

# Nominating your beneficiaries

12 December 2023

All our forms and publications are available at [spiritsuper.com.au/forms](https://spiritsuper.com.au/forms) or call us on 1800 005 166, and we'll send you a copy.



A beneficiary is the person or persons you nominate to receive all or part of your account when you pass away. This payment is called your 'death benefit'.

## Who can you nominate as a beneficiary?

You can nominate your legal personal representative and/or your dependants.

Your legal personal representative is either:

- your estate's executor (if you have a Will)
- your estate's court-appointed administrator (if you don't have a Will).

If you nominate your legal personal representative to receive some or all of your death benefit, the benefit will form part of your estate and will be distributed according to your Will. If you don't have a Will, the laws on dying without a Will apply.

For super purposes, your dependants include:

- your spouse (including de facto partner)
- your children of any age (including natural, step and adopted children)
- a person you have an interdependent relationship with
- any other person who, when you passed away, was wholly or partly dependent on you.

You may have an interdependent relationship if all of these apply:

- you live together
- you have a close personal relationship
- one or each of you provides the other with financial support
- one or each of you provides the other with domestic support and personal care.

This may include a parent or sibling. You may also have an interdependent relationship if you have a close personal relationship but don't live together because either or both of you suffer from a physical, intellectual or psychiatric disability.

We can only pay your benefit to people who are alive and are your dependant/s or legal personal representative when you pass away.

You can see your nomination on your *Member statement* and in **Member Online**.

## How to nominate a beneficiary

There are three types of beneficiary nominations available to you:

- non-binding
- binding and
- reversionary beneficiary – pension accounts only.

Which nomination you make will depend on your specific circumstances.

Non-binding and binding nominations can be made for all Spirit Super accounts you hold, including both accumulation and pension accounts. You can choose for a nomination to only apply to one account or all accounts you hold.

Reversionary beneficiary nominations can only be made on Spirit Super pension accounts. A separate nomination must be made for each account.

### Non-binding nomination

With non-binding nominations, you nominate who you'd prefer to get your death benefit when you pass away.

Non-binding nominations aren't legally binding. While your wishes are considered, it's ultimately up to the trustee to decide who gets your death benefit and how much. This decision is made in line with all relevant super laws.

Non-binding nominations never expire and can be made, updated or changed at any time:

- through **Member Online**
- by calling us on **1800 005 166**
- by completing the *Choose your non-binding beneficiaries* form.

This fact sheet contains general information only and doesn't take into account your objectives, financial situation or needs. Before making a decision about Spirit Super, you should consider if this information is right for you and read our *Product disclosure statements*, *Target market determinations* and *Financial services guide*. These are available at [spiritsuper.com.au/pds](https://spiritsuper.com.au/pds) or by calling 1800 005 166. | Issuer is Motor Trades Association of Australia Superannuation Fund Pty Ltd (ABN 14 008 650 628, AFSL 238718), the trustee of Spirit Super (ABN 74 559 365 913). Any advice is provided by Quadrant First Pty Ltd (ABN 78 102 167 877, AFSL 284443) (Spirit Super Advice), which is wholly owned by the trustee. A copy of the *Financial services guide* for Spirit Super Advice is available at [spiritsuper.com.au/financial-services-guide](https://spiritsuper.com.au/financial-services-guide) or by calling us on 1800 005 166.

## Binding nomination

With binding nominations, the trustee is legally obliged to pay your death benefit to your nominated beneficiaries in the proportions you've chosen, as long as the nomination is valid and effective when you pass away. This gives you more control over who gets your super and can be helpful when your circumstances are more complex. This includes if you've been married multiple times or have kids from previous relationships.

Binding nominations are valid for three years, unless cancelled earlier.

To make or change a binding nomination, fill out the *Make a binding death benefit nomination* form.

For your nomination to be valid, you must ensure:

- the form doesn't contain any amendments or corrections
- your form is signed and dated on the same day you sign by two witnesses who are over the age of 18 and who aren't nominated on the form.

The form must also be received and acknowledged by Spirit Super before you pass away for it to be valid.

For your nomination to be effective, your nominated legal personal representative and/or dependant/s must be your representative and/or dependant/s when you pass away. If your binding nomination is identified as being invalid when you pass away, or isn't effective when you pass away, the trustee will decide who to pay your benefit to as though you had a non-binding nomination.

### ! It's important to review your nomination whenever your circumstances change.

Changes to your spouse relationship may impact the validity of your binding nomination. For example:

- If you're no longer in a relationship with your nominated spouse at the time you pass away, they may not be eligible to receive your death benefits.
- Starting a new relationship with a spouse who you haven't nominated as a beneficiary may result in your nomination being invalid.

In some circumstances, for example a court order, the trustee may not be able to pay a benefit in accordance with an otherwise valid and effective binding nomination.

## Renewing your binding nomination

If your beneficiaries haven't changed, you can renew your binding nomination before it expires in **Member Online** or by completing the *Renew your binding death benefit nomination* form. We'll contact you to let you know when you can do this.

## Change or cancel your binding nomination

You can change your nomination any time by completing another *Make a binding death benefit nomination* form.

You can cancel your nomination at any time by completing the *Cancel a binding death benefit nomination* form.

## Reversionary beneficiary nomination

This option is only available in pension accounts.

If you nominate a reversionary beneficiary, they'll continue to receive regular pension payments from your account until the balance is zero.

You can only nominate your spouse as a reversionary beneficiary. If they're no longer your spouse at the time of your death, the benefit will be paid at the discretion of the trustee.

It's important to note that in some circumstances, making, changing or removing a reversionary nomination may impact any Centrelink benefits you may receive as it can change the amount that's assessable for the income test. You must inform Centrelink or the Department of Veteran's Affairs if you add, change or remove a reversionary beneficiary.

Once your pension has been transferred to your reversionary beneficiary after you've passed away, your spouse will be able to make changes to the account, such as change how the account is invested or alter pension payments. Your spouse will also be eligible to make lump-sum withdrawals as required.

! You can change or cancel a reversionary beneficiary nomination at any time by completing the *Reversionary beneficiary nomination* form. We recommend you seek advice before making any changes.

## If you don't make a nomination

If you pass away without making a nomination or your nomination isn't valid or effective when you pass away, we'll decide how to pay your death benefit. Usually your benefit can only be paid to your dependant or dependants and/or legal personal representative.

## More information

1800 005 166  
+61 3 6270 4800 (if overseas)  
[info@spiritsuper.com.au](mailto:info@spiritsuper.com.au)  
[spiritsuper.com.au](http://spiritsuper.com.au)

GPO Box 1547  
Hobart TAS 7001







**Section 3**  
**Member**  
**declaration**

**I want to make a new non-binding death benefit nomination.**

**By signing this form, I declare that:**

- I understand Spirit Super offers non-binding and binding death benefit nominations.
- I understand that Spirit Super's non-binding nomination is a guide only to the trustees, who'll use their discretion to pay my death benefit to my dependants and/or legal personal representative, in line with regulations and our *Trust deed*. Your beneficiaries will be bound by the *Trust deed*.
- I can make or change my nomination at any time by form, over the phone, or in **Member Online**. My nomination must be received by Spirit Super before my death.
- I consent to the use of my personal information as outlined in Spirit Super's *Privacy policy* available at [spiritsuper.com.au/privacy-policy](https://spiritsuper.com.au/privacy-policy) or by calling us on **1800 005 166**.

Your signature

Date (DD MM YYYY)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Return the completed, signed and dated form to [info@spiritsuper.com.au](mailto:info@spiritsuper.com.au) or Spirit Super, GPO Box 1547, Hobart TAS 7001.

