

# Nominating your beneficiaries



## Fact sheet

No one likes to think about what will happen when they die, but planning ahead will make it much easier for your loved ones. Your Mercy Super benefit is a valuable asset so it's important to provide clear instructions about who you want to receive your super and any insurance benefits in the event of your death.

This fact sheet provides an overview of who can receive the proceeds of any death benefits from Mercy Super and how you can nominate your beneficiaries.

Mercy Super allows you to nominate your beneficiaries using the type of nomination that best suits your needs:

- **Option 1 – Non-binding nomination**

As the name suggests, with a non-binding nomination the Trustee is not bound by your instruction. The Trustee will use your nomination, along with other current and relevant information available (such as your latest Will), to guide its decision on paying your benefit.

or

- **Option 2 – Binding nomination**

With a binding nomination the Trustee is bound to pay any death benefit entitlement according to your nomination (providing your nomination is valid at the time). A binding nomination is the best way to make sure the beneficiaries you nominate will receive your benefit in the event of your death.

Members who open a Mercy Super Income account can also nominate a Reversionary Beneficiary which allows for your income benefit to continue to be paid to your dependant after you die.

## Who can receive your super if you die?

Legally, on your death the Trustee can only pay your super (including any insurance benefits) to one or more of your dependants or your legal personal representative.

Your legal personal representative is the executor of your Will or the administrator of your estate. For super purposes your dependants are:

- Your spouse (including de facto)
- Children of any age
- Any person financially dependent on you at the time of your death, or

- Any person who is in an interdependency relationship with you at the time of your death.

*An interdependency relationship is defined as:*

- *a close personal relationship between two people who live together, where one or each provides the other with financial support, and one or each provides the other with domestic support and personal care, or*
- *a close personal relationship that does not satisfy the other criteria because one or both people suffer from a physical, intellectual or psychiatric disability.*

Further restrictions apply to the Reversionary Beneficiary option. The income benefit can only be paid to your dependant and, where the dependant is your child, any income is only payable in limited cases and for limited periods.

An income benefit can be paid where the Reversionary Beneficiary is one of:

- Your spouse (including de facto)
- Any person financially dependent on you at the time of your death
- Any person who is in an interdependency relationship with you at the time of your death, or
- Your child that:
  - is under 18 years of age
  - is over 18 years of age but less than 25 and financially dependent on you, or
  - has a disability that meets the definition in subsection 8(1) of the *Disability Services Act 1986*.

If a person does not meet the definition of an eligible Reversionary Beneficiary, then any reversionary benefit can only be paid as a lump sum to your dependants and/or your legal personal representative.

## Making a nomination

### Option 1 – Non-binding nomination

You can advise us of your (non-binding) preferred beneficiaries at any time. When you first join Mercy Super, you can do this by completing the *Beneficiary nomination* form. You can also make a nomination at any time by logging in to your account via Member Online at [mercysuper.com.au](https://mercysuper.com.au).

Remember, with a non-binding nomination the Trustee is not bound by your instruction. The Trustee will use this nomination, along with other current and relevant information available (such as your latest Will) to guide its decision in the event of your death. When making your nomination you should also remember that legally the Trustee can only pay your death benefit to one or more of your dependants or your legal personal representative.

### Option 2 – Binding nomination

You can make, update or cancel your binding beneficiary nomination by completing the *Beneficiary nomination* form. Under a valid binding nomination, the Trustee is bound to pay any death benefit entitlement in the way you have requested. This means it's important to take care in completing your nomination to ensure it is valid and accurately reflects your wishes.

### Reversionary Beneficiary option

You can only nominate a Reversionary Beneficiary when you activate a Mercy Super Income account. You can activate an account using the *Income account activation* form within the *Income Account Guide* available at [mercysuper.com.au](https://mercysuper.com.au). Once you have nominated a Reversionary Beneficiary, you can't change or cancel your beneficiary without closing your Income account and activating a new one.

## What you should know

- If you do not make a nomination the Trustee will, at its absolute discretion, pay your benefit upon your death to one or more of your dependants and/or your legal personal representative according to super law.
- Your dependants have the right to complain to the Australian Financial Complaints Authority (AFCA) about the Trustee's decision. AFCA will review the decision and all supporting documentation and may be able to change the decision in some circumstances.
- If your binding nomination is valid, the Trustee must follow it, even if your circumstances have changed. For example, if you nominate your husband or wife and you later separate but have not yet obtained a divorce, your nomination remains valid and binds the Trustee unless you vary or cancel it, or it expires.



### Important

For your binding nomination to be valid certain conditions must be met. These are:

- The form must identify your beneficiaries by full name, including their relationship to you (such as, legal personal representative or dependant), and state the portion of your benefit that each is to receive
- The beneficiaries nominated must be dependants or your legal personal representative
- The *Beneficiary nomination* form must be signed and dated on the same date by you and two witnesses over the age of 18 who are not beneficiaries, and
- Your binding nomination will only be valid for three years. *We will write to you prior to the expiry of any binding nomination requesting any revised instructions.*

If any of your nominated beneficiaries are no longer valid (as a result of death, divorce, etc.), your nomination will become invalid. Because the Trustee is bound to follow the instructions provided on a valid binding nomination, it's important that you keep it current. If you don't have a valid binding nomination at the time of your death, the Trustee will use its discretion to determine how your benefit should be paid.

### Contact us

IN PERSON	Potter Building, Ground Floor, Mater South Brisbane Campus, Annerley Rd, South Brisbane QLD
MAIL	PO Box 8334, Woolloongabba QLD 4102
PHONE	1300 368 891 or 07 3163 8880
FAX	07 3163 2421
EMAIL	<a href="mailto:information@mercysuper.com.au">information@mercysuper.com.au</a>
WEB	<a href="https://mercysuper.com.au">mercysuper.com.au</a>

# Beneficiary nomination form



To make a binding or non-binding nomination, replace an earlier nomination, or add to existing nomination(s), complete the details in 'Beneficiary details' listing ALL those you wish to be beneficiaries of your Mercy Super benefit. If you are adding beneficiaries, ensure that you include those previously nominated as well as your new beneficiary(ies) if applicable.

## 1. Your personal details

SURNAME	(MR MRS MS MISS DR)	GENDER
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
GIVEN NAME/S	DATE OF BIRTH	
<input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
TELEPHONE (Daytime)	MOBILE	
<input type="text"/>	<input type="text"/>	
EMAIL		
<input type="text"/>		

Please apply my nomination to the following account/s (tick the relevant box and provide your member number if known):

<input type="checkbox"/> Super account	Member number	<input type="text"/>
<input type="checkbox"/> Income account	Member number	<input type="text"/>

## 2. Beneficiary details

Please ensure that the percentage column totals 100%. Please use whole numbers only, not fractions or decimals. Attach additional form/s to nominate more beneficiaries.

**Important:** Each nominated beneficiary must be your current spouse, your child, a person who is financially dependent on you or meets the definition of interdependency (refer to the *Nominating your beneficiaries* fact sheet for definition) or your legal personal representative (for example, the executor of your Will or administrator of your estate).

FULL NAME	% OF BENEFIT	DATE OF BIRTH
BENEFICIARY ONE	%	/ /
RELATIONSHIP (Tick one box only) <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Financial dependant <input type="checkbox"/> Interdependency relationship <input type="checkbox"/> Legal personal representative		
BENEFICIARY TWO	%	/ /
RELATIONSHIP (Tick one box only) <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Financial dependant <input type="checkbox"/> Interdependency relationship		
BENEFICIARY THREE	%	/ /
RELATIONSHIP (Tick one box only) <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Financial dependant <input type="checkbox"/> Interdependency relationship		
BENEFICIARY FOUR	%	/ /
RELATIONSHIP (Tick one box only) <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Financial dependant <input type="checkbox"/> Interdependency relationship		
BENEFICIARY FIVE	%	/ /
RELATIONSHIP (Tick one box only) <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Financial dependant <input type="checkbox"/> Interdependency relationship		

TOTAL 100%

Please continue over page



### 3. Select non-binding or binding nomination and sign

Please tick one option only and complete the relevant details for that option.

#### ☐ Option 1 – Non-binding nomination

I hereby declare that I have read this section and understand that:

- The nomination I have made on this form is not binding on the Trustee and the Trustee is not obliged to pay a death benefit to the beneficiary(ies) I have nominated.
- The Trustee cannot consider a nomination unless it is in favour of my current spouse, my children, a person who is financially dependent on me and/or a person who is my dependant under super law, or my legal personal representative.
- If a nominated beneficiary does not survive me, his/her share of the benefit may be paid at the discretion of the Trustee to my estate or to my other dependants.

MEMBER'S SIGNATURE

 /  /     

DATE

#### ☐ Option 2 – Binding nomination

I hereby declare that to the best of my knowledge and belief, the information I have provided is true and correct. Where I have completed this *Beneficiary nomination* form:

- I cancel any earlier written binding nomination to the Trustee by me. It is my intention that this nomination will be binding on the Trustee as permitted by law.
- I give the Trustee notice that upon my death, my death benefit (if any) payable from Mercy Super shall be paid in the proportion to any one or more of my dependants or interdependants listed above or my legal representative.
- This binding nomination is valid for 3 years from the date I have signed this form.
- I may at any time cancel or change a binding nomination notice in accordance with Mercy Super's procedures.
- If a notice is invalid or has not been sent to the Trustee, when I die the death benefit will be determined by the Trustee at its discretion.
- I have read the fact sheet accompanying this form which sets out the terms upon which this nomination is made and I understand that these are consistent with the Mercy Super Trust Deed, a copy of which is available upon request.

MEMBER'S SIGNATURE

 /  /     

DATE



#### Important

For a binding nomination to be valid, you must sign and date this form in the presence of two witnesses who are over the age of 18 and are not beneficiaries.

This form will be invalid if your witnesses do not sign it on the same date you did.

If any part of this form is not completed correctly, this nomination will be invalid and will not be binding on the Trustee. In this case you will have to complete a new form.

#### ☐ Witness declaration – Binding nomination only

You must have two witnesses sign and date this form for your binding nomination to be valid.

I hereby declare that I am over the age of 18 years, I am not a beneficiary nominated on this form and this form was signed in my presence.

##### Witness 1

SIGNATURE OF WITNESS 1

 /  /     

DATE

FULL NAME OF WITNESS (PRINTED)

##### Witness 2

SIGNATURE OF WITNESS 2

 /  /     

DATE

FULL NAME OF WITNESS (PRINTED)

**Note:** Please date and initial any corrections you make to the information on this form.

Please send this completed form to:

Mercy Super, PO Box 8334, WOOLLOONGABBA QLD 4102

Fund use only

MEMBER NUMBER/S

POLICY NUMBER/S

CHECKED BY

