

# Binding Death Benefit Nomination

Please complete and return this form to: NESS Super, Locked Bag 20, Parramatta NSW 2124  
Complete in pen using CAPITAL letters or type directly into this form and print it out.  
Use (X) to mark boxes. This request must be signed and dated.

 **Website:** [www.nesssuper.com.au](http://www.nesssuper.com.au)  
 **Email:** [nessadmin@aas.com.au](mailto:nessadmin@aas.com.au)  
 **Freecall:** 1800 022 067

## What is a Binding Death Nomination?

It is a binding instruction to the NESS Super Trustee to pay your death benefit to your dependants. Rules apply. Please refer to SECTION 5 before completing this form.

Please mark (X) ONE of the boxes below and follow the instructions.

- Make a binding nomination.** To change an existing nomination or to make a completely new nomination, complete SECTION 1 then go to SECTION 2 and provide details, sign and date SECTION 3 in the presence of two witnesses who then sign and date SECTION 4. *or*
- Cancel a binding nomination.** To cancel a current nomination and not replace it, complete SECTION 1 then go to SECTION 2 and write 'Cancel Previous Nomination', sign and date SECTION 3 in the presence of two witnesses who then sign and date SECTION 4.

**Note:** If you cancel a nomination, your death benefit will be distributed at the Trustee's discretion to your dependant/s or legal personal representative.

## 1. Member details

Member Number (This can be found on your Member Statement)

Mr/Mrs/Ms/Miss      Surname

Given names

Date of birth (ddmmyyyy)

Telephone (daytime)

Mobile

Email

### Residential address

Street number

Street name

Suburb/Town

State

Postcode

### Postal address (if different to residential address)

PO Box

Suburb/Town

State

Postcode

 Please turn over to complete and sign this form

## 2. Binding Death Nomination

A nominated beneficiary can only be your spouse (legal or de facto), child (including adopted or step-children), financial dependant, interdependent\*, legal personal representative or (the executor of your Will or administrator of your estate). When you nominate your executor, you should enter "legal personal representative" in the relationship column. See below for more details.

Mr/Mrs/Ms/Miss	Surname												
<input type="text"/>	<input type="text"/>												
Given names	Relationship to you	Portion of benefit (%)											
<input type="text"/>	<input type="text"/>	<input type="text"/>											
Mr/Mrs/Ms/Miss	Surname												
<input type="text"/>	<input type="text"/>												
Given names	Relationship to you	Portion of benefit (%)											
<input type="text"/>	<input type="text"/>	<input type="text"/>											
Mr/Mrs/Ms/Miss	Surname												
<input type="text"/>	<input type="text"/>												
Given names	Relationship to you	Portion of benefit (%)											
<input type="text"/>	<input type="text"/>	<input type="text"/>											
		(Total must add up to 100%)	<input type="text"/>										

\* See Section 5 – Important information, for a definition of interdependent.

## 3. Member declaration

I understand that:

- my beneficiary(ies) must be my spouse, child, financial dependant, interdependent or a legal personal representative of my estate at the date of my death
- my beneficiary(ies) and I will be bound by the provisions of NESS Super's Trust Deed relating to binding death benefit nominations
- this nomination is only valid for three years from the date you sign this form or any confirmation or amendment of it
- I may at any time cancel or change a binding nomination notice in accordance with NESS Super's procedures
- if my nomination 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
- this declaration must be signed by me in the presence of two witnesses (who are not a nominee on this form) both of whom are over age 18
- this nomination applies to all my investments within NESS Super and any insurance benefit payable on my death
- I have read the notes in SECTION 5 that set out the terms upon which this nomination is made and I understand that these are consistent with NESS Super's Trust Deed and that I may request a copy if required.

Signature

Date

## 4. Witness declaration

I declare that I am over age 18, I am not a beneficiary nominated on this form and the member signed SECTION 3 in my presence.

Signature of witness 1

Date of birth (ddmmyyyy)

Print name

Date

Signature of witness 2

Date of birth (ddmmyyyy)

Print name

Date

## 5. Important information

### Binding death benefit nominations

To provide greater certainty about who receives your benefit when you die, you can make a nomination, which binds NESS Super's Trustee to pay to whom you direct (providing you are still a member of the fund when you die).

The person(s) you nominate must be at least one of the following:

- your current spouse (including a de facto)
- your children (including step, adopted or ex-nuptial)
- any person(s) financially dependent on you
- an interdependant (see definition)
- your legal personal representative, which means the executor or administrator of your estate.

It is important to note that if all your nominated beneficiaries are not alive at the date of your death, the Trustee will use its discretion in paying your death benefit.

You should consider consulting your legal adviser before making or cancelling a binding death benefit nomination.

### Interdependant

An interdependant is someone with whom you have a close personal relationship, you live with, you provide them or they provide you with financial assistance and you provide them or they provide you with domestic support and financial care. You also have an interdependent relationship if you have a close personal relationship and are unable to meet the other three requirements because one or both of you suffer from a physical, intellectual or psychiatric disability or because one or both of you were temporarily living apart.

### How long is the nomination valid?

If you make a binding nomination, it will be valid for three years from the date you sign this form. It is important that you update your nomination regularly to ensure that your wishes are met.

You may renew, change or cancel your nomination at any time.

If your nomination is valid, we 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 us unless you vary or cancel it or it expires.

Your dependants have the right to complain to the Superannuation Complaints Tribunal (SCT) about the Trustee's decision. The SCT will review the decision and all supporting documentation and may be able to change the decision in some circumstances (for example, if the nomination had expired at the date of death).

### What is a valid nomination?

To make a nomination valid, you must also follow these procedures.

Your nomination must:

- be made to us in writing, see SECTIONS 1 to 4 of this form
- clearly set out the proportion of the benefit to be paid to each person nominated (total must add up to 100 per cent);
- be signed and dated by you in the presence of two witnesses over the age of 18 and who are not nominated in the form;
- be sent to us (a nomination will not be valid until we receive it).

You may also wish to inform your nominated beneficiaries of your nomination.

### How do I update my binding nomination?

If you want to make or cancel a binding nomination, you must follow the procedures as outlined below.

- **Make a new nomination:** If you want to make a nomination, you must write your chosen beneficiaries' details in SECTION 2 of this form. Your beneficiaries can only be your spouse (legal or de facto), child (including adopted or step-children), financial dependant, interdependant or legal personal representative and the 'Portion of Benefit' column must total 100 per cent. The form must be signed, dated and witnessed.
- **Cancel a nomination:** If you want to cancel a current binding nomination and not replace it, you must write 'cancel previous nomination' in SECTION 2 of this form. Please note that the form must still be signed, dated and witnessed to cancel a previous nomination.

We will write to you to confirm your new or cancelled nomination. We will also write to you seeking your instructions prior to the expiry of any existing nomination. You will be advised of your nomination each time we send your Member Statement and be provided with the opportunity to update your nomination.

Additional Binding Death Benefit Nomination forms can be obtained from NESS Super by calling 1800 022 067.

### Default option

If, at the time of your death:

- you have not made a binding death nomination, or
- your nomination has been cancelled, or
- your nomination is invalid (for example, it is not correctly signed and witnessed, it is more than three years old and has not been renewed or any of the people nominated dies before you or no longer falls within one of the permitted categories), the Trustee of NESS will use its discretion to determine how your benefit should be paid.

### Privacy

NESS Super only collects information on this form that is essential for the administration of your binding death nomination. NESS Super will not use the information about you, or your witnesses, for any other purpose, or pass it to any other organisations without express permission.

You should consider consulting your legal adviser before making or cancelling a binding death benefit nomination.

If you wish to view our privacy statement, please go to [www.nesssuper.com.au](http://www.nesssuper.com.au)

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