



# What to do when death comes visiting

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## Abbreviations and Explanations

<b>Comsuper</b>	Commonwealth Superannuation encompassing the following three Schemes introduced at various times in the order shown each superseding the other.
<b>DFRB</b>	Defence Force Retirement Benefits - Superannuation
<b>DFRDB</b>	Defence Force Retirement and Death Benefits - Superannuation
<b>MSBS</b>	Military Superannuation and Benefits Scheme – Current Superannuation Scheme
<b>DVA</b>	Department of Veterans Affairs
<b>EDA</b>	Extreme Disable Adjustment is an adjustment to a disability pension that take into account a Veterans that is extremely disabled through accepted disabilities and doesn’t qualify for TPI because of age.

## What to do when death comes visiting

### Expected Death

Where death has been expected because of living with serious illness or being unwell for a long time and death is not unexpected, it may have already been arranged for the treating doctor to be contacted. In this case there is no need for the Police to be involved. Once the Doctor has certified the death it is the family's responsibility to contact a funeral director.

The Funeral director will make arrangements for the transfer of the body and begin making funeral arrangements as requested by the family.

### Unexpected Death

Where the death was unexpected you should immediately call 000 and request that the police are informed. Make sure that you are precise in your directions. A Medical Officer will be contacted to certify that death has occurred. Nothing can proceed until this occurs.

### Involvement of the Coroner

Where the Doctor is not able to sign a medical certificate stating the cause of death it will be necessary for the Police to be involved. The Police will contact the Coroner.

The Coroner must be contacted in the following circumstances:-

- Unexpected Death.
- Death from violence, accidents or from unusual causes.
- When the cause of death is unknown.
- Death under anesthetic or within 24 hours of being given an anesthetic.
- Death in an institution, prison, or in Police custody or death in a drug or alcohol rehabilitation centre.

The role of the Coroner is to investigate and determine the cause of death. To this end the Coroner may request a post mortem (autopsy) or hold an inquest to gather information and using this information conclude how the death occurred and if there was anything that contributed to the death.

Once the Coroner becomes involved your funeral director will liaise with the Coroner for the release of the body. Usually funeral arrangements are not unduly delayed.

In the case of the death of a veteran/or partner, the following must take place:

### Informing DVA

Contact should be made immediately with Department of Veteran Affairs, advising of file number and date of death. *You can do this by ringing DVA and asking for the bereavement section – make sure that you have the Veteran's correct name and DVA treatment//file/reference number i.e. as recorded on their Gold or White Card.*

Correspondence from DVA should begin to come in within two weeks. DVA will require a copy of the death certificate.

DVA will stop all payments made to the veteran/client and assess any entitlements for the surviving partner/spouse and/or dependents. This may include the granting of War Widows pension, Income Support Supplement, Bereavement Payments and Funeral Benefits. Some of these payments may be means tested.

## **Entitlements – Veterans’ Entitlements Act (VEA)**

### **War Widows(ers)**

A fortnightly War/Defence Widow Pension may be paid.

To become a War/Defence Widow(er) it must be shown that the cause of death was related to the Veterans Operational or Eligible Defence Service. The Pension must be applied for through the DVA, the only exceptions are where the Veteran was a TPI, POW, EDA, Temporary Special Rate, Intermediate Pension or double amputee, in these cases the Pension is issued directly from DVA on notification of death.

An additional income support Supplement (ISS), this is means tested

An additional Veterans Supplement for war widows below pension age. (previously Telephone Allowance)

Gold Card for life.

Other benefits may also be payable for dependent children.

**Gold or White cards do not become the property of the surviving partner.**

### **Bereavement Payments**

If the veteran was on a Service Pension or ISS, DVA will pay a sum equal to 14 weeks of the Service Pension/ISS **at the rate that the Veteran was getting at the time of death.** This will come in a lump sum. When there are no dependants this sum reduces to 14 days pension and is paid into the Veteran’s estate. *If a spouse dies a similar payment is made to the Veteran.* If the Veteran was also in receipt of a Disability Pension, the widow(er) will receive 12 weeks of the Disability Pension. *This figure will depend on the rate of pension the Veteran was getting at the time of death.* Where the veteran was single no payment is made.

### **Funeral Benefits**

A funeral benefit is a one off payment made by DVA towards the funeral costs of an eligible veteran or dependant.

## **Entitlements – Safety, Rehabilitation and Compensation Act (SRCA)**

### **Bereavement payments**

If it is accepted that a person's death was as a result of ADF service, their dependants may be entitled to:

- a lump sum death benefit under SRCA and an additional sum under the *Defence Act 1903*;
- a further lump sum for each dependent child (payable under the *Defence Act 1903*);
- a weekly payment for those children who were dependent upon the person at the date of death, and who are either under 16 years old, or are full-time students (up to 25 years of age); and
- reimbursement under the *Defence Act 1903* for the cost of obtaining financial advice about how to manage large amounts of money.

*Notes:*

1. the additional benefits that are available under the *Defence Act 1903* apply only to injuries, diseases, illnesses and deaths sustained or suffered during the period 7 April 1994 to 30 June 2004 inclusive; and
2. all of the amounts above are payable in addition to any pension or lump sum benefits that may be paid to dependants by ComSuper.

### **Funeral Benefits**

Funeral expenses are payable if the death has been accepted under the SRCA. This amount is indexed.

## **Entitlements – Military Rehabilitation and Compensation Act (MRCA)**

### **Bereavement Payments**

Payments are made to the wholly dependent partner of the deceased member. If there is more than one wholly dependent partner, the payment will be split between partners having regard to the relative loss of financial support each partner has suffered.

Partly dependent partners may also qualify for entitlements. Please refer to Factsheet MRC16.

The payment is equal to 12 instalments of the weekly amount of incapacity payments, permanent impairment periodic payments and/or SRDP payments that the deceased member was receiving or entitled to receive.

Additionally they are entitled to a tax free periodic equivalent of the War Widows Pension or an aged based lump sum equivalent. Where the members death is accepted as having been related to ADF service, an additional tax-free age based benefit may be payable. Eligible Young Persons are also entitled to a payment made under the Defence Act.

If there is no wholly dependent partner, the bereavement payment can be made to the dependent children of the deceased member.

## Other Benefits

Other benefits include:

- a Gold Repatriation Health Card. This card entitles the holder to a range of health care for all conditions. See *Factsheet MRC 22: Military Compensation – Military Rehabilitation and Compensation Act 2004 – Treatment* for more information;
- a pharmaceutical allowance;
- a telephone allowance payable per quarter and an additional amount per quarter if they subscribe to a home internet service; and
- payment for the cost of financial advice that they may obtain when choosing between the pension and a lump sum. This is the maximum that can be paid for such financial advice and it should be noted that it is paid by reimbursement.

## Funeral Benefits

Funeral expenses are payable if the death has been accepted under the MRCA. This amount is indexed. Currently the ADF meets all costs of a military funeral of ADF members who die while still serving. If these costs are paid by the ADF then no Funeral Benefit is payable.

## The Funeral

The Office of Australian War Graves (OAWG) is to be notified of the Veteran's death. By ringing DVA in your Capital city, they will be able to put you in contact with OAWG.

If the Veteran is cremated – after the service, the crematorium staff advise of costs for memorial, etc. War Graves send out paperwork, etc. and they pay for the majority of the memorial. There is no room on the War Graves plaque for anything of a personal nature; however most crematoriums and War Graves permit the placing of an additional plaque with a personal message on it at a cost. At internment there is a cost of for attendance during the week and a higher cost on week-ends. These costs may vary, depending on locality. The War Graves plaque can take up to 4 months to be delivered. If you prefer a personal plaque, then you can apply to War Graves for permission to have the service emblem, e.g. Army, on the plaque, however, War Graves will not look after the gravesite. *This may vary slightly from place to place. Check the fact sheets for eligibility as only certain veterans are eligible. All veterans who served in the Australian forces are entitled to use the relevant Service Badge for their private memorial, but you must obtain permission. Ring the Office of Australian War Graves on 1800 026 185 for more information.*

## Other Pertinent Information

The DVA, through the “Rehabilitation Appliances Program” (RAP), provides all of the equipment required to help Veterans and War Widows to keep a reasonable lifestyle. When this equipment is no longer required, it can be returned to RAP for cleaning and reconditioning for issue to other eligible Veterans and War Widows.

Types of equipment collected by RAP include – Manual and Electric Wheelchairs, Scooters, Hospital Beds, Pressure Care Items, Hoists, and Recliner Chairs. The RAP needs to know if you have returned your emergency Alarm System or cancelled ongoing Oxygen Supplies. If you need to return equipment, contact the RAP Team on 1300 550 458 (Metro) or 1800 550 458 (Country).

Veterans Home Care Services. If the household was in receipt of Veterans Home Care Services prior to the death of an eligible person, please contact the Assessment Agency on 1300 550 450 as approval may in some circumstances be extended for 12 weeks.

Orphan’s Pension. This is granted automatically to certain classes of Veterans, but may not be payable if the child is over 16 years and in receipt of Commonwealth Educational Assistance, e.g. Youth Allowance or VCES. *Check the fact sheets.*

**Your DFRB/DFRDB/MSBS Benefit (Comsuper).** Upon notification of the death of a recipient of a Comsuper benefit Comsuper will cease payment until the necessary forms, correctly filled out are received. Only then will the partner receive his/her entitlements **paid into an account in his/her name.** These entitlements generally are:

**DFRB:** A lump sum equal to 14 Weeks of the difference between the deceased old DFRB pension and the new surviving members pension, plus the commencement of the new CPI indexed pension paid fortnightly, being 5/8 of the deceased old pension.

**DFRDB:** As for DFRB except that the new pension is 5/8 of the deceased pension as if he/she had not commuted his/her benefit on discharge. The value of this difference is frozen and the remainder 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:** Include Marriage Certificate and Death Certificate, though a copy of the newspaper notification of the death may suffice until the Death Certificate becomes 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 treating doctor advising that the separation was for medical reasons before Comsuper will commence your partner’s pension payment.

## Banks / Mortgages

If bank accounts are in joint names, the death certificate is to be produced and a new account opened in the surviving partner's name. The joint account is stopped for a time, to finalise things, and then the money is released into the new account once the joint account is closed. If credit cards are in joint names, these are closed and a new one, in the name of the surviving partner, has to be applied for. A debit card (if account is in both names), which allows for access to own money, will be cancelled and a new one issued in surviving partner's name. The joint account cards can be used until the issuing of the new card.

If there are credit cards held at banks or other financial institutions other than the main one, they require a copy of the death certificate to cancel the accounts.

If there is a mortgage in place, they will need a copy of the death certificate and a copy of the will. There is a cost involved to transfer into widow's name (approximately \$135). Some loans may be written off **if** an insurance policy was in place to cover the loan.

## 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 may include copies of the Marriage Certificate, Death Certificate, the Will and Title Documents. Please note that the Marriage Certificate that you were given in the church or wherever you were married is only a commemoration document and has no legal standing. The Marriage Certificate that is referred to is only available from Births Deaths and Marriages and is the official Government record.

Westpac or the National Australia Bank will need to be advised if a Defence Service Home loan is involved. House and contents insurance will need to be transferred to a single name.

## Solicitors, Wills and Power of Attorney

If you have a solicitor handling the estate they will inform any other changes of name, for example, your local water board, council, etc. They will also lodge the transfer of title of land to the surviving partner (approximately \$83 plus the solicitor's fee).

One thing that has been suggested is that the surviving partner should consider appointing an enduring power of attorney. This is to facilitate things, for instance, if the widow was hospitalised, the appointed person can use this power to, utilise the bank account, and make decisions on behalf of the widow, etc. *There are several types of enduring power of attorney, the main two for consideration are Medical and Financial.*

I cannot stress this enough **GET A WILL** where a will is not available it gets very messy. Please don't listen to the old wives tales about the Government taking all of the money-- if there is no will the only thing that will change is your wishes. The courts will appoint an executor and often lawyers will be involved \$\$\$ and whatever you wanted to do with your assets will not happen.



## **Centrelink.**

If the deceased is on a Centrelink payment then you may be entitled to a Bereavement Payment similar to the payments paid to the surviving partner of a Veteran on a DVA payment, you may also have an entitlement if you were receiving a Carer Payment or caring for a severely disabled child, or are registered for the Pensioner Bonus Scheme. If you were partnered you may be eligible to receive a Bereavement Allowance (dependent on assets and income) for a 14 week period to enable you to recover. Notes on this are attached from the Centrelink Publication "Needing help after someone has died (July 2007)" Contact Centrelink as soon as possible with the deceased Centrelink entitlement number.

### **Centrelink Bereavement Payment/Allowance**

**Bereavement Payment** may be payable if you are an Australian resident and:

- your partner dies, or
- you are caring for an adult who dies for whom you were receiving a Carer Payment, or
- \* you are the carer or parent of a young child who dies, and
- \* you are getting a pension from Centrelink or Veterans' Affairs at the date of death, or
- \* you have been getting Youth Allowance, Newstart Allowance, Sickness Allowance, Partner Allowance or Special Benefit for at least 12 months, or
- \* you were getting, or were qualified to get, Family Tax Benefit for the child who died.
- The deceased was registered for the Pensioner bonus Scheme

### **Bereavement Allowance:**

If you are recently widowed, have no dependent children and have not been getting a payment from Centrelink, Bereavement Allowance helps give you an adequate level of income while you make funeral arrangements, settle financial affairs, look for work and find out whether you are eligible for a longer term payment from Centrelink.

### **Utilities**

All utilities (Power, Water, Gas & Council) must be informed if the accounts were in the Veteran's name or joint names, and the death certificate produced for change of name of account. Once you have your Gold Card, you need to advise all utilities, council, etc. of your card number for pensioner discounts.

## **Medicare**

Medicare requires notification of death only.

## **Electoral Office**

The Electoral Office requires notification of death only.

## **Superannuation**

If there is superannuation, for instance, Defence Forces Retirement and Death Benefits Scheme involved, **all superannuation companies will require a copy of the death certificate**. In the case of DFRDB, they will stop pension payments until death and eligibility for pension is confirmed. Check with the fund for specific information. DFRDB will pay a lump sum of 7 times the Pension Entitlement at time of death and then 5/8ths of the non-commuted amount.

## **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. There would also be a refund on the deceased licence, depending on time left on the licence. Copies of the car registration papers and the surviving members Driving license, Marriage Certificate, Death Certificate and Will may be required. Insurance Companies will need to be advised of any change of car ownership.

**Most State Road Transport Authorities supply a deceased estate kit, for transfer of car registration, and requires copies of death certificate and will for transfer of vehicles. There is no cost involved.**

## **Passport**

If the deceased had a passport, this must be returned to Australian Passport Office in your capital city.

## **Tax Returns**

A (final) Tax Return will need to be lodged with the Australian Taxation Office on behalf of the deceased 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 the executor. Other matters that need noting include possible Capital Gains Tax for shares purchased after 1985 or other assets, stamp duty and fees.

## **Clubs, Memberships & Subscriptions**

All of the deceased memberships will need to be cancelled. As with Tax Returns centrally kept records will help manage these matters.

## **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. The health fund must be informed of the death.

## **Grieving**

Grief Counselors are available through VVCS or most church groups and from independent counselors normally through the local Health Group. Your Funeral Director can advise you. Don't be embarrassed about phoning him/her even weeks after. I have yet to meet a Funeral director without compassion. I have found that if you understand what is happening then you can cope much better. Understanding the grief process as explained by a grief counselor may not stop you from becoming depressed but if you understand what is going to happen you will be better be able to cope and to recover quicker.

## **Accounts etc.**

It is advised that the bereaved keep an exercise book to record phone calls and any cost related to the Death/Funeral. These costs should be recoverable through the executor of the deceased estate.

## Check List

<b>Person or organisation</b>	<b>Contact Details Phone/Address</b>	<b>Reference Details e.g. account number</b>	<b>Notified of Death Yes/No</b>
<b>Family and Friends</b>			
<b>Department of Veterans Affairs</b>			
<b>Centrelink</b>			
<b>Doctor</b>			
<b>Preferred Funeral Director</b>			
<b>Funeral Bond Yes/No</b>			
<b>Funeral Insurance Yes/No</b>			
<b>Insurance Company</b>			
<b>Comsuper (DFRDB/M</b>			
<b>Superannuation fund</b>			
<b>Gas supplier</b>			
<b>Electricity supplier</b>			
<b>Medicare</b>			
<b>Banks/Credit unions</b>			
<b>Health Benefits</b>			
<b>Landlord</b>			
<b>Electoral Office</b>			
<b>Prepaid Funeral Yes/No</b>			
<b>Australian Taxation Office</b>			
<b>Minister of Religion</b>			
<b>Clubs (e.g. – the RSL)</b>			
<b>Employers</b>			
<b>Council (rates, meals on wheels etc)</b>			
<b>Post Office</b>			
<b>Phone Company</b>			
<b>Credit Card/Hire Purchase</b>			
<b>Executor of Will</b>			
<b>Professional bodies (e.g. – solicitor, accountant</b>			
<b>Vehicle Registration &amp; Licensing Authorities</b>			
<b>Health Professionals – physiotherapist, dentist, podiatrist, optometrist, etc</b>			

It might be easier for you to notify some of these people and organisations in writing. The letter to follow is an example of the kind of letter you may need.

## Example Letter

TO WHOM IT MAY CONCERN

I wish to notify you of the death of:

Mr./Mrs./Miss/Ms

Surname

Given Names

Date of Birth

Street Name and Number

Suburb

State

Postcode

Date of Death

I understand the above had dealings with your organisation.

The reference number/membership/client number for your organisation was

Please amend your records. If you need to contact me for further information, please contact name, phone number

Signature

Name and Address

Relationship to the deceased

Date

## **Getting someone's name taken off mailing lists**

If you want to have the name and phone number of the person who died removed from mailing lists, you can ask the Australian Direct Marketing Association to do it for you...

To register the details, write to:

ADMA-Do Not Contact Service

Reply Paid 4054

Sydney NSW 2001

You can also register the details on the Association's website at –

[www.adma.com.au](http://www.adma.com.au)

Fact Sheets Sheets of information about the DVA and its services available on the internet at [www.dva.gov.au](http://www.dva.gov.au)