



**MARINIS**  
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14<sup>th</sup> February 2012

Mr Neil Olesen  
The Deputy Commissioner of Taxation  
GPO Box 3100  
PENRITH NSW 2740

Dear Mr Olesen,

### HELPING AUSTRALIANS TO AVOID MAKING EXCESS SUPERANNUATION CONTRIBUTIONS

As a financial adviser and former ATO employee, I am very concerned by the penalty applied to Australians who make excess superannuation contributions – which can be as much as 93% in the case of a person paying the top marginal tax rate.

It occurs to me that the best way to ensure people do not make excess contributions, is for the ATO to advise the individual (or their authorised financial adviser) by letter regularly **before this problem occurs**. This approach would be particularly helpful given that, in my experience, all such breaches are genuinely unintentional and not premeditated.

Should warning people prove to be too difficult, would the ATO respond to correspondence initiated by Financial Advisers, such as our draft letter attached?

If the ATO will (as I believe you are morally, if not legally obligated to) respond to such requests for information on the amount of superannuation contributed, please indicate a time frame in which you are able to guarantee a response?

I would sincerely appreciate your prompt clarification of the ATO's position regarding warning people before an excess contribution is made to their detriment.

Yours sincerely,

**Theo Marinis BA, B Ec, FPA, CPA<sup>(R)</sup>**  
**Financial Strategist**

Encl: