other requirements set out in subsection 10A (1) of the Act; and
- (c) the reason they do not satisfy the other requirements is that they are temporarily living apart.

Example for paragraph (3) (c)

One of the persons is temporarily working overseas or is in gaol.

(4) For paragraph 10A (3) (b) of the Act, 2 persons have an interdependency relationship if:

- (a) they have a close personal relationship; and
- (b) they do not satisfy the other requirements set out in subsection 10A (1) of the Act; and
- (c) the reason they do not satisfy the other requirements is that either or both of them suffer from a disability.

(5) For paragraph 10A (3) (b) of the Act, 2 persons do not have an interdependency relationship if 1 of them provides domestic support and personal care to the other:

- (a) under an employment contract or a contract for services; or
- (b) on behalf of another person or organisation such as a government agency, a body corporate or a benevolent or charitable organisation.