



# Superannuation & Deceased Estates



- When someone dies they might leave things behind.
- They might leave behind their Superannuation (also known as Super).
- If you are a partner or immediate family member of someone who has passed away, you can get legal help.

## What is a deceased estate?

When someone dies, they might leave things behind. These things together are called a deceased estate and are usually passed onto a partner or immediate family member.

Superannuation may be part of a deceased estate.

## What is Super?

Superannuation, or Super, is long-term savings to make sure people have money when they retire.

Your super will grow bigger as you work. Your boss, the employer, must pay you super.

## You can access your superannuation when:

- You are 65
- You have reached your **preservation age\*** and retired; or
- You have reached your preservation age and are moving into retirement

**\*preservation age** = age you can access your super depending on what year you were born

## You may be able to access someone else's super when:

- The person has passed away and has super left in one or many of their super fund/s; and
- You are entitled to their super through a direction or relationship.

## How can I find a deceased family members super?

If you know which super fund to contact, you should contact that fund to find out what you need to do.

If you don't know which super fund to contact, you should get legal or financial counselling help.

## Are there time limits to access deceased estate super?

- It is important to get legal help as soon as possible.
- There are time limits about how long ago the person died and, if needed, whether you can make an application to the court.

## What if there was a WILL?



- A will is a piece of paper made by the person who died. A will tells us about the person's wishes, including their deceased estate.
- A will can be held in different places, like with family, the Public Trustee, or with a lawyer.
- A will could say who will receive the deceased estate super.

## What if there was NO WILL?



- There are laws that decide who gets the deceased estate, including super, if there is no will.
- A lawyer can help you find out these laws, and help with an application to the court.



- TEWLS can help you to find a will and give advice about finding and accessing super.
- TEWLS **cannot** help you to make a will.



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**Do you need legal advice or assistance?**

**You can contact TEWLS for a free appointment**

**Phone: 1800 234 441  
or (08) 8982 3000**

**Email: [admin@tewls.org.au](mailto:admin@tewls.org.au)**

**Website: [www.tewls.org.au](http://www.tewls.org.au)**

**Address: 17 Lindsay Street, Darwin**