

Death Benefit Claim

objections guide

July 2025

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We're here to help

If you're unsure about anything or need some help, you can speak with one of our claims consultants on **1300 008 605**, Monday to Friday 9am-5pm (AEST/AEDT). If you're calling from overseas, please call us on +61 3 9192 4446.

Mercer Super

mercersuper.com.au

Who is this guide for?

This guide is for anyone who wants to understand the next steps when:

1. The trustee makes an **initial decision** about how to pay the death benefit of one of its late members.
2. The trustee communicates this decision to potential beneficiaries, who then have 28 days to object to the decision. This process is called **claim-staking**.
3. As a potential beneficiary, you disagree with the initial decision and want to object.

This guide provides information on how and when you can raise an objection regarding the decision with:

1. **The trustee:** If you disagree with their decision. This will start the internal dispute resolution (**IDR**) process.
2. **The Australian Financial Complaints Authority (AFCA):** A free, fair and independent dispute resolution body.

Important information

You can only raise an objection regarding the decision with AFCA after completing the internal dispute resolution process.



Step 1

Notice of the trustee's initial decision (claim-staking process)

As a potential beneficiary, you may receive a notice from the trustee about how they plan to pay the death benefit of a late member.

The notice will include:

- The names of the potential beneficiaries* and the proposed payment amounts.
- A statement indicating that you can object to the trustee's decision within 28 calendar days of receiving the notice. If the notice is sent by post, it's presumed you will have received this within seven days of us posting it.
- Information about how to object to the proposed distribution of the death benefit.

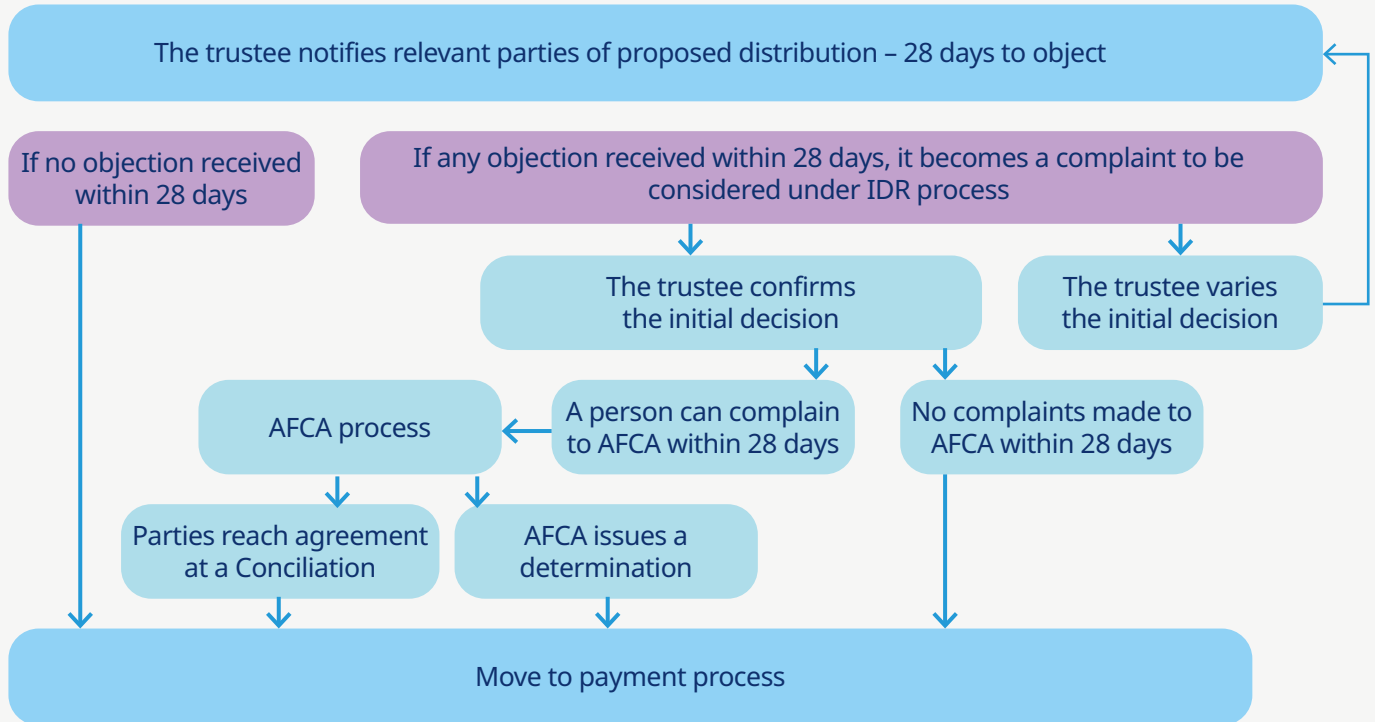
If the late member appointed a Legal Personal Representative (**LPR**) as the executor of their will, the notice may also be issued to them.

Important information

*A **potential beneficiary** is someone eligible to receive a death benefit according to superannuation law, including dependants or a Legal Personal Representative. For more information, refer to the relevant death claims guides and FAQs which can be found here: mercersuper.com.au/claims

Potential stages of a death benefit claim

The below diagram outlines the steps that can occur, from the time a claim-staking notice is issued, to the date of payment to the beneficiaries.



The number of steps and the time taken to reach payment can depend on:

- Whether any potential beneficiaries object to the initial decision
- Whether the trustee confirms or varies its decision after the IDR process
- Any additional complaints made to AFCA

Step 2

How to lodge an objection

If you disagree with the trustee's initial decision, you can lodge your objection by phone, email, or post:

Phone: Call our helpline on 1300 008 605, Monday to Friday, 9am-5pm (AEST/AEDT).
If you're calling from overseas, please call +61 3 9192 4446.

Email: MercerSuperDeathBenefitComplaints@mercer.com

Post: **Mercer Super Claims**
GPO Box 4303
Melbourne VIC 3001

Step 3

Internal Dispute Resolution (IDR) process

Once you submit your objection, we'll send you a confirmation to let you know we've received it. We generally send this confirmation by the next business day.

Your objection will be classified as a complaint and managed through our IDR process, which includes:

- Assigning a senior Case Manager as your primary contact
- Reviewing your complaint fairly, objectively and without bias
- Requesting additional information from you or others (if required) to make a final decision on the death benefit distribution
- Informing other parties who may be involved in the complaint
- Providing written reasons for our decision, addressing the issues you have raised, and what to do if you are not satisfied with the decision or response

How long will the process take?

Every effort will be made to provide an outcome to your complaint that's fair and reasonable, and completed within the maximum 90-day timeframe set by law. However, several factors can affect how long it can take.

A delay may occur if a complaint is unusually complex.

If this happens, your Case Manager will write to you explaining the reasons for the delay.

You have the right to lodge a complaint to AFCA about the time it takes to decide who to pay the benefit to. More information on how to contact AFCA is provided later in this guide.

Step 4

Trustee makes a decision

When the IDR process is complete, we'll inform all potential beneficiaries of the trustee's decision.

This letter will do one of the following:

- **Confirm the original** decision about who to pay and in what amounts, or
- Vary the original distribution and make a new decision about who to pay and in what amounts, and
- Provide written reasons for our decision, addressing the issues you have raised, and what to do if you are not satisfied with the decision or response

Important information

If you disagree with the trustee's decision after the IDR process, you **must lodge a complaint within 28 calendar days**. Where you lodge your complaint will depend on:

Whether the trustee confirmed the previous decision

Lodge complaint to AFCA

Whether the trustee varied the previous decision, replacing it with a new proposed distribution

Submit complaint to the trustee

Trustee confirms initial decision

If you agree with the trustee's confirmed decision, you don't need to do anything.

Additionally, if no further complaints are made to the trustee within 28 calendar days* from any of the people involved in the claim-staking, we'll pay the benefit according to the trustee's confirmed decision.

If you disagree with this confirmed decision, you can lodge a complaint to AFCA within 28 days of receiving the confirmation letter. *More information on how to contact AFCA is provided later in this guide.*

Important information

*The 28 calendar days start from the date you receive the trustee's decision letter. If the notice is sent by post, it's presumed you will have received this within seven business days of us posting it.

Trustee varies its initial payment decision

If the trustee varies its initial decision, this means it now proposes to pay the benefit:

- To different people, and/or
- In different proportions.

The trustee will issue a new notice to all potential beneficiaries outlining the details of the new benefit distribution.

If you disagree with the varied decision

If you disagree with the varied decision, you can make an objection to the trustee within 28 days. This will be treated as a new complaint under the IDR process, which may take up to 90 days to complete.

When the IDR process ends, the trustee will issue a decision that either:

- Confirms the most recent decision, or
- Varies the most recent decision, replacing it with a new proposed distribution

Important information

The payment process

None of the beneficiaries will be paid until either:

- All potential beneficiaries agree to a **final trustee decision**. This is where the trustee **confirms a previous** decision after the IDR process, or
- All parties agree to a decision as part of the AFCA conciliation process, or
- AFCA decides who to pay and in what proportions

Taking your objection to AFCA

Your first opportunity

You have 28 days to lodge your complaint to AFCA after the initial IDR process is complete, provided the trustee has confirmed its initial payment distribution decision.

Your second opportunity

You can lodge a complaint to AFCA after all the following have occurred:

- An objection to the initial decision is lodged
- After the completion of the first IDR process, the trustee varied its initial decision
- There was an objection to the varied decision, which was reviewed by the trustee under a second IDR process
- The trustee decided to confirm the varied decision

You have 28 calendar days to lodge a complaint with AFCA about the second proposed distribution of the late member's superannuation balance. This 28 calendar day period starts from the date you receive the notice.

Important information

You can complain to AFCA earlier about different matters, including how long the IDR process is taking, if it exceeds 90 days.

Please be aware AFCA may choose to disclose information provided to other parties involved in the objection. If you have any concerns about this, please contact AFCA directly.

About AFCA

The Australian Financial Complaints Authority (**AFCA**) is a free, fair and independent dispute resolution body. They consider complaints about financial products and services. AFCA can deal with a superannuation complaint about the distribution of a superannuation death benefit.

This is a free service.

For more information, contact AFCA directly.

How to contact AFCA

Email: **info@afca.org.au**

Phone: **1800 931 678** (free call within Australia). If you're calling from an international number add 0061. International calls may incur a charge from your carrier.

9:00am–5:00pm AEST/AEDT weekdays

Post: **Australian Financial Complaints Authority Limited**
GPO Box 3
Melbourne VIC 3001

Website: **www.afca.org.au**

For more information about AFCA visit: **www.afca.org.au**. Alternatively, if you'd like to start an online complaint visit: **www.afca.org.au/about-afca/contact-us**

Assistance and support

We value providing the best possible experience and service. However, we also understand that there might be instances where you have concerns or issues, which is why we have procedures in place to address your concerns fairly, efficiently and with transparency.

If you would like further information about how to make a complaint visit:
mercersuper.com.au/contact-mercerc-super/make-a-complaint/

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