

# Beneficiary nominations guide (AP.5)

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**ESSSuper**  
Emergency Services & State Super

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## Who can I nominate as a beneficiary?

A beneficiary nomination allows you to nominate the person(s) you want to receive your benefit in the event of your death.

You can nominate one or more of your dependants or your legal personal representative to receive your benefit in the event of your death. Your dependants include:

- your spouse, which includes:
  - a person to whom you are legally married
  - a person, whether of the same or opposite sex, with whom you are not legally married, but who lives with you on a genuine domestic basis as a couple
  - a person, whether of the same or opposite sex, with whom you are in a relationship that is registered under an Australian State or Territory law
- a child of yours (or your spouse)
- any person, who in the opinion of the Emergency Services Superannuation Board (the Board), was wholly or partially dependent on you, or had a legal right to look to you for financial support.

Your legal personal representative is the executor of your Will or the administrator of your estate. If you nominate a legal personal representative to receive your benefit in the event of your death, the legal personal representative is required to distribute your benefit according to your Will (or intestacy law if no valid Will exists) after payment of estate debts and expenses, even if the beneficiaries of your estate are not dependants.

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You can make either a non-binding beneficiary nomination (non-binding nomination) or a binding beneficiary nomination (binding nomination) for your Accumulation Plan account. If, in the event of your death, no nomination has been received, the Board will distribute your benefit to your dependant(s) and/or your legal personal representative in the proportions determined by the Board in its discretion, subject to the governing rules of the Fund.

The tax treatment of death benefits varies depending on who receives your benefit (i.e. your spouse, other dependants or your estate). For more information, please refer to the *How super is taxed guide (AP4)* available on our website at [esssuper.com.au/pds](http://esssuper.com.au/pds).

## Types of beneficiary nomination

### Non-binding nomination

If you make a non-binding nomination, the Board will consider it when deciding who should be paid your benefit. However, your nomination is only a guide and the Board will retain absolute discretion in determining who should receive your benefit and in what proportion, including whether some or all of your benefit should be paid to your legal personal representative. To make or change a non-binding nomination, login to your Members Online account at [esssuper.com.au/login](http://esssuper.com.au/login). Alternatively, you can complete the *Non-binding death benefit nomination form (E107)* available from our website at [esssuper.com.au/forms](http://esssuper.com.au/forms)

### Binding nomination

A binding nomination allows you to nominate to who and in what proportions you want your benefit to be paid in the event of your death. You may nominate one or more dependants or your legal personal representative or a combination. Provided your nomination remains valid, the Board must follow your instructions, even if circumstances have changed from the time of your nomination to the time of your death. If any person nominated by you ceases to be a dependant, your binding nomination will be invalid and

will be treated as a non-binding nomination by the Board. Binding nominations are valid for three years and override any previous nomination. Therefore, it is essential that you review your binding nomination as your circumstances change but also at least every three years. To make, change or revoke (cancel) a binding nomination, complete the *Binding death benefit nomination form (ES106)* available from our website at [esssuper.com.au/forms](http://esssuper.com.au/forms)

## Need help with your super?

- visit [esssuper.com.au](http://esssuper.com.au) for tips, tools and calculators
- book in for a free super seminar online at [esssuper.com.au/seminars](http://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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