

Members must note that all superannuation death benefits must be paid to either a dependant or their Legal Personal Representative of their Estate.

A member's SMSF Will can deal with the payment in specie of a member's death benefit. It becomes an operative Rule of the Fund and can only be changed by the member. Advice as to the content and drafting of a member's death benefit nomination, particularly of a SMSF Will should be undertaken by a Legal Practitioner suitably experience in the Superannuation jurisdiction.

Rule 25 - Accessing Member Superannuation Benefits

Where a Member has met a cashing condition, they have access to their superannuation benefits in the form of a Lump Sum or Superannuation Income Stream. Rule 25 outlines the various ways in which a Member and/or their beneficiary in the event of the Member's death can access Member Superannuation Benefits. This can incorporate adding specific instructions for the payment of a death benefit superannuation income stream, as long as the Fund remains a Complying SMSF. For example the creation by a Member of a Conditional Pension, which in circumstances of a blended family where a Member dies and wishes their surviving spouse or partner to receive an income stream from their superannuation death benefit. Any commutation of capital and other rules or requirements surrounding the Conditional Pension are formulated during the member's lifetime and must be paid in accordance with the Conditional Pension documentation.

Advice as to the content and drafting of a member's Conditional Pension should be undertaken by a Legal Practitioner suitably experienced in the Superannuation jurisdiction.

Rule 26 - Guardians for the Fund Members

The appointment of a Fund Member's Guardian is undertaken to allow this party to act as the "Gate Keeper" of the Condition Pension payments. These payments must be approved by the Fund Member's Guardian but such approval cannot be withheld if the payments are in accordance with the terms and conditions of the Conditional Pension.

Advice as to the appointment of a Fund Member's Guardian should be obtained from a Legal Practitioner suitably experienced in the Superannuation jurisdiction.


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Michael Davies

24/6/17
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Date:

For and on behalf of the Fund Trustee