How super works

23 August 2024

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

The information in this document forms part of the *Product disclosure statement* (*Member guide*) for Spirit Super dated 23 August 2024.

What's super?

Super is a way of saving for your retirement which is, in part, compulsory.

Under super laws, employers must contribute a percentage of your salary into a super fund. Your super fund will then invest this money in assets like shares, bonds, property and infrastructure to help it grow.

You can also boost your super by making extra contributions to your account, such as salary sacrifice or personal contributions.

Generally, you can't access super until you reach 60 years of age and permanently retire.

Once you're eligible, you can access your super as a lump sum, regular income (also called a pension), or a combination of both — whatever suits your lifestyle.

How does your Spirit Super account work?

Your super balance

Super is a long-term investment and is designed to grow over your working life. However, your balance will go up and down in the short term as money goes in and out of your account.

Money that goes into your account includes:

- contributions paid by you, your employer, your spouse or the government
- transfers from other super funds
- investment gains.

Money that comes out of your account includes:

- taxes, fees and costs including insurance fees, if applicable[1]
- investment losses
- withdrawals you make
- transfers to other super funds.

Equals your account balance

[1]If you have insurance in place and you're terminally ill, pass away or become totally and permanently disabled, then an additional amount may be paid into your account.

Your investment options

Investment options give you more choice over how your super is invested. We have nine investment options, each with their own investment goals, strategy and risk.

You can choose to have your super in one investment option or across a combination of options. If you don't choose an investment option, your super will be invested in our default Balanced (MySuper) investment option.

Because retirement goals change over time, you can switch investment options anytime. You can do this:

- through **Member Online**
- by calling us on **1800 005 166**
- by completing the *Change your investments* form.

For details about our investment options, read our *Investment guide*.

Contributing to super

Who can contribute to super?

There are many types of super contributions to help your super grow. How and when you can make contributions depends on your age and total super balance.

Your age	Contribution types accepted
Under 55	All contribution types accepted, except downsizer contributions.
55-74[2]	All contribution types accepted.
75 or older[2]	Only compulsory employer contributions and downsizer contributions accepted.

[2]If you're turning 75, any contributions you make, other than compulsory employer and downsizer contributions, must be received by us no later than 28 days after the end of the month that you turn 75.

You must provide us with your tax file number (TFN) to make personal contributions and for us to receive spouse contributions for you.

Total super balance

Your 'total super balance' (across all super funds you participate in) impacts your eligibility to make some types of super contributions or to make contributions without incurring extra tax. It's generally worked out by adding together:

- all your super accounts at the end of the previous financial year
- any income streams that you hold in the retirement phase at the end of the previous financial year and
- amounts being transferred between super funds on 30 June.

Any personal injury or structured settlement contributions that have been paid into your super funds should be deducted from your total super balance.

Contribution types

Super contributions are generally either before-tax (concessional) contributions or after-tax (non-concessional) contributions. The main difference is when you can make them and how they're taxed.

Before-tax (concessional) contributions include:

- employer contributions, including super guarantee (SG) and other compulsory employer contributions
- salary sacrifice contributions (which are also employer contributions)
- personal contributions you've successfully claimed a tax deduction for.

Before-tax contributions are generally subject to a tax rate of 15%. This is called a 'contributions tax'.

However, if your combined income and before-tax contributions go over $250,000 a year, you may pay an extra 15% on some or all of your before-tax contributions, as advised by the Australian Taxation Office (ATO).

Contributions tax is deducted from your account when employer contributions and salary sacrifice contributions are received. It's also deducted when you claim a tax deduction for personal contributions you've made.

If you earn $37,000 or less you may be eligible to receive some or all of this tax back with the government's low income super tax offset. See page 4 for more information.

You can check how much contributions tax has been deducted from your account in **Member Online** and on your statements.

After-tax (non-concessional) contributions include:

- personal contributions you haven't claimed a tax deduction for
- spouse contributions.

Generally, you don't pay any tax on after-tax contributions (as you or your spouse already paid income tax on these amounts).

We must have your TFN to receive personal and spouse contributions for you, and your total super balance (across all funds you participate in) must be less than $1.9 million at 30 June 2024 for these contributions to be made in 2024-25 without paying extra tax.

For more details about tax, read our *How super is taxed* fact sheet, contact the ATO on **13 10 20** or visit **ato.gov.au**.

There are caps on how much you can contribute to super. If you go over these caps, you may pay extra tax. These are detailed in *Contribution caps* on page 5.

Employer contributions (compulsory)

If you're over 18, or under 18 and work more than 30 hours per week, your employer must pay a percentage of your earnings to a complying super fund on your behalf. These are called super guarantee (SG) contributions and must be paid at least every quarter. The current minimum SG rate is 11.5%. This rate will stay in place until 30 June 2025, before increasing to 12% on 1 July 2025.

In addition to SG contributions, your employer may be required to pay contributions under an award, industrial agreement, or employment contract.

There's a limit on the income that your employer must pay SG contributions on. This is called the maximum contribution base. For 2024-25 it's $65,070 a quarter. If your ordinary time earnings are higher than $65,070 in a quarter, your employer doesn't have to pay SG contributions for earnings above this limit (unless required under an award or agreement).

Most people can choose which super fund to join, though sometimes your fund is determined by the terms of your employment.

When you start a new job, you can tell your employer which fund you want your super paid into. If you don't tell them, they'll check with the ATO to see if you already have a super account into which your employer's contributions must be paid (referred to as your 'stapled fund'). If you do, they'll pay your super into that account. If you don't have an existing super account, the employer will open a new one for you with their nominated MySuper authorised default super fund. You'll stay with your stapled fund for the rest of your working life unless you choose to change funds (which you can do at any time).

Salary sacrifice contributions

With salary sacrifice, you have an arrangement with your employer to pay some of your before-tax income into your super, in addition to the usual SG contributions.

The two main benefits of salary sacrificing are:

1. your super grows faster with the extra super contributions
2. you may pay less tax — a salary sacrifice arrangement reduces your taxable income, meaning you may pay less tax on your income. Generally, salary sacrifice contributions are subject to a 15% tax rate instead of your marginal income tax rate.

You should check with your employer to see if they offer salary sacrifice arrangements.

For more details, read our *Salary sacrifice and super* fact sheet.

Personal contributions

Personal contributions are voluntary payments made from your take-home pay or savings. These can be one-off payments or regular payments.

You may be eligible for a government co-contribution if you don't claim a tax deduction. Income limits and eligibility criteria apply.

The easiest way to make personal contributions to super is through BPAY®. You can find your biller code and reference number in **Member Online,** in the Spirit Super app and in your *Member statements*.

Please note personal and spouse contributions have different biller codes and reference numbers, and we don't accept BPAY payments from a credit card. The maximum amount you can contribute in a single payment using BPAY is $120,000.

You can also make personal contributions via cheque. Make your cheque payable to 'Spirit Super' and attach a completed *Make a super contribution* form.

®Registered to BPAY Pty Ltd
ABN 69 079 137 518.

Claiming a tax deduction for personal contributions

If you make personal contributions to your account, you may be eligible to claim a tax deduction for some or all of these amounts.

Any personal contributions you successfully claim a tax deduction for will count towards your before-tax (concessional) cap. You'll also have to pay contributions tax on the amount you've claimed a deduction for – this will be deducted from your account once your tax deduction claim has been accepted by us.

You can't receive a government co-contribution for personal contributions you've claimed a tax deduction for.

If you're 67 or over but under 75, you'll need to satisfy the work test if you want to claim this tax deduction. This means you must work for at least 40 hours in a consecutive 30-day period during the financial year that you made the personal contributions.

The ATO will administer the work test at the time you lodge your income tax return.

You may be able to access a limited exemption to the work test if you:

- satisfied the work test in the financial year before the year in which you made the contribution
- had a total super balance (across all funds you participate in) of less than $300,000 on 30 June of the previous financial year
- haven't used the work test exemption previously.

For more details, including what's required to successfully claim a tax deduction, read our *Claiming tax deductions for contributions* fact sheet.

Spouse contributions

A spouse contribution is an after-tax contribution made into the super fund of an eligible spouse (including a de facto partner). It's a great way for partners to help grow each other's super, particularly if one partner takes a break from work or earns much less than the other.

It can also have tax benefits. If the spouse receiving the contribution earns less than $40,000, the spouse making the contribution may be eligible to claim a tax offset of up to $540 on some or all of the money they contribute on their partner's behalf.

Conditions apply. For more details, read our *Boost your spouse's super* fact sheet.

Contribution splitting

Like spouse contributions, contribution splitting allows couples to help boost each other's super. With contribution splitting, you can transfer up to 85% of your eligible before-tax contributions into your spouse's super to boost their retirement savings (or vice versa).

Conditions apply. For details, read our *Boost your spouse's super* fact sheet.

Spouse contributions VS contribution splitting?

Spouse contributions are made from after-tax money (such as savings) into a partner's account. Contribution splitting involves moving before-tax contributions from a person's super account into their spouse's super account. Contribution splitting doesn't qualify for a tax offset.

Downsizer contributions

If you're 55 or over and sell your family home, you may be able to contribute up to $300,000 of the sale proceeds into super. You or your spouse must have owned your home for at least ten years, and further conditions apply.

For details, read our *Thinking of downsizing your home?* fact sheet.

Government contributions

Co-contributions

If you earn less than $60,400 in the 2024-25 financial year, the government may help boost your super.

For every $1 you contribute from your after-tax earnings (up to $1,000 each financial year) the government may contribute up to 50 cents. That's up to $500 extra in your super each year. The maximum $500 co-contribution is only available if your relevant earnings are equal to or below $45,400 in the 2024-25 financial year.

Conditions apply. For more details, read our *Boosting your super with government help* fact sheet.

Low income super tax offset (LISTO)

If you earn $37,000 or less in a financial year, you could be eligible for a LISTO payment from the government.

It's a reimbursement of any contributions tax (minimum of $10 and up to a maximum of $500 for each financial year that you're eligible for a LISTO payment) paid on your before-tax super contributions.

Conditions apply. For details, read our *Boosting your super with government help* fact sheet.

Re-contribution of COVID-19 early release amounts

If you withdrew money from your super under the COVID-19 early release of super program in 2020, you can re-contribute this amount back into super as a personal after-tax contribution without it counting towards your after-tax (non-concessional) cap.

To re-contribute early release payments into your super:

1. Fill out and send us a *Notice of re-contribution of COVID-19 early release amounts (NAT 75394)* form before or when you make the payment.
2. Make a personal contribution to your account.

For your contribution to be counted as a COVID-19 early release re-contribution, you must fill out this form every time you make a re-contribution (before or when you make the payment). If you don't, your contribution will count towards your after-tax (non-concessional) cap.

The re-contribution will count towards your transfer balance cap (this is a lifetime limit on the total amount of super that can be transferred into retirement phase income streams) and your total super balance, which are recalculated on 30 June each year to include all your contributions. Re-contributions can be made until 30 June 2030, and can't exceed the total amount of super you accessed under the COVID-19 early release program. You can't claim a tax deduction for personal contributions made as a COVID-19 re-contribution.

Personal injury payments

You may be able to contribute some or all of an eligible personal injury payment, otherwise known as structured settlements, to super without it contributing towards your after-tax (non-concessional) cap.

Eligible payments may include:

- a payment made under a written settlement agreement regarding a claim for damages for personal injury or a court order for such a claim
- a workers compensation payment taken as a lump sum.

You must notify us before or when you make the contribution using the ATO's *Contributions for personal injury election (NAT 71162)* form.

Time limits and conditions apply. For more details, contact the ATO on **13 10 20** or visit **ato.gov.au**.

Capital gains tax cap elections

If you make a personal super contribution using the capital proceeds of the sale of certain small business assets, you can elect to exclude them from your after-tax (non-concessional) cap.

You can only do this when one of the following capital gains tax (CGT) concessions applies to you:

- **the small business 15 year exemption** – a total exemption for a capital gain on a CGT asset if you've continuously owned the asset for at least 15 years
- **the small business retirement exemption** – an exemption for capital gains up to a lifetime limit of $500,000 (reduced by any previous CGT exempt amounts you've had disregarded under the retirement exemption).

The conditions and the other eligibility rules for the small business CGT concessions are complex. You may need to seek professional advice.

You must check you're eligible before making this election, and you need to notify us before or when you make the contribution using the ATO's form.

For more information, contact the ATO on **13 10 20** or visit **ato.gov.au**.

You should consider seeking advice on what's right for you.

Contribution caps

There are limits to how much you can contribute to super each financial year. These are known as contribution caps. There are two caps to be aware of: a before-tax (concessional) cap and an after-tax (non-concessional) cap.

If you go over these caps, you'll generally pay extra tax.

Type of contribution	Contributions cap 2024-25
Before-tax (concessional)	$30,000
After-tax (non-concessional)	$120,000[3]

[3]You can't make any after-tax contributions in 2024-25 without incurring extra tax if your total super balance (across all funds you participate in) was $1.9 million or more at 30 June 2024.

Contribution caps apply to the total of all your super accounts (across all super funds you participate in). If you have more than one account, you need to add up the contributions you've made across all accounts to see if you've stayed under the caps. You should check with your other funds, even if they've been transferred to Spirit Super since the contributions were made.

Read our *How super is taxed* fact sheet or call us on **1800 005 166** for more details about tax on contributions and treatment of excess contributions.

Carry-forward of unused before-tax contributions

If you had less than $500,000 in super (your 'total super balance' across all funds you participate in) at the end of the previous financial year, and you didn't use all your before-tax (concessional) caps in any financial year since 1 July 2019, you may be able to contribute more than the general concessional contributions cap and make additional concessional contributions for any unused amounts carried forward from prior years. This is a great option if you have irregular income and need to put more into your super in some years but not others.

Unused carry-forward amounts expire after five years.

For example:

If you made before-tax contributions of $17,500 in the 2023-24 financial year, you can 'carry forward' the unused $10,000 from the $27,500 before-tax (concessional) cap that applied in 2023-24.

This means that you can make before-tax contributions of up to $40,000 in 2024-25 (ie you can use the full $30,000 cap for 2024-25 as well as the $10,000 carried forward from 2023-24).

Bring-forward rule for after-tax contributions

If you're under 75 at any time during the financial year and your total super balance (across all funds you participate in) was less than $1.9 million at 30 June 2024, you may be able to bring forward up to two years' worth of after-tax contributions in 2024-25.

If eligible, you could contribute up to three times the annual after-tax (non-concessional) cap in one year (but less in future years).

This could come in handy if you've reached your after-tax cap but have extra cash you want to put into super, such as an inheritance or proceeds from the sale of a large asset.

The 'bring-forward rule' is automatically triggered when your after-tax contributions exceed the relevant cap in a financial year.

If you contribute the full bring-forward amount (three times the annual limit) in the first year of the three-year period, you won't be able to make any after-tax contributions in the next two years.

Your total super balance determines your after-tax (non-concessional) cap and the bring-forward period you can use if you trigger the bring-forward rule for the first time in 2024-25 (see the table below).

Total super balance as at 30 June 2024	After-tax (non-concessional) cap	Bring-forward period
Less than $1.66 million	$360,000	3 years
$1.66 million to less than $1.78 million	$240,000	2 years
$1.78 million to less than $1.9 million	$120,000	No bring-forward period, the after-tax (non-concessional) cap applies.
$1.9 million or more	$0	Bring-forward period not available.

If your total super balance was $1.9 million or more at 30 June 2024, you can't make any after-tax contributions in 2024-25 without incurring extra tax. However, a downsizer contribution (see page 4) may still be made.

If you've triggered the bring-forward rule before 1 July 2024, the amount (if any) you can contribute in 2024-25 will be different, depending on your circumstances.

What doesn't count towards the caps

The following types of contributions don't count towards your contribution caps:

- co-contributions
- LISTO
- rollovers
- downsizer contributions
- first home super saver scheme withdrawals that have been re-contributed due to failure to purchase a home
- contributions arising from proceeds of certain personal injury settlements
- sale proceeds and/or capital gains from certain disposals of qualifying small business assets up to the capital gains tax cap
- eligible re-contribution of COVID-19 early release amounts.

Excess contributions

If your super contributions in a financial year exceed the applicable contributions caps, you may need to pay additional tax. The ATO will let you know how to do this.

Read our *How super is taxed* fact sheet or call us on **1800 005 166** for more details about tax on contributions and treatment of excess contribution.

You should keep an eye on your super contributions to make sure you don't go over the contributions caps and have to pay more tax.

Combining your super

If you've had more than one job, you might have more than one super account. Combining your super into a single account can save on account fees and makes keeping track of your super much easier.

Things to consider before combining super accounts:

- **Fees and costs and investment returns** — super funds vary in terms of fees, costs and performance. This can affect your super balance at retirement.
- **Insurance** — combining super into a single account may close your other super accounts. Any insurance you have with those accounts will be cancelled. Contact your other funds to see what cover you have before combining. You may be able to transfer cover. If you want to transfer cover, contact us for more information.
- **Tax implications** — you can't claim tax deductions or split contributions on the money you transfer between super accounts, after the transfer occurs.
- **Investments** — all amounts transferred will be automatically invested in your current chosen future transaction investment strategy.
- **Let your employer know** — tell your employer that you're changing super funds before you combine your super. This will ensure they pay future contributions into the correct account. Future employer contributions will continue to be made to your other fund unless you notify your employer otherwise.

How to combine your super

You can combine all your super into Spirit Super by:

- using the *Find and combine* tool in **Member Online**
- using the ATO online services through *myGov*
- calling us on **1800 005 166**
- completing the *Combine your super with Spirit Super* form.

If you're transferring from a self-managed super fund (SMSF), you can:

- complete the *Combine your super with Spirit Super* form
- complete the transfer using ATO online services through *myGov*
- contact your SMSF to arrange the transfer to Spirit Super.

For more details, read our *How to transfer your SMSF to Spirit Super* fact sheet.

When can you access your super?

You can access your super when you:

- turn 65 (even if you're still working)
- are aged between 60 and 65 and are permanently retired
- you stop working for an employer (even if you're still working for another employer) on or after turning age 60
- are aged between 60 and 65 and choose to start a transition to retirement income stream while still working.

These are called 'conditions of release'.

The age you can access your super isn't the same age you can access the Age Pension.

Other conditions of release

While most people access their super when they retire, there are times when you can access it earlier.

Changing jobs after 60

If you leave a job after your 60th birthday, you can access all the super you earned before your employment ceased. This applies even if you're still working for another employer or if you start working for a new employer.

Any new super you accumulate can't be accessed until you meet another condition of release. This includes ceasing your new employment arrangement, turning 65, or permanently retiring.

Reducing your work hours or changing jobs with the same employer doesn't make you eligible to access your super.

You may need to provide evidence that you've left an employment arrangement, such as final payslips showing you've been paid out all leave entitlements.

Transition to retirement

If you've reached 60 years of age but are under 65 and still working, you may be able to start accessing some of your super through a transition to retirement strategy. This involves moving some of your super into a Transition Pension account and receiving regular income payments to supplement your current take-home pay.

Most people use a transition to retirement strategy to either:

- boost their super balance by making additional contributions before they retire (more super, same take-home pay)
- ease into retirement by reducing their work hours (less work, same take-home pay).

You should consider our *Pension guide* and *Target market determination* at **spiritsuper.com.au/pds** when deciding whether to acquire a Transition Pension. Contact us for more information.

Extra support in difficult times

Life doesn't always go to plan. If something goes wrong, you may be able to access some or all of your super to get through tough times. This includes if you:

- experience severe financial hardship
- meet certain compassionate grounds
- have a terminal medical condition
- suffer a permanent incapacity
- suffer temporary incapacity (in this case you may be able to access an insured benefit only, if you have income protection cover and are eligible for the benefit).

The process for accessing your super under these conditions is different to 'normal' withdrawals. For details, read our *Early access to your super* fact sheet.

Using super to buy your first home

Under the *First home super saver scheme*, you can make voluntary contributions into super to save for your first home. When you're ready to buy, you can then apply to access these contributions plus associated earnings.

Conditions apply. Read our *First home super saver scheme* fact sheet for details.

Low-balance accounts

You can access your super early if you have less than $200 in your super account and have ceased employment with an employer that has contributed to Spirit Super for you partially or wholly as a result of an arrangement between the employer and the trustee.

Restricted non-preserved super

Restricted non-preserved super is any employment-related contributions made before 1 July 1999 (not including employer contributions). You can access restricted non-preserved super any time after the employment arrangement they relate to has ended.

To find out if you have any restricted non-preserved super, go to **Member Online**.

Temporary residents

If you're a temporary resident working in Australia, your employer may be required to make contributions to a super fund on your behalf.

Temporary residents have limited conditions of release. You can generally only access your super if you:

- permanently leave Australia (see below)
- are diagnosed with a terminal illness
- suffer permanent or temporary incapacity
- have died (to be paid to your estate or beneficiaries).

Permanently leaving Australia

You can apply to have this super paid to you after you've left Australia and your visa has expired or been cancelled. This is a called a 'departing Australia super payment' (DASP).

The ATO will let us know if you're considered a former temporary resident and will tell us to report your account and pay your super balance to the ATO. They'll hold your money until you claim it from them. Higher tax rates apply to DASPs.

Read our *Temporary residents departing Australia* fact sheet for more details.

Things to consider before withdrawing super

Accessing super can be exciting, but there are things you should consider before withdrawing:

- Any insurance attached to your super will be cancelled if you close your account.
- To keep your Spirit Super account open, you must leave at least $200 in the account (unless the amount being withdrawn has been approved by the ATO). If you're opening a Spirit Super pension account and want to keep your Spirit Super account open, you need to leave a balance of at least $6,000 in your Spirit Super account. We may adjust any withdrawal amounts to meet these requirements.
- If you access your super early, you may have less money in retirement.
- Part withdrawals are paid in line with your chosen future transaction investment strategy. For example, if your chosen investment strategy for contributions and other transactions is split equally between two investment options, the withdrawal will be made in equal proportions from these investment options.
- If you want to claim a tax deduction or split your contributions with your spouse, do this before withdrawing all or part of your super. These options aren't available for contributions you've withdrawn from Spirit Super.

Regardless of how and when you access your super, you should get professional advice first to confirm if a withdrawal will have tax or social security implications. If you're under 60, you may have to pay tax.

Transferring your super

Most people can transfer some or all of their super to another regulated super fund.

If you transfer your whole balance, your account will be closed, and any insurance you have attached to your account will cease.

If you transfer part of your balance to another fund, you must leave at least $6,000 in your Spirit Super account. You can't request a partial transfer if your account balance is less than $6,000, and we may adjust your requested amount to meet this requirement.

Your super will generally be transferred to your chosen fund within three business days.

Your transfer may not be processed if the receiving fund won't accept the transfer or if your personal details recorded with Spirit Super and your other super fund details don't match.

Providing proof of identity

We need to verify your identity when you:

- withdraw super from your account
- transfer super to another super fund
- apply to open a new pension account.

This is to make sure we're giving your hard-earned money to the right person.

We also collect your personal details and other identification information while you're a member of Spirit Super. This is to meet our obligations under Australian anti-money laundering and counter-terrorism financing laws.

You can choose for us to verify your identity using either electronic verification or paper-based verification.

If you're transferring your super to another fund, we can generally prove your identity using your TFN.

Read our *Guide to providing proof of ID* fact sheet for more details.

For important information about how we collect, hold and use your personal information and exercising your rights in relation to that information (including accessing or correcting it, or making a complaint) you should consider our *Privacy policy* available at **spiritsuper.com.au/privacy-policy** or by contacting us.

Lost and unclaimed super

By law, we must report and transfer lost member accounts to the ATO twice a year.

If we transfer your account to the ATO, your Spirit Super membership and any insurance attached to your account will be cancelled.

Your account may be transferred to the ATO if you meet one of the following conditions:

- You're 65 or older, we haven't received any contributions or rollovers into your account within the last two years, it's been at least five years since we had contact with you, and we've been unable to contact you after making reasonable efforts.
- You've passed away, we haven't received an amount for you for the past two years, and after making reasonable efforts and after a reasonable period has passed, we're unable to ensure that the death benefit will be received by the person who's entitled to receive it.
- You're a former temporary Australian resident who didn't claim your benefit within six months of departure or the expiry of your visa. Under Australian Securities and Investments Commission relief, which the trustee relies on, we don't have to provide you with an exit statement or other notification if we transfer your super to the ATO in these circumstances. We're required to transfer the super of former temporary residents to the ATO in such circumstances, however you have the right to claim your benefit from the ATO.
- We can't pay an amount under a family law split agreement, as we can't ensure that the non-member spouse or their legal personal representative will receive the amount after making reasonable efforts and after a reasonable period has passed.
- You're considered to be a lost member, and either of the following applies:
  - your account has a balance of less than $6,000 (small lost member account)
  - your account hasn't received a contribution or rollover within the last 12 months, and we can't contact you after making reasonable efforts.

- You have an inactive low-balance account. Your account is considered inactive if:
  - we haven't received a contribution or rollover for 16 months
  - your account balance is less than $6,000
  - you don't have insurance on your account
  - you haven't satisfied a condition of release
  - in the last 16 months, you haven't changed investment options or insurance, made an election to maintain insurance, made or amended a binding beneficiary nomination or provided written instruction to us to confirm you don't want your account transferred to the ATO
- We believe transferring your super to the ATO is in your best interests.

Lost members

We may classify your account as 'lost' if you're uncontactable or inactive.

You'll be considered 'lost uncontactable' if:

- you haven't contacted us or accessed your account in **Member Online** in the past 12 months
- there have been no contributions or rollover payments received in your account in the past 12 months
- we can't contact you using any details we have. This may be because you've transferred from another super fund as a lost member and we haven't found or been advised of a new address, or we've lost contact with you at your last known address (including email) and one or more written communications we've sent to you have been returned unclaimed.

Your account will be considered 'lost inactive' if:

- you joined more than two years ago as a member whose employer initially contributed to your account
- we haven't received any contributions or transfers to your account in the past five years and
- you haven't updated your account details or preferences or indicated that you're aware of your account.

For details about lost and unclaimed super, go to **ato.gov.au**.

Finding your lost super

We can help you find lost super and transfer it to your Spirit Super account. You can:

- log in to **Member Online**
- call us on **1800 005 166**.

If we search for super on your request and find any lost super held by the ATO, it will be automatically transferred to your account.

If we find other super accounts in your name, you can authorise us to request the transfer of some or all of these accounts to your Spirit Super account.

You can also search for lost super held at the ATO through *myGov*. For details, contact the ATO on **13 10 20** or visit **my.gov.au**.

Super and family law

Under family law, your account may be split between you and your ex-spouse. When this happens, the trustee must provide certain details about your account to your former spouse. Sometimes, this may be done without notification or consent. Individuals involved in family law proceedings may also request information about their former spouse through the Family Courts.

Super can be split through a super agreement between you and your ex-spouse or as the Family Court decides. Once a super split has been implemented, the share of your account payable to your ex-spouse will be transferred into a super account in their name. If your ex-spouse doesn't have a Spirit Super account, we'll set up a new one for them. Alternatively, they can choose to transfer this money to another super fund.

There are some situations where super benefits can't be split, such as when your account balance is less than $5,000.

Contact your legal adviser or financial adviser for details about how a family law split may affect your benefits.

Super benefits may also be 'flagged', which prevents the trustee from making certain payments. Flagging can be achieved by an appropriately executed agreement between the parties to a relationship or by court order.

For more details about family law, read our *Super and family law* fact sheet.

Nominating your beneficiaries

A beneficiary is the person or persons you nominate to receive all or part of your super (including any insurance payout) 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 a 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 two types of beneficiary nominations: **non-binding** and **binding**. 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.

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.

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 binding 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 anytime 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.

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.

Helping you to sort your super

We love helping you understand and maximise your super. That's why we provide access to general information, education and personal (intra-fund) advice on your Spirit Super account at no extra cost. Go to **spiritsuper.com.au/get-advice** for more details.

Feedback and complaints

We hope that you'll never have a reason to complain. However, if you do, refer to our *Complaints handling policy* for more information.

This is available at **spiritsuper.com.au/complaints-policy** or call us on **1800 005 166** and we'll send you a copy.

More information

1800 005 166
+61 3 7042 2723 (if overseas)
info@spiritsuper.com.au
spiritsuper.com.au

GPO Box 1547
Hobart TAS 7001

Spirit Super

An Industry SuperFund

FSNME01 08/2024