

# Deceased members frequently asked questions.



**Defence  
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## Information.

Losing a loved one is an emotional time, and the Defence Bank Deceased Estates team is here to support those who have protected us and can provide guidance about the process and settling the Estate of your loved one.

We have composed a list of the most commonly asked questions you may have. If you are still unsure, or you have further questions, please contact the **Deceased Estates team** on **1800 033 139** between 8am and 4.30pm (AEST) Monday to Friday.

## Frequently asked questions.

Who and how to notify.	
<b>How can I contact Defence Bank to advise a loved one has passed?</b>	<p>When a loved one passes away, you can advise Defence Bank through any of the following options:</p> <ul style="list-style-type: none"><li>• Online through the Australian Death Notification Service (ADNS) at <a href="https://deathnotification.gov.au">https://deathnotification.gov.au</a></li><li>• Calling our team on <b>1800 033 139</b> between 8am and 4.30pm Monday to Friday AEST/AEDT.</li><li>• Emailing our Deceased Estates team at <a href="mailto:deceasedestates@defencebank.com.au">deceasedestates@defencebank.com.au</a></li><li>• Visiting your local Defence Bank branch. You can find your nearest Defence Bank branch by visiting <a href="http://www.defencebank.com.au/about-us/branches/">www.defencebank.com.au/about-us/branches/</a></li></ul>
<b>Who is the legal representative?</b>	<p>If there is a valid Will then the Representative(s) will be the Executor(s) named in the Will.</p> <p>Where there is no valid Will, then the Legal Representative(s) (known as the Administrator(s)) will be appointed by the Supreme Court through the Grant of Letters of Administration.</p> <p>If it is determined a Grant of Letters of Administration is not required to finalise the Estate, the Legal Representative will usually be the surviving spouse/partner of the deceased, his or her surviving children, or if neither of these exist or are able to act, a surviving parent as noted on the Death Certificate.</p> <p>Note: If a Solicitor has been engaged by the Legal Representative to act on behalf of the Estate, communication may be through the Solicitor.</p>
<b>Who can Defence Bank provide account information to?</b>	<p>When a member passes away, we can only share their specific account information with their Legal Representative (Executor(s), Administrator(s) or Next of Kin as the case may be).</p> <p>Prior to releasing any specific account information Defence Bank will require a copy of the Death Certificate and evidence to be provided confirming the role the individual holds in relation to the deceased's estate.</p> <p>Depending what role the individual holds we may also request additional documents such as the Deceased's Will, Grant of Probate or Letters of Administration.</p>
<b>Is the Medical Cause of Death Certificate sufficient to finalise the accounts?</b>	<p>We are unable to accept the Medical Cause of Death Certificate in lieu of the Death Certificate. The Death Certificate is issued by the Government, rather than a doctor, and contains additional information which we require before finalising the accounts held by the deceased.</p>
<b>Who can certify the required documentation Defence Bank has requested?</b>	<p>It is important that the copies of the required documents are certified by an authorised person and the original certified copies are provided to Defence Bank. Many of the required documents are able to be certified at any of our Branches across Australia.</p> <p>You can find your nearest Defence Bank branch by visiting <a href="http://www.defencebank.com.au/about-us/branches/">www.defencebank.com.au/about-us/branches/</a></p> <p>If you are unable to visit a Defence Bank branch the following is a list of some common examples of acceptable certifiers authorised to certify copies of original documentation:</p> <ul style="list-style-type: none"><li>• Accountant (member of a recognised accounting body)</li><li>• Officer of a Financial Institution (2 years)</li><li>• Officer of Auth. Rep. of AFS Licensee</li><li>• Justice of the Peace</li><li>• Magistrate</li><li>• Australian Consular or Diplomatic Officer</li><li>• Notary Public</li><li>• Australian Postal officer</li><li>• Judge</li><li>• Legal practitioner</li><li>• Registrar of the Court</li><li>• Police Officer</li></ul> <p>You can find the full list of authorised person using the following link: <a href="http://www.defencebank.com.au/tools-and-advice/forms-and-applications/approved-certifiers">www.defencebank.com.au/tools-and-advice/forms-and-applications/approved-certifiers</a></p>

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Estate administration.	
<b>What if I cannot find or the deceased did not leave a Will?</b>	<p>If your loved one did not leave a valid Will, then the next of kin will generally be able to act on behalf of the estate.</p> <p>The next of kin will normally (in order of precedence) be the surviving spouse/partner of the deceased, his or her surviving children, or if neither of these exist or are able to act, a surviving parent.</p> <p>If the value of the estate is \$1,000 or more, before we can accept a request to deal with the estate assets it will be necessary to apply to the Supreme Court for the Grant of Letters of Administration appointing the Administrator(s) of the estate.</p>
<b>What is a valid Will?</b>	<p>A valid Will requires at a minimum:</p> <ul style="list-style-type: none"> <li>• The Will must be in writing, (generally printed or typed but this is not essential, and a hand written Will is also valid)</li> <li>• The Will must be signed and dated by the Testator (the person who has written and executed the Will)</li> <li>• The Will must be signed by 2 adult and independent witnesses</li> </ul> <p>Note: The witnesses must not be beneficiaries of the Will</p> <p><b>Note:</b> Marriage and divorce may affect the validity of the Will.</p>
<b>When will Grant of Probate/ Letters of Administration be required?</b>	<p>Defence Bank requires a Grant of Probate or a Grant of Letters of Administration in the following scenarios:</p> <p>A Grant of Probate is required where there is a valid Will and the deceased held account(s) at Defence Bank with total balance of \$15,000 or more.</p> <p><b>OR</b></p> <p>A Grant of Letters of Administration is required where there is no valid Will and the deceased held funds at Defence Bank of \$1,000 or more.</p>
<b>How do I obtain Grant of Probate/ Letters of Administration?</b>	<p>Applications for Grant of Probate (where there is a valid Will) or Grant of Letters of Administration (where there is no valid Will) are made through the Supreme Court in the State or Territory where the assets are held.</p> <p>Each court's website contains information on how to apply. Alternatively, you can speak to your Solicitor or Lawyer for further advice.</p>
<b>Can the requirement for a Grant of Probate/ Letters of Administration be waived?</b>	<p>To ensure the wishes of the deceased are respected and the rights of his or her heirs and beneficiaries are protected, financial institutions will generally only deal with the Court appointed Legal Representative of the deceased. Defence Bank is under no obligation to release funds from the deceased's account without a Grant of Probate or Grant of Letters of Administration being provided by the Legal Representative of the estate.</p> <p>However, should you wish to request the requirement be waived we will require the request to be submitted in writing to Defence Bank outlining the reasons why this request is being made. Upon receiving the request, in very limited circumstances, and after senior management review, we may be prepared to waive the requirement to provide a Grant of Probate or Grant of Letters of Administration. We will advise of our decision in writing and may impose some conditions on our agreements to waive the requirement.</p>
<b>Will I need to provide ID?</b>	<p>It is important we ensure all Executors and other Legal Representatives administering estate accounts are appropriately identified. If you are not a current Defence Bank member, and you are the Executor(s) or other Legal Representative(s) of the estate of a deceased member then we are legally required to identify you before we can transfer the funds to your control. It is important that we do this to ensure we are dealing with only the authorised parties in regards to the affairs of the deceased.</p> <p>The Anti-Money Laundering and Counter Terrorism Financing laws requires Financial Institutions to verify the identity of all authorised persons acting on all accounts. For this reason, we request all Executor(s) and other Legal Representative(s) provide satisfactory identification documents.</p> <p>If you are a current Defence Bank member then this requirement may have already been satisfied. If not, the simplest way to complete this step is to visit any Defence Bank branch with the appropriate identification documents. If you cannot get to one of our branches please complete and return the Certification Form – Deceased Estates with original certified copies of your identification documents (as listed on the form).</p>

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### Estate administration.

<b>What form of identification do I need to provide?</b>	<p>In order to verify your identity at least one original certified copy of photographic identification must be provided.</p> <p>Acceptable photographic identification includes:</p> <ul style="list-style-type: none"><li>• Current Australian Driver's License (open, Probationary or Learners).</li><li>• Current Australian or Foreign Passport (or expired Australian Passport within the preceding 2 years).</li><li>• Proof of age card.</li></ul>
<b>Can funds be transferred directly to the Executor or Beneficiary's personal account?</b>	<p>Defence Bank is unable to pay the Estate funds directly into the Executor or beneficiaries own bank account(s).</p> <p>Defence Bank will pay Estate funds through the below options:</p> <ul style="list-style-type: none"><li>• Bank Cheque made payable to the Estate of the deceased member.</li><li>• Transfer to an account opened in the name of the Estate either with Defence Bank or another financial institution.</li><li>• Transfer to the Trust account of the Solicitors acting on behalf of the estate.</li></ul>

### 'Estate of' accounts.

<b>What is an 'Estate of' account?</b>	<p>An 'Estate of' account is a bank account opened and operated by the Executor(s) or other Legal Representative(s) of the Estate. Estate of accounts generally operate as a normal transactional account and as such are generally used to manage the affairs of the deceased after their death. 'Estate of' accounts allow for Estate funds to be deposited, and required payments made.</p> <p>The Executor(s) or other Legal Representative(s) can then proceed to distribute any remaining funds held in the 'Estate of' account to the beneficiaries in accordance with the Will or according to the rules of intestacy as prescribed by each State and Territory.</p> <p>While there are no requirements about how long an 'Estate of' account is kept open, how the account is managed and how long it remains open can have tax implications for the estate and for heirs and beneficiaries of the deceased. The Executor(s) or other Legal Representative(s) of the deceased should obtain tax or financial advice to ensure these implications are understood.</p>
<b>How do I open an 'Estate of' account?</b>	<p>An 'Estate of' account can only be opened by the Executor(s) or other Legal Representative(s) of the deceased. It can be opened at any bank or other financial institution including Defence Bank.</p> <p>Further information and the application form to open an 'Estate of' account with Defence Bank can be found at <a href="https://www.defencebank.com.au/tools-and-advice/deceased-memberships/">https://www.defencebank.com.au/tools-and-advice/deceased-memberships/</a></p> <p>A Tax File Number (TFN) for the Estate may be required. Please refer to the Australian Taxation Office (ATO) for advice on how to apply.</p>
<b>How can I arrange for the funds to be transferred to a Solicitors trust account?</b>	<p>If you have a solicitor representing the Estate, we will notify them directly with the required documentation to close the accounts of the deceased and transfer funds to the solicitors trust account.</p>

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### Deposit accounts.

<b>What happens to joint deposit accounts?</b>	<p>If the deceased is the holder of a deposit account jointly with one or more others, the deceased's name will be removed from the account once an original certified copy of the Death Certificate is provided. The account continues in the name(s) of the surviving account owner(s) and is not part of the Estate of the deceased.</p> <p>Under the laws of survivorship, on the death of joint account holder the account belongs to the surviving account owner(s).</p> <p>It is important to note that funds held in joint accounts generally will not form part of the estate and as such can continue to be operated by the surviving account owner(s).</p> <p>Note: Grant of Probate or Grant of Letters of Administration is not required in relation to joint accounts.</p>
<b>Can transactions continue on the deceased's accounts?</b>	<p>When we are notified that an account holder has passed away, a restriction will be placed on any solely owned accounts to prevent any unauthorised transactions occurring on the account(s). The Executor(s) or other Legal Representative(s) should ensure that any regular and or ongoing payments are either cancelled or alternative payment arrangements made.</p> <p>Some payments may continue automatically or upon the request of the Executor(s) or other Legal Representative(s) subject to there being funds available and that the payments/debit continue to protect the Estate. Deposits into the deceased's account may also continue to be accepted until the account is closed, on a case by case basis.</p> <p>Note: From date of death, all appointments under Power of Attorney and Third Party signing authorities in relation to the account(s) of the deceased are void and no longer effective.</p>
<b>What will happen to Term Deposit's held by the deceased?</b>	<p>Upon receipt of all required documentation, we will release the funds held in any Term Deposit(s) early to finalise the Estate. All fees and charges will be waived, and all interest accrued up until the date of closure will be paid.</p> <p>If the Term Deposit matures before the Estate has been finalised, we will automatically reinvest the funds for the same term at the then current published Term Deposit interest rate. If the same term is no longer available then the reinvestment will be for the published standard term closest to the original term.</p>
<b>Does interest continue to accrue on the Deceased's deposit accounts until the release of funds?</b>	<p>Those accounts of the deceased that are interest bearing will continue to accrue interest until the date of closure of the account.</p> <p>Upon request we will send statements in relation to any accounts that form part of the Estate to the Executor(s) or other Legal Representative(s).</p>

### Regular ongoing payments and services.

<b>Can I deposit cheques into the deceased's savings account?</b>	<p>Cheques made payable to the deceased member may be considered for deposit into an account in the deceased's name only after management review. Should you wish to have a cheque deposited into the deceased's account we will require a copy of the cheque to be sent to us along with a copy of the Death Certificate and Will if we do not hold these already.</p> <p>Cheques made payable to the "Estate of" form part of the estate and as such must be deposited into an 'Estate of' account only and cannot be deposited into an account in the deceased name.</p>
<b>How do I cancel or transfer regular/ongoing payments?</b>	<p>Defence Bank can provide a list of regular payments made from the accounts held by the deceased to the Executor(s) or other Legal Representative(s).</p> <p>We do recommend making contact with these providers to either cancel the service or make alternative payment arrangements. Please note each provider may have their own requirements to make any changes and could ask you for a copy of the death certificate and proof of identity.</p> <p>Whilst restrictions will be put in place for any automatic debits and credits, we may still allow some payments to continue automatically or on request from the Executor(s) or other Legal Representative(s) subject to there being funds available and that they (the payments/debit) continue to protect the Estate.</p>

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### Funeral and other expenses.

<b>Can the funeral be paid from the deceased's accounts?</b>	<p>Subject to approval and verification check, if there are sufficient funds held in the account(s) of the deceased and no outstanding debt owed to Defence Bank, we can arrange for the payment of the deceased's funeral expenses from these funds upon request from the Executor(s) or other Legal Representative(s).</p> <p>The payment will be made as a direct deposit to the funeral home, and not to the Executor(s) or other Legal Representative(s) directly. In order to release funds from the accounts of the deceased to pay for the funeral Defence Bank will require a copy of the original tax invoice as well as a copy of the Will (if applicable).</p> <p>If the funeral invoice has already been paid by a third party, upon the request from the Executor(s) or other Legal Representative(s) we can arrange for a reimbursement of these funds. To have the funds reimbursed please provide the original invoice, receipt, proof of payment as well as the banking details of the person who paid the funeral expense. Once received, we will reimburse the payee directly for this expense.</p> <p>Should there be insufficient funds to settle the full funeral invoice or an outstanding debt owed to Defence Bank we may be able to make a partial payment towards the invoice with the funds available.</p> <p>Note: In instances where the funeral payment will result in a \$0 balance being held at Defence Bank by the deceased, we will require a copy of the Death Certificate prior to making the payment.</p>
<b>Can funds be released from the deceased's accounts for additional funeral expenses?</b>	<p>We are unable to release funds from the deceased's accounts to pay for additional funeral expenses such as the wake, headstone, catering, transport costs etc. These costs should be addressed by the Executor(s) or other Legal Representative(s).</p>
<b>What bills can be paid from the Deceased's accounts?</b>	<p>Generally, we can only pay for the funeral expenses from the account(s) of the deceased. However, we may approve on a case by case basis additional invoices to be paid from the deceased's account(s) upon request from the Executor(s) or other Legal Representative(s). Payment will be subject to there being funds available and that incurring the expense is necessary to protect the interests of the estate.</p> <p>For us to consider payment of any other invoices, the invoice must be issued in the name of the deceased, issued around the date of death and can only be paid directly to the provider of the goods or services. We are unable to reimburse for any payment previously paid.</p>

### Additional authorities.

<b>What if I have a Power of Attorney or am a signatory to the deceased's accounts?</b>	<p>Upon notification of a members passing all Power of Attorney and signing authorities the member has granted to third parties are void and these individuals will no longer have access to these accounts.</p> <p>Note: any card access on the deceased's accounts held by those with authority to operate on the deceased's accounts (e.g. authorised signatory or POA), this access will be cancelled and these cards should also be securely destroyed.</p> <p>The only person permitted to act on behalf of a person who has passed away is the Executor(s) or other Legal Representative(s) as appointed by the court.</p>
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### Cards.

<b>What should be done with any Defence Bank cards?</b>	<p>Any Visa Debit and or credit cards held by the deceased (whether a primary or secondary account holder) should be securely destroyed by cutting the card in half diagonally and through the chip if there is one.</p> <p>If the deceased was the secondary or additional cardholder to an account in someone else's name their access will be removed and their card cancelled when we are advised of their passing, and these cards should be securely destroyed also. The primary cardholder can continue to operate the account as usual.</p>
<b>What happens if the deceased had a credit card?</b>	<p>If the deceased operated a credit facility, it can no longer be used after the member passed away. The amount outstanding at the date of the death becomes a liability of the estate.</p> <p>Any spending on the account by a secondary card holder after the date of death will be required to be repaid in full.</p>

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### Loan accounts.

<b>What if the deceased held a Personal or Home Loan in joint names?</b>	<p>Any loan the deceased held jointly with another person will continue under their existing terms and from the date of death will be the sole responsibility of the surviving borrower.</p> <p>There are a number of options available to the surviving borrower, in regards to any outstanding debt owed, which may involve the sale of property, refinancing the loan, or repaying the debt with the use of the deceased's superannuation or insurance entitlements. If you find you are suffering hardship following the passing of the joint borrower please contact Defence Bank for more information and assistance in case of need.</p> <p>We appreciate any further advice you can provide in regards to the intentions surrounding the debt(s) held, as well as the ability to be able to continue the repayments, we note that interest will continue to accrue until the loan is finalised.</p>
<b>What if the deceased held a Personal or Home Loan in their sole name?</b>	<p>The estate of the deceased is liable for debts and other liabilities of the deceased incurred before he or she died, and must repay any loans by Defence Bank.</p> <p>Defence Bank may in some circumstances offset an outstanding debt of the deceased against deposits in the same name and capacity if the Executor(s) or other Legal Representative(s) agree and the relevant account terms and the law permits.</p> <p>If there are insufficient assets to pay the debts of the Estate you should obtain legal advice or see a financial counsellor before any payments are made. The Executor(s) or other Legal Representative(s) of the Estate are not personally liable for the prior debts of the deceased.</p> <p>There are a number of options available to the Executor(s) or other Legal Representative(s) in regards to any outstanding debt owed, which depending on the circumstances may involve the sale of property, refinancing the loan, or repaying the loan. The Executor(s) or other Legal Representative(s) should consider obtaining legal and financial advice before taking any action in this respect.</p> <p>We appreciate any further advice you can provide in regards to the intentions surrounding the debt(s) held, and whether it is believed the Estate will be able to settle any solely owned outstanding debt.</p>
<b>Will interest still accrue on personal loan products?</b>	<p>Whilst we are under no legal obligation to cease interest accruing on solely owned personal loan accounts, we understand the discovery of an outstanding and increasing debt at this time may cause you further stress and worry. In helping to reduce any financial concerns or emotional distress felt, from the date of their passing, Defence Bank will not charge interest on all solely owned personal lending products held by your loved one.</p> <p>Should any fee(s) be charged on a solely owned personal lending product after the date of death we will have this reversed.</p>
<b>Do repayments need to be made on the loan?</b>	<p>Loan repayments must continue to be made on all jointly owned loans, unless you request and we agree to a deferral of repayments. We will often agree to defer repayments to allow time to sell any secured property or to allow time for the estate to be administered.</p> <p>We do recommend you seek legal advice prior to making any voluntary repayments during this time on any loans held solely in the name of the deceased.</p>
<b>What if I can't continue to make repayments following the passing of a loved one?</b>	<p>If you find you're having difficulty making loan repayments or foresee that you may suffer financial hardship following the death of your loved one, we encourage you to contact us as soon as possible to discuss your options, so we can help find a solution for you.</p> <p>You can contact our team on <b>1800 033 139</b> Monday- Friday 8.00am to 4.30pm AEST.</p>