

# Accessing your super guide (BA.4)

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The information in this document forms part of the ESSSuper Beneficiary Account Product Disclosure Statement dated 1 July 2019.

**ESSSuper**  
Emergency Services & State Super

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This Incorporated Guide has been issued to help you make an informed decision about ESSSuper's products, features and benefits. It's of a general nature only and doesn't take into account your personal or financial objectives, situation or needs. Before making a decision about an ESSSuper product, consider seeking professional advice from a licensed financial adviser. The information in this document is up-to-date at the time of issue but may change from time to time. When a change is not materially adverse, it will be updated and published on the ESSSuper website at [esssuper.com.au](http://esssuper.com.au). A paper copy of any updated information will be provided without charge on request.

## When can I access my super?

- 1 The purpose of super is to facilitate retirement savings.
- 2 Superannuation law has rules called 'preservation rules' to ensure that your retirement savings are preserved for your retirement or other limited circumstances.
- 3
- 3 You may be able to access some of your super before retirement. There are also some limited circumstances called 'conditions of release' where you can access part, or all, of your super before you retire.
- 4
- 4

### Preservation components of your benefit

- 4 All benefits paid from the Beneficiary Account are paid as a lump sum (although you may be able to transfer your lump sum benefit to ESSSuper's Working Income Stream or Retirement Income Stream – see 'Payment Options' on page 3). Lump sum benefits may contain the following preservation components:

- 5  preserved component
- 6  restricted non-preserved component
- 6  unrestricted non-preserved component.

- 7 The rules for when you can access each of these components of your benefit are outlined below.

### Preserved component

The preserved component of your benefit will generally be made up of:

- all contributions made by you or on your behalf since 1 July 1999
- the preserved component of any benefit transferred from another super fund or account
- all positive investment earnings.

Preserved components must remain in a complying superannuation fund until you meet a 'condition of release' (see 'Conditions of release' on page 2).

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### Restricted non-preserved component

If you were a member of a complying superannuation fund before 1 July 1999, you may have a restricted non-preserved benefit which must remain in a complying superannuation fund until you either:

- cease gainful employment with your current contributing employer, or
- satisfy a 'condition of release'.

### Unrestricted non-preserved component

Unrestricted non-preserved components can be paid to you at any time. You will generally have an unrestricted non-preserved benefit if you were a member of a complying superannuation fund prior to 1 July 1999 or you have satisfied a condition of release.

## Conditions of release

### Accessing your preserved component

The most common conditions where you can access your preserved component are when:

- you have reached your 'preservation age' (see following table) and you are permanently retired,
- you have reached age 60 and subsequently leave your current employer,
- you reach age 65, whether you are still working or not,
- you have reached your preservation age and you commence a transition to retirement income stream (such as ESSSuper's Working Income Stream) whilst you are still working.

To be considered to be permanently retired, you will be no longer gainfully employed, or gainfully employed for less than 10 hours per week. ESSSuper must also be satisfied that you intend never to become gainfully employed for more than 10 hours per week. Your preservation age is determined by your date of birth, please see the table below.

Your date of birth	Preservation age
Before 1 July 1960	55
1 July 1960 to 30 June 1961	56
1 July 1961 to 30 June 1962	57
1 July 1962 to 30 June 1963	58
1 July 1963 to 30 June 1964	59
1 July 1964 or after	60

Your preserved component may also be released if any of the other following conditions of release apply:

- you have a terminal medical condition
- you are permanently disabled
- you die
- you are a temporary resident permanently departing Australia\*
- you qualify for an 'early release' as a result of severe financial hardship (up to \$10,000 in any 12 month period) or specified compassionate grounds, subject to approval by the Board
- you, or the ATO, provide ESSSuper with a valid release authority for the payment of tax on excess concessional or non-concessional contributions
- you terminate your current employment and your preserved benefit is less than \$200
- you were previously classified as a 'lost member' who is now found, and the value of your benefit is less than \$200.
- you lodge a release authority for payment of Division 293 additional contributions tax.

\* If you are a temporary resident, the conditions of release are different. Contact us to find out more.

## Withdrawals

You can withdraw your unrestricted non-preserved component as cash at any time.

You can also transfer any part of your benefit to a complying superannuation fund (including ESSSuper's Accumulation Plan) at any time. You must withdraw a minimum of \$1,500 before tax (or your entire balance) and if as a result of the withdrawal your account balance falls below \$5,000, we may require you to withdraw your total balance.

Please ensure you maintain an adequate balance as once your account is closed, and if you have no other benefit with ESSSuper, you may not be able to rejoin.

If you are withdrawing only part of your balance and your benefit is invested in more than one investment option, money is withdrawn from the lowest risk investment option first. When there is no money remaining in an investment option, money will be withdrawn from the next lowest risk investment option. That is, the order of drawing down from investment options is Cash, Defensive, Conservative, Balanced, Growth, Basic Growth, Ethically Minded, High

Growth, Shares Only.

If you withdraw your total balance, investment earnings and fees are added to (or deducted from) your account up to the date of your withdrawal. For information about how investment earnings are calculated, please visit our website at [esssuper.com.au/performance](http://esssuper.com.au/performance)

To make a withdrawal, log into your Members Online account at [esssuper.com.au/login](http://esssuper.com.au/login). Alternatively download the relevant form at [esssuper.com.au/forms](http://esssuper.com.au/forms) or call our Member Service Centre.

## Payment options

When deciding what to do with your benefit, the payment options available to you will depend on your age, the preservation components of your benefit, whether you are permanently retired and whether you have satisfied a condition of release.

Your age	Receive a cash payment	Keep benefit in ESSSuper's Beneficiary Account	Payment options			
			Transfer to ESSSuper's Accumulation Plan	Transfer to ESSSuper's Working Income Stream*	Transfer to ESSSuper's Retirement Income Stream*	Rollover to another complying super fund
Under 60	Only if you have: <ul style="list-style-type: none"> <li>reached your preservation age</li> <li>and are permanently retired, or</li> <li>satisfied another 'condition of release', or</li> <li>an 'unrestricted non-preserved' benefit</li> </ul>	Yes	Yes	Only if you have reached your preservation age and are not permanently retired	Only if you have: <ul style="list-style-type: none"> <li>reached your preservation age</li> <li>and are permanently retired, or</li> <li>satisfied another 'condition of release', or</li> <li>an 'unrestricted non-preserved' benefit</li> </ul>	Yes
60 to 64	Only if you: <ul style="list-style-type: none"> <li>are permanently retired, or</li> <li>leave your current employer, or</li> <li>have satisfied another 'condition of release', or</li> <li>have an 'unrestricted non-preserved' benefit</li> </ul>	Yes	Yes	Only if you are not permanently retired	Only if you: <ul style="list-style-type: none"> <li>are permanently retired, or</li> <li>have satisfied a 'condition of release', or</li> <li>have an 'unrestricted non-preserved' benefit</li> </ul>	Yes
65 or over	Yes	Yes	Yes	No	Yes	Yes

\* You must invest a minimum of \$50,000 to open an Income Stream. Special consideration may be given to accepting deposits below \$50,000 in exceptional circumstances. Please refer to our website at [esssuper.com.au/pds](http://esssuper.com.au/pds) for further information.

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## Proof of identity for payments

All super funds must comply with anti-money laundering and counter terrorism financing laws and regulations (AML/CTF) legislation designed to protect Australians from illegal activities like money laundering and the financing of terrorist activities. Accordingly, ESSSuper is required to collect and verify your identification before we pay you a benefit or process a rollover of your benefit to another super fund. For information about the verification and certification of documents go to [esssuper.com.au/certify](https://esssuper.com.au/certify)

ESSSuper is required to report suspicious transactions to AUSTRAC, the Regulator responsible for AML/CTF. As part of this reporting process, ESSSuper may need to disclose a member's personal information to AUSTRAC. We are prohibited from telling you when such reports are made.

## What happens if I die?

In the event of your death, the Board will pay your account balance to your dependants or your legal personal representative.

Death benefits paid from the Beneficiary Account are paid as cash and can't be rolled over within the superannuation environment. Death benefits to tax dependants are generally paid as a tax free lump sum. Death benefits paid to your estate or non-tax dependants may be subject to tax. Refer to the *How super is taxed guide (BA.2)* available on our website at [esssuper.com.au/pds](https://esssuper.com.au/pds)

## What happens if I become permanently disabled?

If you become permanently disabled, you can apply to have part, or all, of your account balance released. In order to release your benefit, ESSSuper requires medical reports from two medical practitioners, with at least one being a specialist practicing in an area related to the illness or injury, that certify that you are unlikely, because of ill health, to engage in gainful employment that you are reasonably qualified for by education, training or experience.

## What happens if I have a terminal medical condition?

If you have a terminal medical condition you can apply to have part, or all, of your account balance released tax free. In order to release your benefit, ESSSuper requires medical reports from two medical practitioners, with at least one being a specialist practicing in an area related to the illness or injury, that certify that you suffer from an illness or injury that is likely to result in your death within 24 months of the date of certification.

## What happens if I leave Australia?

If you are a permanent Australian resident leaving Australia or a temporary resident returning overseas, you should be aware of the rules for accessing your super and the way your super is taxed. Contact us for more information about receiving your superannuation benefits on departing Australia.

## What happens if my spouse and I separate?

The *Family Law Act 1975*, and associated changes to superannuation legislation, allow superannuation benefits to be split between divorcing or separating spouses. From March 2009, persons in a de facto relationship, whether of the same or different sex, are also able to split superannuation benefits upon separation.

A member and their spouse can agree to split the member's superannuation benefit or ask the Family Court to order a split. For any amount that is required to be paid out of your entitlements, the split amount will be deducted from your benefit from the operative date (resulting in an immediate reduction of your balance).

The law allows eligible persons to obtain information about a member's superannuation. From 1 March 2009, eligible persons include:

- the member of the fund (or in the case of your death, your legal personal representative)

- 
- the member's spouse or de facto partner, whether of the same or different sex (or in the case of their death their legal personal representative); and
  - a person who intends to enter a superannuation agreement with the superannuation fund member. This could include a person who intends to marry the member, or enter into a de facto relationship with the member, and wishes to enter into an agreement that deals with superannuation assets (for example, a prenuptial agreement).

We may also place a benefit payment flag on your account, if served with a valid flagging Court order/Superannuation Agreement. This flag stops us from paying your superannuation while it is in place.

ESSSuper may charge a fee for an application for information about a superannuation interest or to implement a split request (refer to page 6 of the *Fees and costs guide (BA.5)* available on our website at [esssuper.com.au/pds](http://esssuper.com.au/pds), for information about fees). For further information about the impact of the Family Law rules on your superannuation, please go to our website at [esssuper.com.au/familylaw](http://esssuper.com.au/familylaw) or call our Member Service Centre.

## Lost Super

Your account may be declared 'lost' or inactive if two consecutive written communications to you are returned to ESSSuper unclaimed. After making reasonable attempts, if we are unable to determine your current address, your super may be transferred to the Australian Taxation Office (ATO). Individuals who have their benefits transferred to the ATO can claim their benefits from the ATO.

## Unclaimed Super

We are required to pay unclaimed benefits to the ATO. Your benefit will be classified as unclaimed in various circumstances, including if you:

- are over age 65, have not made contact with ESSSuper for more than five years and no contributions were made in the last two years; or
- have died and the trustee is unable to locate appropriate recipients of your benefit.

We are also required to transfer to the ATO as unclaimed money (that is not related to a defined benefit interest) from lost member accounts, including:

- those accounts of members who cannot be contacted and have balances less than \$6,000 where ESSSuper has not received a contribution or rollover within the previous 12 months
- those accounts of members who cannot be contacted and which have been inactive for 12 months and for which there are insufficient records to identify the owner of the account.

Individuals who have their benefits transferred to the ATO can claim their benefits from the ATO.

## Inactive low-balance accounts

We are required to transfer inactive accounts with balances under \$6,000 that are not linked to a Defined Benefit account to the ATO. Your benefit will be classified as inactive if you have not completed one of the following activities in the last 16 months:

- Made a contribution
- Made or amended a binding beneficiary nomination
- Changed your insurance cover
- Changed your investment option.

Individuals who have their benefits transferred to the ATO can claim their benefits from the ATO.

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## Complaints handling

Complaints handling procedures have been established to ensure that all complaints are properly investigated and professionally dealt with.

If you wish to make a complaint about any aspect of our service, or feel that you may have been treated unfairly or disadvantaged by a decision of ESSSuper, you are encouraged to call us to help resolve it. In the event that you are not satisfied, the matter will be referred to the Complaints Officer.

Complaints Officer	
Postal address	GPO Box 1974 Melbourne Vic 3001
Telephone	1300 650 161
Email	info@esssuper.com.au

You may be asked to document your complaint in writing (either by email or letter) if the complaint is sufficiently complex and/or the initial complaint was raised by a third party (non-member).

ESSSuper has a formal dispute handling process comprising an internal and external avenue of appeal.

In the event that the Complaints Officer is unable to resolve the matter to your satisfaction, you may request in writing to have the matter internally reviewed. Such requests must be made within 30 days of receiving the decision. Your request should provide reasons why you are dissatisfied with the previous response and the resolution you seek.

ESSSuper will review the matter and provide a response. The response will include information about any avenue for appeal if you are still dissatisfied.

## Decisions affecting benefit entitlements

If your complaint relates to an ESSSuper decision affecting a benefit entitlement under ESSSuper's governing rules, upon request your matter will be referred to the Benefits & Service Committee (a panel comprising Members of the Board) for its consideration.

ESSSuper will notify you of the Committee's decision in writing. If you are dissatisfied with the Committee's review decision, you have the right to lodge an application to the Victorian Civil and Administrative Tribunal (VCAT), a body established under the *Victorian Civil & Administrative Tribunal Act 1998* which deals with a range of disputes in an efficient and cost effective manner. Subject to VCAT having the jurisdiction to review your matter, VCAT can affirm, vary or set aside a decision, or refer it back to ESSSuper to be reconsidered.

A complaint must be lodged with VCAT within certain time limits. For information about VCAT's jurisdiction and its procedures, please call VCAT on (03) 9628 9700 or visit its website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

As ESSSuper does not come under the jurisdiction of the Australian Financial Complaints Authority (AFCA), the AFCA is unable to hear complaints from ESSSuper members.

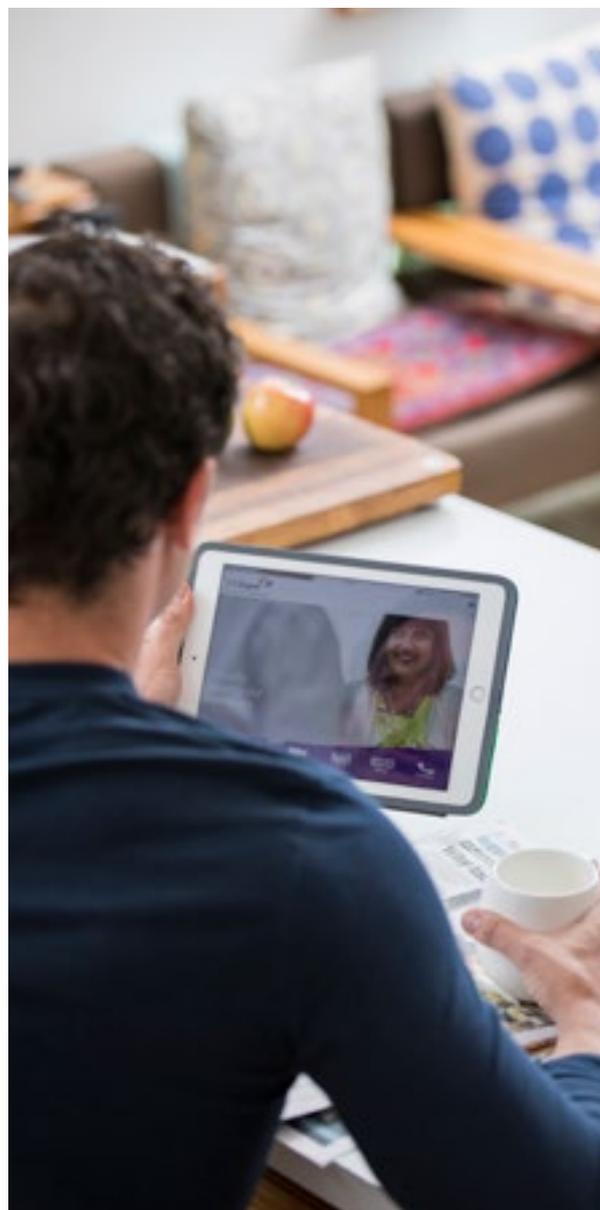
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## Need help with your super?

- visit [esssuper.com.au](https://esssuper.com.au) for tips, tools and calculators
- book in for a free super seminar online at [esssuper.com.au/seminars](https://esssuper.com.au/seminars)
- call our Member Service Centre on 1300 650 161
- call us to arrange a free individual consultation with a Member Education Consultant
- if you want personal financial advice tailored to your individual circumstances, we can arrange a referral to a licensed financial adviser that charges on a fee-for-service basis (commission free). ESSSuper has an arrangement with Link Advice Pty Ltd for Link Advice and its authorised representatives to provide members with financial advice under Link Advice's Australian Financial Services Licence (No. 258145). Appointments are located at ESSSuper's office.

ESSSuper Financial Advisers are authorised representatives of Link Advice Pty Ltd (Link Advice). Link Advice holds a current Australian Financial Services Licence No. 258145 and is responsible for the financial services provided to you by it or its authorised representatives.

ESSSuper has an arrangement with Link Advice Pty Ltd to provide financial advice to ESSSuper members. ESSSuper pays Link Advice a fee for this service. Neither the Board, nor the Victorian Government, guarantee or endorse any recommendations made by Link Advice or its authorised representatives, or are responsible for the advice and actions of Link Advice or its authorised representatives.



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