



# Orphan of a pensioner

## Benefit application form and information

This form is to be completed by persons who have care, control and custody of the orphan of a deceased pensioner that they consider is either an eligible child or a partially dependent child.

The term 'orphan' refers to an eligible child or partially dependent child of a pensioner who does not have a spouse for the purposes of the *Superannuation Act 1976*.

A separate form is required for each child.

Eligible children over the age of 18 years may apply for a benefit in their own right.

**Once the application has been completed it should be forwarded to:**

CSS  
Pensions Administration Section  
PO Box 22  
Belconnen ACT 2616.

## Explanatory notes

### Who is a child?\*

For the purposes of the *Superannuation Act 1976*, a **child**, in relation to a pensioner who has died, is a child (including an adopted child, an ex-nuptial child, a step-child, a child within the meaning of the *Family Law Act 1975* or any other person whom ARIA determines is to be treated as a child) of the pensioner.

The meaning of child in the *Family Law Act 1975* includes children:

- > born to a woman as the result of an artificial conception procedure while that woman was married to, or was a de facto partner of, another person (whether of the same sex or opposite sex)
- and
- > who are children of a person because of an order of a state or territory court made under a state or territory law prescribed for the purposes of section 60HB of the *Family Law Act 1975*, giving effect to a surrogacy agreement.

### Who is an eligible child?\*

An **eligible child**, is a child of the deceased member or pensioner (including an adopted child, an ex-nuptial child, a step-child, a child of the former member within the meaning of the *Family Law Act 1975* or any other person whom ARIA determines is to be treated as a child of the member) who:

- > has not reached age 16
- or
- > is age 16 or more but less than age 25
- and
- > is receiving full-time education at a school, college or university
- and
- > is not ordinarily employed or self-employed
- and
- > immediately before the death of the pensioner:
  - > ordinarily lived with the pensioner
  - > was, in the opinion of ARIA, wholly or substantially dependent upon the pensioner
  - or
  - > where the child is born, after the death of the pensioner, and would have, in the opinion of ARIA, ordinarily lived with, or been wholly or substantially dependent on, the pensioner if the child had been born before the death of the pensioner.

### Who is a partially dependent child?\*

A **partially dependent child** is a child of the deceased member or pensioner (including an adopted child, an ex-nuptial child, a step-child, a child of the deceased member within the meaning of the *Family Law Act 1975* or any other person whom ARIA determines is to be treated as a child of the member) who:

- > is not an eligible child
- and
- > is aged less than 16, or is aged 16 or more but less than age 25
- and
- > is receiving a full-time education at a school, college or university
- and
- > is not ordinarily employed or self-employed
- and
- > in respect of whom, immediately before the death of the member:
  - > the deceased member was voluntarily making, or required by a court to make, regular maintenance payments
  - or
  - > in the opinion of ARIA, the member would have been voluntarily making, or required by a court to make, such payments if the child had been born before the death of the member.

\* These descriptions paraphrase the definitions in the *CSS Rules* and the *Family Law Act 1975*.

### Entitlement

The calculation of an orphan's pension benefit is based on a percentage of what the pensioner was receiving at the time of their death.

The percentage rate applicable depends on the number of eligible children receiving a benefit.

NO OF ELIGIBLE ORPHANS	PENSION%
One	45
Two	80
Three	90
Four or more	100

The rate of orphan's pension reduces where the marital or couple relationship started:

- > after the deceased became a pensioner
- > after the deceased turned 60
- and
- > within three years of the date of death.

## When is the pension paid?

Pension is payable on and from the day after the date of the pensioner's death. It is calculated on the basis of a 14-day fortnight and is paid on the alternate Thursday to public service paydays.

## Reduced pension option

For age and early age retirees, legislation effective from 1 July 2003 introduced a reduced pension option at the rate of 93% of the retiree's initial pension entitlement. The effect of this reduction is to increase the reversionary benefit payable to an eligible orphan.

Where an election for a reduced pension option was made at the time of retirement, the rate of pension payable to eligible orphans will increase as follows:

NO OF ELIGIBLE ORPHANS	PENSION %
One	51
Two	92
Three or more	108

**Note:** The maximum rate of 108% is equal to 100% of the benefit that would have been payable to the pensioner if an election for a reduced rate of initial pension had not been made.

**Pension increases** - The legislation provides for bi-annual increases based on upward movements in the Consumer Price Index (CPI). These increases are paid on the first payday in January and July each year.

**Partially dependent children's pension** - The rate of pension will be an amount equal to the regular financial support provided before death occurred, or if a court order exists, the amount recorded in the order, up to the amount that could have been payable to an eligible child.

**When does the pension stop** - Pension will stop once the child reaches age 16 unless they are receiving full-time education, in which case payment will continue until either full-time education stops or the student reaches age 25, whichever occurs first. Student pensions are reviewed at the beginning of each year to establish continuing entitlement. Pension payable in respect of partially dependent children will stop earlier if ordered by the court.

If a student stops full time study during the academic year you must advise us immediately to avoid any overpayment of pension.

## Method of payment

Pension is paid by direct credit to an approved financial institution (bank, building society, credit union) of your choice within Australia. If at any time, after the pension starts, you wish to change the institution to which the pension is being credited, you will need to call us on **1300 001 777**. This must be done at least one week before payday to ensure payment to your new account.

## Tax file number (TFN)

In accordance with the *Taxation Laws Amendment (Tax file numbers) Act 1988*, we are required to deduct PAYG tax at the top marginal tax rate including Medicare levy from benefits if a person does not provide a tax file number.

If you have not been issued a TFN you should lodge an Australian Taxation Office (ATO). Forms are available at [www.ato.gov.au](http://www.ato.gov.au) and all ATO branches.

You must provide proof of identity at the time you lodge the form.

## Identification requirements

To protect against fraud, money laundering, terrorism financing and safeguard your benefit, we need you to provide documentation to prove your identity before we can process your benefit request.

You need to provide certified copies of four identifying documents listed in **Section G** of the application form. The person certifying the documents must attest that the documents are true copies, and that you are the valid holder of the identification.

We will store copies of identification electronically in a secure environment and destroy the paper copies. We will use all copies only for the purpose of confirming your identity.

If you are providing copies of bills or statements, you should black out any personal financial information or details of transactions in order to protect your privacy.

## Privacy

ARIA and its administrator, ComSuper, are collecting the information on this form for the following reasons:

- > to confirm your identity
- > to assess your eligibility for payment of the benefit
- > to pay your benefit
- > to contact you.

ARIA and ComSuper are committed to protecting any personal information we hold about you. Your information will not be used for any other purpose or disclosed to another party unless:

- > you authorise us to do so
- > the disclosure is authorised by law. This may include disclosing your personal information to other government agencies that have specific legislative authority to collect this information as required by policy and legislation. We will not disclose your personal information to these agencies unless it is lawful to do so.

## Where can I get more information?

Email [members@css.gov.au](mailto:members@css.gov.au)

Phone 1300 000 277

Fax 02 6272 9612

Mail CSS

PO Box 22

Belconnen ACT 2616

Web [www.css.gov.au](http://www.css.gov.au)

When contacting us, please remember to quote the Reference number (AGS) of the deceased.



# Orphan of a pensioner

## Benefit application form

### Hints for using this form

- > read the explanatory notes and each section of the form carefully before filling it in
- > use CAPITAL LETTERS and a black or blue pen
- > sign your name where needed. If you don't sign the relevant sections of the form, it will be returned to you.

### SECTION A Your details

Salutation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>						
Surname	<input type="text"/>						
Given name(s)	<input type="text"/> <input type="text"/>						
Address	<input type="text"/> <input type="text"/>						
	<table border="0"> <tr> <td style="text-align: left; font-size: small;">SUBURB</td> <td style="text-align: center; font-size: small;">STATE</td> <td style="text-align: center; font-size: small;">POST CODE</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	SUBURB	STATE	POST CODE	<input type="text"/>	<input type="text"/>	<input type="text"/>
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BUSINESS HOURS	<input type="text"/>						
AFTER HOURS	<input type="text"/>						
MOBILE NUMBER	<input type="text"/>						

## SECTION B About the deceased

Reference number (AGS)

Salutation  Mr  Mrs  Ms  Miss  Other

Surname

Given name(s)

Date of birth  <sup>D</sup>  <sup>D</sup> /  <sup>M</sup>  <sup>M</sup> /  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>

Date of death  <sup>D</sup>  <sup>D</sup> /  <sup>M</sup>  <sup>M</sup> /  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>

## SECTION C About the child

Surname

Given name(s)

Date of birth  <sup>D</sup>  <sup>D</sup> /  <sup>M</sup>  <sup>M</sup> /  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>  <sup>Y</sup>

What is your relationship to the child?

What was the child's relationship to the deceased?

CA Was the child living with the deceased at the time of death?  Yes—if you answered Yes go to question CD  
 No—if you answered No go to question CB

CB Was the child wholly or substantially dependant upon the deceased at the time of death?  Yes—if you answered Yes go to question CC  
 No—if you answered No go to question CD

Include all details of dependency with the application including any supporting documents you may think relevant, eg maintenance agreements

CC Is the child age 16 years or more?  Yes—if you answered Yes go to **Section D**  
 No

## SECTION D Full time study details for child over age 16

Please provide details of full time student less than age 25 that may be regarded as eligible students and include copies of full birth certificates (not an extract). If duration of course is less than 12 months, please include dates of duration. If course is more than 12 months (e.g. four-year uni course) only provide dates for current year. At the beginning of each year we send out an Annual Student Review confirming full time study. This will verify continuation of study.

Name of student	GIVEN NAME(S)	
	<input type="text"/>	
	<input type="text"/>	
	SURNAME	
	<input type="text"/>	
	<input type="text"/>	
Type of course (eg, HSC, degree)	<input type="text"/>	
Name of school/ college/university	<input type="text"/>	
Duration of course (current year)	<input type="text"/>	
Address	<input type="text"/>	
	<input type="text"/>	
	SUBURB	STATE
	<input type="text"/>	<input type="text"/>
		POST CODE
	<input type="text"/>	<input type="text"/>
Stamp of school/ college/university	<input type="text"/>	
Signature of Principal/Registrar – I certify that this student is undertaking full time study		
Signature and date	SIGNATURE	Date signed
	<input type="text"/>	<input type="text"/>
		<input type="text"/>

## SECTION E Method of payment

Payment may only be made to an Australian account in your name (see notes)

Type of financial institution	<input type="checkbox"/> Savings bank	<input type="checkbox"/> Building society	<input type="checkbox"/> Trading bank	<input type="checkbox"/> Credit union
Name of institution	<input type="text"/>			
	<input type="text"/>			
Name of account holder	<input type="text"/>			
	<input type="text"/>			
Branch location	<input type="text"/>			
Branch (BSB) number	<input type="text"/>	-	<input type="text"/>	

Section E continued on next page

Account number

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**Note:** Unless you specify in writing, your taxed components will be released first. If the BSB number or account number you have provided is incorrect, the payment will not be accepted by your financial institution. If you have any doubts what your correct BSB number or account number is, you should confirm these details with your financial institution before including them in this form.

The information I have supplied is true and correct.

Signature

SIGNATURE
-----------

Date signed

<sup>D</sup>	<sup>D</sup>	/	<sup>M</sup>	<sup>M</sup>	/	<sup>Y</sup>	<sup>Y</sup>	<sup>Y</sup>	<sup>Y</sup>

## SECTION F Declaration

I declare that the information entered on this form is true and correct to the best of my knowledge.

Signature

SIGNATURE
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Date signed

<sup>D</sup>	<sup>D</sup>	/	<sup>M</sup>	<sup>M</sup>	/	<sup>Y</sup>	<sup>Y</sup>	<sup>Y</sup>	<sup>Y</sup>

**Note:** you don't need a copy of the deceased's death certificate before lodging this application. The death certificate can be sent later.

## SECTION G Identification requirements

To protect against fraud, money laundering, terrorism financing and safeguard your benefit, we need you to provide documentation to prove your identity. Please be aware that under some circumstances we may request further information from you.

To do this, you will need to provide certified copies of **one** document from **column A** in the table below **AND** certified copies of **three** documents from **column B**.

A	B
Passport (current or expired by less than two years)	Medicare card
Birth certificate or extract, issued by an Australian or foreign government (either in English or accompanied by an English translation prepared by an accredited translator)	A current statement from a financial institution with the same address and name as on the application and not more than three months old. This statement must be the account that you are requesting payment into
Birth card issued by a state registry of births, deaths and marriages	Copy of an electricity bill with the same address and name as on the application
Australian citizenship certificate	Copy of a telephone bill with the same address and name as on the application
Current drivers licence or permit issued by state or territory or foreign government	Copy of a gas bill with same address and name as on the application
Current identification card issued to a public sector employee	Copy of a rates bill with same address and name as on the application
An identification card issued to a student at a tertiary education institution	Valid credit card
Pension or other social security benefit card	A document from <b>column A</b> not yet provided
Proof of age card issued by a state or territory, containing your photograph	Copy of a tax return letter from the Australian Taxation Office with the same address and name as on the application
A national identity card, containing your photograph, issued by a foreign government (either in English or accompanied by an English translation prepared by an accredited translator)	A letter from Centrelink or Department of Veterans' Affairs with the same address and name as on the application
Citizenship certificate issued by a foreign country (either in English or accompanied by an English translation prepared by an accredited translator)	

For example, you could provide a copy of your birth certificate (from **column A**) and copies of your Medicare card, a phone bill and an electricity bill (from **column B**).

If you are providing copies of bills or statements, you should black out any personal financial information or details of transactions in order to protect your privacy. We will store copies of identification electronically in a secure environment and securely destroy the paper copies. We will use all copies only for the purpose of confirming your identity.

All copies of documents provided must be certified as true and correct copies of the original by one of the following:

- > a legal practitioner enrolled on the roll of a supreme court or the high court of Australia
- > a judge or magistrate of a court
- > a chief executive officer of a Commonwealth court
- > a registrar or deputy registrar of a court
- > a Justice of the Peace (JP)
- > a notary public
- > a police officer
- > an agent or a permanent employee of the Australian Postal Corporation with two or more years of continuous service in an office supplying postal services to the public

*Section G continued on next page*

