

ORDER FORM – PENSION REVERSION NOMINATION

Use to order documentation that ensures an existing pension is reversionary upon pensioner's death

SECTION A: PERSON ORDERING

Documentation and invoice will be sent to this person unless instructed otherwise.

Name _____ Signature _____

Firm Name (if applicable) _____

Street Address _____

Postal Address (if different) _____

Phone _____ Email _____

SECTION B: FUND'S NAME

Fund Name _____

SECTION C: LEVEL OF SERVICE (SELECT ONE)

Premium Service

OR

Standard Documents

(See important note on the bottom of page 2 for the difference between premium service and standard documents.)

SECTION D: TRUSTEE DETAILS

SECTION D(I): CORPORATE TRUSTEE DETAILS (IF APPLICABLE)

Name _____ ACN _____

Address of Registered Office _____

Full Names of All Directors

D1 _____ D3 _____

D2 _____ D4 _____

SECTION D(II): INDIVIDUAL TRUSTEE DETAILS (IF APPLICABLE)

T1 Full Name _____

Residential Address _____

T2 Full Name _____

Residential Address _____

T3 Full Name _____

Residential Address _____

T4 Full Name _____

Residential Address _____

SECTION E: PENSIONER DETAILS

Full name _____

Residential address _____

SECTION F: REVERSIONARY PENSIONER

Full Name _____ Relationship to pensioner (eg, spouse, child, etc) _____
Residential Address _____

If there is more than one reversionary pensioner, please provide details in Section J. If the reversionary pensioner is a child, note that the child must: • be under 18; • be under 25 and financial dependent on the pensioner; or • have a disability of the kind described in s 8(1) of the *Disability Services Act 1986* (Cth).

SECTION G: PENSION DETAILS

Account-based pension Transition to retirement income stream
Pension start date (dd/mm/yy) ____ / ____ / ____ Pension ID (if any) _____

If the pension is not an ABP or a TRIS please provide details in Section J.

SECTION H: MEMBERSHIP DETAILS OF FUND

M1 Full Name _____ Pensioner/D1/T1?
Residential Address _____
M2 Full Name _____ D2/T2?
Residential Address _____
M3 Full Name _____ D3/T3?
Residential Address _____
M4 Full Name _____ D4/T4?
Residential Address _____

SECTION I: DOCUMENT TRAIL (ONLY IF ORDERING PREMIUM SERVICE)

Please provide the following:

A copy of the current deed which is dated (dd/mm/yy): _____ / ____ / ____
A copy of any prior deeds, resolutions, notifications or consents that reflect a change in governing rules, changes of trustee, etc.
The date of the establishing deed of the fund (dd/mm/yy): _____ / ____ / ____
A copy of documentation commencing pension

SECTION J: SPECIAL INSTRUCTIONS

THE DIFFERENCE BETWEEN STANDARD DOCUMENTS AND PREMIUM SERVICE

The rules of equity provide that no trustee may fetter its discretion. Upon a member's death, typically trustees have a discretion as to whether to continue paying the deceased's pension to an appropriate dependant. Accordingly, where a trustee agrees that it will exercise that discretion in a certain way, this is a fettering of discretion. Naturally, such an act by a trustee is unenforceable and effectively invalid. However, there is an important exception. A trustee's discretion may be fettered if the governing rules (typically contained in the Fund's most recent trust deed) so allow it. Accordingly, it is vital that:

- the governing rules be identified;
- all documentation is reviewed to ensure that it has been correctly drafted and correctly executed;
- the current governing rules allow discretion to be fettered by way of a reversionary nomination; and
- any deficiencies be appropriately identified and dealt with as much as practicable.

Unless the above process is undertaken, a reversionary nomination may not be valid. As part of our premium service we perform these tasks. However, if you order the standard documents, we do not perform these tasks and take it that another qualified profession will perform them. The conservative view is that performing the above tasks constitute the provision of legal services and hence only a lawyer should charge for doing this.