

# Notice of intent to claim or vary a deduction for personal super contributions instructions

We have provided some information below to assist you with the completion of the Notice of intent to claim or vary a deduction for personal super contributions.

For more instructions on this form, please go to [www.ato.gov.au/forms/notice-of-intent-to-claim-or-vary-a-deduction-for-personal-super-contributions](http://www.ato.gov.au/forms/notice-of-intent-to-claim-or-vary-a-deduction-for-personal-super-contributions)

## Who should complete this notice?

You should complete this notice if you:

- intend to claim a tax deduction for your personal super contributions
- want to vary a previous valid notice of intent you gave to us.

## When should I complete this notice?

You must give a notice of intent to claim a deduction to us on or before the earlier of:

- the day you lodge your income tax return for the year in which the contributions were made
- the last day of the income year after the income year in which you made the contributions.

If you plan to withdraw or rollover an amount or commence a pension, you will need to give us your notice of intent to claim a deduction before any of those events, otherwise the full deduction will not be available.

You can apply to vary a previous valid notice of intent if:

- you have not yet lodged your income tax return and it is on or before 30 June in the financial year following the year you made the contribution, or
- the ATO have disallowed your claim for a deduction and you are applying to reduce the amount claimed as a deduction by the amount that the ATO have disallowed.

You must either make your contribution to us before you give your notice of intent or send your contribution to us with your notice of intent.

To claim a deduction for your contribution you must have given us a valid notice of your intent to claim a deduction, in the approved form, on or before the day you lodge your income tax return (or the end of the next income year, whichever occurs first), and we must have given you an acknowledgment of our receipt of the notice.

## Will I be eligible for a deduction?

There are a number of conditions you must satisfy to be eligible to claim a deduction. You are eligible to claim a deduction if:

- you made personal contributions to a complying super fund
- you meet the age related conditions
- you have given your super fund a **valid** notice advising the amount you intend to claim as a deduction, in the approved form, and within the time limits specified (see *What is a valid notice?* below)
- your super fund has acknowledged your notice of intent to claim a deduction.

### Note:

You cannot claim a deduction for:

- voluntary super contributions released to you under the First Home Super Saver (FHSS) Scheme that you have re-contributed to your super fund(s)
- downsizer contributions
- a re-contribution of an amount that was released under COVID-19 early release of super.

The Australian Taxation Office (ATO) will determine whether you are eligible to claim a tax deduction for your personal super contributions. A fund will treat your personal contribution as a concessional contribution when a valid notice of intent has been acknowledged, however this is not a guarantee that the ATO will allow the tax deduction. The final treatment of the contribution will be determined by the ATO.

## Age related conditions

If you are **under 18** at the end of the income year in which you make a personal super contribution, you must have been carrying on a business or been an employee during the year, to be eligible to claim a tax deduction for your contribution.

If you were **over 18 but under age 67** at the time you make a personal super contribution, you don't have to meet the work test to be eligible to claim a tax deduction for your contribution.

If you were **aged 67–74** (including the period up to 28 days after the end of the month in which you turn 75) at the time you make a personal super contribution, you must meet the ATO's **work test or work test exemption** to be eligible to claim a tax deduction for the contribution.

To meet the ATO's **work test**, you must have been gainfully employed for at least 40 hours in any period of 30 consecutive days during the income year in which you make your personal super contribution.

To meet the ATO's **work test exemption** you must meet all three of the following:

- you were gainfully employed for at least 40 hours in any period of 30 consecutive days during the income year immediately prior to the income year in which you make a personal super contribution
- you had a total superannuation balance of less than \$300,000 at the end of the income year immediately prior to the income year in which you make a personal super contribution
- you have not used the work test exemption to make contributions, or claim a tax deduction for personal contributions, in a previous income year.

You are **not eligible** to claim a tax deduction for a personal super contribution if it is made after the day that is 28 days after the end of the month in which you turn 75.

## Sufficient income

Your tax deduction for personal super contributions is limited to your assessable income less other tax deductions. The ATO will deny a tax deduction to the extent that it exceeds your assessable income less other tax deductions.

## What is a valid notice?

You can give a valid notice to your fund if all of the following apply:

- you are still a member of that super fund
- the trustee still holds the contribution (note that special rules apply for full or partial voluntary rollovers, and situations where there has been a successor fund transfer or a MySuper transfer)
- the notice doesn't include all or a part of an amount covered by a previous notice
- the trustee has **not begun to pay a superannuation income stream based** in whole or in part on the contribution
- you haven't lodged an application (which hasn't yet been dealt with by the fund) to split the contribution for which you intend to claim a deduction.

If you are going to request the release of concessional contributions under the First Home Super Saver (FHSS) Scheme, from the same fund you made your personal contribution to, you'll need to ensure you've provided your Notice of Intent to the super fund before your FHSS amounts are released from the fund otherwise, your notice won't be valid and you won't be eligible to claim a tax deduction.

## Rollovers and transfers

Where you have chosen to rollover or withdraw a part of your super account held by your fund, special rules apply and a valid notice of intent cannot be given for the entire contribution.

**Note:** When you voluntarily roll-over your benefits from one fund to another, it is not a successor fund transfer or a MySuper transfer.

For further information regarding 'What is a valid notice?' please refer to: [www.ato.gov.au/forms/notice-of-intent-to-claim-or-vary-a-deduction-for-personal-super-contributions/?page=5#What\\_is\\_a\\_valid\\_notice](http://www.ato.gov.au/forms/notice-of-intent-to-claim-or-vary-a-deduction-for-personal-super-contributions/?page=5#What_is_a_valid_notice)

## How do I change an amount previously included on a valid notice?

If you wish to **increase** the amount that you want to claim as a deduction, you can do so provided you are still within the time limits specified above for lodgement of the notice of intent.

However, you do not lodge a variation to the first notice. Instead, you lodge a **second notice** specifying the additional amount you wish to claim. At question 10, 'Is this varying an earlier notice' in section C, place an 'X' in the 'No' box.

If you wish to **reduce** the amount you intend to claim as a deduction, you will need to lodge a variation to your original notice of intent sent to us. The variation does not alter a previous notice; instead, it is a **new notice** which replaces a previous valid notice and shows the amount of the contributions which you now want to claim as a tax deduction. At question 10 'Is this notice varying an earlier notice?' in section C, place an 'X' in the 'Yes' box.

You cannot vary a previous valid notice if we no longer hold the contribution covered by that previous valid notice, if you are no longer a member of the fund, or if we have begun to pay an income stream based on all or part of the contribution covered by the previous valid notice.

## Claiming a deduction after a partial rollover or withdrawal

Special rules apply if you made a withdrawal or rolled over part of your super during the year.

We will no longer hold a contribution, or at least a part of it, if you have chosen to roll over or withdraw a part of your super account held by us. In such a case, a deduction notice cannot be given for the entire contribution.

A valid notice of intent will be limited to a proportion of the tax-free component of the super account that remains after the rollover or withdrawal. That proportion is the value of the relevant contribution divided by the tax-free component of the super account immediately before the rollover or withdrawal.

Where you have made a partial rollover or withdrawal and you do not know the tax free component and value of your super interest immediately before your rollover or withdrawal, we may be able to confirm these amounts for you. Alternatively, you may need to seek independent financial advice to assist you to calculate the maximum deduction amount, to ensure you lodge a valid notice.

If you send a notice indicating that you intend to claim more than the tax-free component of what remains in your super account, that notice will be invalid.

If you send us an invalid deduction notice, we will not be able to acknowledge it. You will need to lodge a new valid notice and receive acknowledgment from us to enable you to claim a deduction for your contribution.

## How do I complete this notice?

### Section A: Your details

Provide the following personal details so we can identify you:

- 1 tax file number (TFN)
- 2 name
- 3 date of birth
- 4 postal address
- 5 daytime phone number (including the area code).

You don't have to provide your TFN to us. However, if we do not have your TFN, we may not be able to accept your contributions. Providing your TFN will also assist us in correctly identifying you.

### Section B: Super fund details

Provide your super fund's:

- 6 fund name
- 7 fund Australian business number (ABN)
- 8 member account number that has received your personal contributions
- 9 Unique Superannuation Identifier (USI) – if known.

You can find your super fund's ABN in your product disclosure statement or member statement or on <https://www.cfs.com.au/about-us/terms-and-disclosure/Our-usi-spin-abn.html>. Alternatively, you can also search for their details on Super Fund Lookup. This is available at [www.superfundlookup.gov.au](http://www.superfundlookup.gov.au)

### Section C: Contribution details

If this is your original notice of intent, or you are adding a new notice to **increase** the amount you intend to deduct, place an 'X' in the 'No' box for question 10. If you are making a variation to an earlier valid notice to **reduce** the amount you intend to deduct, place an 'X' in the 'Yes' box for this question.

Provide the the following information for original notice of intent to claim a tax deduction:

- The financial year in which you have made the personal contribution to the fund.
- The amount of personal contributions made to this fund in the above financial year.
- The amount of personal contributions you are eligible to claim as a tax deduction.

For variation of previous notice of intent, please complete questions 14 to 17. Please note that question 17 is to show the reduced amount of these contributions that you now intend to claim as a deduction. Note that this amount cannot be greater than the amount you stated you would be claiming on the original notice.

You must either make your contribution to us before you give your notice of intent, or send your contribution to us with your notice of intent.

### Section D: Declaration

For more information about deductions for personal super contributions and the criteria you must meet to be eligible, go to [www.ato.gov.au](http://www.ato.gov.au) and search for 'Claiming deductions for personal super contributions'.

There are two declarations. Read the declaration that applies to you. If it is correct, print your full name, then sign and date the declaration.

Your two choices are:

- **Intention to claim a tax deduction declaration** – complete this declaration if this is an original notice, or an additional notice to increase the amount you intend to deduct.
- **variation of previous valid deduction notice declaration** – complete this declaration if you have already lodged a valid notice with us for these contributions and you wish to reduce the amount stated in that notice.

You can only vary a previous valid notice of intent to **reduce** the amount you are claiming as a personal deduction.

### How do I claim a deduction?

We will give you an acknowledgment of a valid notice. Once your notice of intent to claim a deduction has been acknowledged, you cannot revoke or withdraw it, but you can apply to reduce it.

To claim a deduction for your contribution you must give us a valid notice of your intent to claim a deduction, in the approved form, on or before the day you lodge your income tax return (or the end of the next income year, whichever occurs first), and we must have given you acknowledgment of the receipt of the notice.

Once you have lodged your tax return you cannot apply to vary the amount you are claiming as a personal deduction, unless the ATO have disallowed your claim for the deduction.

**Note:** Send your completed notice to us. Do not send it to the ATO.



## Section C: Contribution details

### 10 Personal contribution details

Is this notice varying an earlier notice? No  Yes

If you answered 'No' complete the **Original Notice to Claim a Tax Deduction** section below.  
If you answered 'Yes' complete the **Variation of previous valid notice of intent** section below.

#### ORIGINAL NOTICE TO CLAIM A TAX DEDUCTION

11 Financial year ended 30 June 20

12 My personal contributions to this fund in the above financial year \$    ,    .

13 The amount of these personal contributions I will be claiming as a tax deduction \$    ,    .

## Section D: Declaration

This form has a declaration where you say the information in it is correct and complete. Please review the information before you sign the declaration. If you provide false or misleading information, or fail to take reasonable care, you may be liable to administrative penalties imposed by taxation law.

#### INTENTION TO CLAIM A TAX DEDUCTION

**!** Complete this declaration if you have **not** previously lodged a valid notice with your super fund for these contributions.

*I declare that at the time of lodging this notice:*

- I intend to claim the personal contributions stated as a tax deduction
- I am a current member of the identified super fund
- the identified super fund currently holds these contributions and has not begun to pay a superannuation income stream based in whole or part on these contributions
- I have not included any of the contributions in an earlier valid notice.

*I declare that I am lodging this notice at the earlier of either:*

- before the end of the day that I lodged my income tax return for the income year in which the personal contributions were made, **or**
- before the end of the income year following the year in which the contribution was made.

*I declare that the information given on this notice is correct and complete.*

Name (Print in BLOCK LETTERS)

Signature

Date

Day Month Year  
  /   /

#### VARIATION OF PREVIOUS VALID NOTICE OF INTENT

14 Financial year ended 30 June 20

15 My personal contributions to this fund in the above financial year \$    ,    .

16 The amount of these personal contributions claimed in my original notice of intent \$    ,    .

17 The amount of these personal contributions I will now be claiming as a tax deduction \$    ,    .

