

**BERRINBA SUPERANNUATION FUND (Fund)**  
**NON-LAPSING BINDING DEATH BENEFIT NOMINATION (Nomination)**  
(Please read the attached Rules prior to completing your nomination)

**MEMBER'S NOMINATION:**

I, MARK JAMES FINNEY  
(Insert Full Name of Nominating Member)

of 110-118 LOGANVIEW ROAD LOGAN RESERVE QLD 4133  
(Insert Address)

**HEREBY REVOKE** all previous binding death benefit nominations made by me in relation to the Fund and **NOMINATE** the person/s below as my 'Beneficiary/ies' in respect of my interest in the Fund whether held as a Member's accumulation or as a superannuation income stream (**Benefit**).

I acknowledge my understanding that this Nomination will be binding on the Trustee and will not lapse by effluxion of time (other than as provided for by the attached Rules) and that the terms and conditions otherwise applying to this Nomination are as set out in the Rules.

<b>Name of Beneficiary/ies</b> <small>(if you are nominating your estate please write 'My Estate')</small>	<b>Relationship</b> <small>(must be either Estate, spouse, child or interdependant – See Rule 2)</small>	<b>% of Benefit</b> <small>(must add up to 100%)</small>
My ESTATE		100%

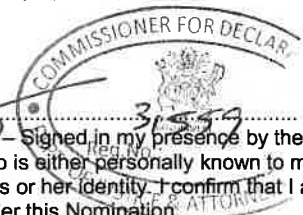
X. [Signature]  
Mark James Finney - Nominating Member

Dated: 9 / 11 / 2020

X. [Signature]  
Signature of WITNESS\* – Signed in my presence by the Nominating Member who is either personally known to me or has satisfied me as to his or her identity. I confirm that I am not a nominated person under this Nomination.



X. [Signature]  
Signature of WITNESS\* – Signed in my presence by the Nominating Member who is either personally known to me or has satisfied me as to his or her identity. I confirm that I am not a nominated person under this Nomination.



STEPHEN ANTHONY ROBERTS  
Print Full Name of Witness

STEPHEN ANTHONY ROBERTS  
Print Full Name of Witness

**Trustee Acknowledgement:**

Berrinba Superannuation Pty Ltd ACN 645 744 501 (**Trustee**) hereby acknowledges and agrees to be bound by this Nomination (together with the attached Rules) made by the Nominating Member:

X. [Signature]  
Director of the Trustee

Dated: 9 / 11 / 2020

X. [Signature]  
Director of the Trustee

Dated: 9 / 11 / 2020

**BERRINBA SUPERANNUATION FUND**  
**RULES FOR NON-LAPSING BINDING DEATH BENEFIT NOMINATION (Rules)**

The Fund's Deed provides for members to make what are called binding non-lapsing death benefit nominations whereby the Trustee can be required (subject to these Rules) to pay / apply the Member's entire interest (whether represented by a Member's accumulation or one or more superannuation income streams) in the Fund by way of benefit (**Benefit**) to specified persons upon the Member's death.

There are a number of things you need to know about how you make a non-lapsing binding death benefit nomination and what the ramifications are. The rules and information applicable to this Nomination are as follows:

**1. Your Nomination is Optional**

Making this Nomination is optional.

If you make this Nomination it is important to understand that the Trustee will be required to pay / apply your Benefit in accordance with your Nomination subject at all times to these rules, the Fund's Deed and the requirements of superannuation law.

If you decide not to make a nomination then upon your death the Trustee (subject to the Fund's Deed and superannuation law) will have discretion as to which persons will ultimately become entitled to your Benefit.

Importantly, the Trustee may be unable to comply with your Nomination if there is a Court Order, a Family Law Agreement or an Order relating to the splitting of the Benefit that prevents the Trustee from complying with your Nomination.

**2. Range of Beneficiaries Able To Be Nominated By You**

The person/s you may nominate under your Nomination to be your Beneficiary/ies must be any one or more of the following:

- your Estate; and
- any person who qualifies as a 'Dependant' (see below).

Importantly, if you nominate more than one Beneficiary then you will need to nominate the proportion of the Benefit to be received as between Beneficiaries and the sum of those proportions must add up to 100%.

You can nominate your Estate by nominating 'My Estate' in your Nomination. 'My Estate' means the executor of your Will or the administrator of your Estate as the case may be.

A person qualifies as a 'Dependant' if that person is:

- your spouse (this includes another person (whether of the same sex or a different sex) with whom you share a relationship registered under a State or Territory law or another person who lives with you on a genuine domestic basis in a relationship as a couple);
- your child (including an adult, step, adopted or ex-nuptial child); or
- a person with whom you have an 'interdependency relationship' (see below).

Two persons (whether or not related by family) have an 'interdependency relationship' if:

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

The Dependant definition is a legal term under superannuation law and may be subject to change over time.

**3. Your Nomination Applies To Your Entire Interest in the Fund**

Your Nomination applies in relation to your entire interest in the Fund, whether represented by Member's accumulation or one or more superannuation income streams.

If however the terms and conditions of a superannuation income stream (**pension**) payable by the Fund to you are reduced to writing by agreement between you and the Trustee and those terms and conditions provide for the payment or application of the amount remaining to the credit of your pension account following your death then for the purposes of these Rules, that pension account will not be included as part of your Benefit payable under this Nomination.

**4. Beneficiaries to Receive Benefit By Way of Pension**

Where a Beneficiary is a person capable of taking a pension / reversionary pension then that Beneficiary's entitlement to the Benefit will commence to be paid / continued to be paid by way of pension from the Fund.

The Beneficiary will be able to cash in the pension in whole or in part to a superannuation lump sum benefit at a later time of their choosing.

You should note that the definition of Dependant for the purpose of a Beneficiary becoming entitled to a pension (whether by way of commencement or by way of succession to a pension of yours) is limited to a surviving spouse (as defined above) or minor child ('child' as defined above). Accordingly if you are receiving a pension and you nominate a person / persons other than your spouse / a minor child, then the Trustee may be required to pay your benefit as a death benefit lump sum to that Beneficiary.

You should also carefully consider the merits of nominating any minor child if you would prefer that the Trustee be able to pay an income stream, since if your child attains 18 before you die it is unlikely an income stream will be able to be paid to that child.

**5. Nomination Is Non-Lapsing Subject To Certain Conditions**

Your Nomination does not lapse by effluxion of time and does not need to be affirmed by you at a later time.

However your Nomination will lapse if you marry or are divorced after making your Nomination or if no nominated Beneficiary survives you. Your Nomination will not take effect in respect of any period during which you or your Estate is bankrupt. If your Nomination has lapsed or is otherwise ineffective, the Trustee will have discretion as to which persons shall become entitled to your Benefit in accordance with the Fund's Deed.

If your Nomination is otherwise valid but the Trustee cannot disburse the entirety of the Benefit according to the terms of the Nomination, on account of either a Beneficiary having predeceased you or having ceased to qualify as a Dependant, then the Trustee shall give effect to the Nomination by paying / applying the Benefit for those Beneficiaries who still qualify to participate in the Benefit and shall participate in the entirety of the Benefit as between themselves in equivalent proportions to those nominated in this Nomination. The Trustee's determination of whether a Beneficiary has ceased to qualify as a Dependant in relation to you shall be finally determinative of the issue.

**6. Your Nomination Must Be Witnessed To Be Valid**

Your Nomination must be witnessed by two adults with full legal capacity who are not Beneficiaries in order to be valid.

**7. You May Terminate Your Nomination At Any Time**

You can terminate your Nomination by notice in writing to the Trustee or by making another nomination expressed as operating by way of substitution for and having the effect of revoking this Nomination.

**8. Subsequent Legal Incapacity / Enduring Power of Attorney**

Your Nomination will not be activated if you become legally incapacitated, but will nevertheless be capable of taking full effect on your subsequent death. The Fund's Deed may enable a person or persons holding an Enduring Power of Attorney from you to deal with the Trustee on your behalf with respect to your Benefit prior to your death.

**9. Consideration of Succession Matters Generally**

It is recommended that you carefully consider the interaction between this Nomination together with your Last Will and Testament as well as other estate / succession planning issues such as the use of an Enduring Power of Attorney or an Advance Care Directive.

Should you have any questions or concerns in relation to such succession planning issues, it is important to seek professional advice prior to completing this Nomination.

**10. Tax / Financial / Legal Implications**

You should obtain tax advice regarding the income tax / revenue ramifications of your Nomination.

Tax concessions are likely to apply to the receipt of your Benefit by Dependents.

Your Nomination may have other taxation, financial and legal implications and it is advisable that you seek professional advice before making or revoking this Nomination if you have any questions or concerns.

I, being the Nominating Member, hereby confirm that I have read and understood these Rules as applying to my Nomination:

x.   
.....  
Mark James Finney - Nominating Member

Dated: 9 / 11 / 2020