



# Beneficiary nomination factsheet

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## Who should read this?

PSSap and ADF Super members who want to make sure we pay their death benefits to the dependants and/or legal personal representative they nominate.

## What you should know up front

It is important that you read the disclaimer at the end of this fact sheet. Before making any decisions, please read the relevant [product disclosure statement](#) and consider seeking advice from a licensed professional such as a financial planner, accountant or solicitor.



Australian  
Defence Force  
Superannuation

## Can I nominate someone to receive my benefit if I die?

Yes. The Scheme rules allow you to nominate one or more dependants and/or your legal personal representative to receive your benefit, including any insurance, if you die.

The person you nominate is called a beneficiary. To make sure we act upon your nomination, you need to use a legal instrument called a **Binding nomination** form which you will find at [csc.gov.au](https://csc.gov.au), or we can post you a copy.

If your binding nomination is valid and has not expired, we are generally required to pay your benefit to the beneficiaries you nominate.

## Are there different types?

There are 2 types of nomination you can make, Binding or Non-Binding.

A valid **binding nomination** is used to nominate your preferred beneficiaries and it generally binds Commonwealth Superannuation Corporation (CSC) to pay your death benefit to the beneficiaries you have nominated. A valid binding nomination provides greater certainty about who receives your benefit if you die and overrules any previous non-binding or binding nominations. Binding nominations are valid for three years from the date they are signed, last confirmed or amended.

We will send you a reminder three months before your nomination due to expire.

A **non-binding nomination** is used to nominate your preferred beneficiaries. Your nomination will not be binding on CSC, and will only be used as a guide when we determine who we pay your benefit to.

A non-binding nomination will not expire. Non-binding nominations can also be made through your Member Services Online account.

## Who can I nominate?

You may nominate the following people to receive your remaining PSSap/ADF Super account balance should you die:

- Your current spouse or de facto
- Your children of any age (including step, adopted or ex-nuptial, or a child as defined within the meaning of the *Family Law Act 1975*)
- A person with whom you have an interdependency relationship under superannuation law, including a person you:
  - live with, have a close relationship with, and provide with financial, domestic and personal support.

You can also nominate your legal personal representative (the executor of your will, or the administrator of your estate) to receive your death benefit.

Or, you can nominate a combination of dependants and your legal personal representative.

If a person you nominate is a dependant at the time of your nomination, but is no longer a dependant at the time of your death, we are not required to pay your benefit according to your nomination.

## Who is a child within the meaning of the *Family Law Act 1975*?

The meaning of child in the *Family Law Act 1975* includes children:

- born to a woman as the result of an artificial conception procedure while that woman was married to, or was a de facto partner of, another person (whether of the same sex or opposite sex) and
- who are children of a person because of an order of a state or territory court made under a state or territory law prescribed for the purposes of section 60HB of the *Family Law Act 1975*, giving effect to a surrogacy agreement.

## What is an 'interdependency relationship'?

Superannuation law defines an interdependency relationship as between two people who:

- have a close personal relationship, and
- live together, and
- one or each of them gives the other financial support, and
- one or each of them gives the other domestic support and personal care.

An interdependency relationship may also exist if there is a close personal relationship between the two persons, but one or more of the other requirements for interdependency are not satisfied because of a physical, intellectual or psychiatric disability.

## What happens if I don't have dependants or a legal personal representative?

You cannot make a binding nomination. If you do not have a binding nomination, we make the decision about who receives your benefit.

## What will happen with my money if I haven't nominated anyone?

If you have not made, or are unable to make a binding nomination, or if your nomination has expired, we will determine who is entitled to your death benefit. This may include paying your death benefit to:

- one or more dependants,
- your legal personal representative (LPR), or
- if we cannot find a suitable dependant or LPR, another individual determined by us.

In making our decision, we will take into account any non-binding nominations, and applications which may be made by an eligible nominee as described above. If you had a previous nomination which expired, we will also take that into consideration.

Other avenues we may explore to find a suitable recipient could include:

- talking to your employer to help identify suitable family members
- contacting your family and/or solicitor to identify possible beneficiaries
- advertising for potential claimants where we cannot identify family members.

## How do I nominate a beneficiary?

To nominate a beneficiary, you can use a **Binding beneficiary nomination** form. It is important that you follow the instructions on the form carefully so that your nomination is valid.

Alternatively, you can consult a solicitor to prepare your binding beneficiary nomination which you can send to us.

## Is CSC required to pay to nominated beneficiaries in all cases?

We are generally required to pay your benefit in accordance with the valid binding nomination form we receive from you. There are exceptions to this.

We may not be required to pay a death benefit in accordance with a binding nomination if we are:

- subject to a court order (such as a Family Court of Australia order) preventing payment of the benefit
- aware you are subject to a court order that prohibits or restricts you from giving a binding nomination or requires you to amend or revoke such a nomination.

## How do I make sure my nomination is valid?

You **must** make your binding nomination (or if amended, done so) strictly in accordance with conditions prescribed under the *Superannuation Industry (Supervision) Act 1993* and the Regulations made under that Act (SIS).

Those conditions are:

- the people you nominate to receive the benefit must be either your dependant (as defined above) or your legal personal representative
- the proportion of the benefits payable to each person you nominate must be clear or easily ascertainable from the nomination form
- the nomination must be in writing
- you must date and sign the nomination in the presence of two witnesses both of whom must be over the age of 18 and not listed as beneficiaries in the nomination
- the nomination must contain declarations from each of the two witnesses confirming that you signed and dated the nomination before them
- the nomination must not have been revoked
- the nomination must have been made, confirmed or amended within three years of your death (that is, you must keep the nomination up to date and review it every three years)
- you must give us the nomination, (someone else cannot give it to us after your death).

If, when we receive your binding nomination, we think it may be invalid, we will write seeking further instructions from you.

It is important for you to take whatever steps are necessary to make sure the validity of your nomination, including renewing or confirming it every three years. **Remember: if your binding nomination does not meet all the requirements set out above, it will be invalid, and we will not be required to pay your benefit in accordance with it.**

## Can my binding nomination expire?

Yes. It is only valid for three years from when you make, confirm or amend it.

If you want your binding nomination to remain valid, you must renew it before it expires (that is, within three years from the date you originally signed it or within three years of the date it was last amended or confirmed).

If you are making no changes (including percentage) to your existing binding beneficiary nomination, you are able to complete a renewal online by logging in to your Member Services Online account and completing the renewal declaration to confirm and extend your current beneficiary nomination.

You can also renew, amend or cancel your nomination by completing a new [Binding nomination form](#).

If you choose not to renew your nomination, and you die, we will make a decision about who receives your benefit on the same basis as if you had not made a nomination.

**\* Important: If renewing, your nomination must be received prior to your current expiration date. If your nomination has already expired you will need to make a new nomination.**

## Can I change my beneficiaries?

Yes. And you should do so whenever your circumstances change, such as divorce, marriage, registered relationship, the birth of children, change in an interdependency relationship, start of a new interdependency relationship or the death of a nominated beneficiary.

To change your beneficiaries, simply complete a new **Binding nomination** form.

## I've forgotten who I've nominated

Never mind, we all forget things sometimes. If you have forgotten who you last nominated, here are a few places you can check:

- Log in to your PSSap/ADF Super Member Services Online and click on the beneficiaries tab
- On your annual statement
- Send us an email – [members@pssap.com.au](mailto:members@pssap.com.au) / [members@adfsuper.gov.au](mailto:members@adfsuper.gov.au), or
- Give us a call and we'll be happy to tell you, PSSap: **1300 725 171** / ADF Super: **1300 203 439**

## Can I cancel my nomination completely?

Yes. You can cancel a nomination at any time.

If you want to cancel your nomination, simply complete a new **Binding nomination** form, marking the box 'I want to cancel my existing binding nomination.'

## How do I split my benefit between more than one beneficiary?

For each beneficiary, you must nominate the percentage of your benefit you wish them to receive in whole numbers. Eg. 33%. not 33.3% **The total of all nominated percentages must be 100%.**

## Can I check my beneficiaries online?

Yes. You can view your beneficiaries whenever you want at the secure **Member Services Online** area at [csc.gov.au](https://csc.gov.au)

## If I nominate a beneficiary, do I still need a Will?

It is very important to understand that a beneficiary nomination, binding or otherwise, does not replace a Will. Your nomination has no bearing on your assets outside of superannuation and you must not view this nomination as being a substitute for a legally enforceable Will.

## How about financial advice?

Ultimately, your choice of beneficiaries is a decision that only you can make. However, before you make any decisions, we recommend you seek advice from a professional, such as a licensed financial planner, solicitor or accountant. A professional adviser may help you identify and explain any considerations (for example, tax implications) that may need to be taken into account.

CSC's authorised financial planners\* provide a personalised service that takes your objectives, financial situation and needs into account.

For more information about this service, or to book your first advice appointment, call **1300 277 777** during business hours or visit [csc.gov.au](https://csc.gov.au)

## How do I get more information?

Read the **PSSap or ADF Super product disclosure statement**



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**PHONE** 1300 725 171  
**MAIL** PSSap  
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