



Australian Government  
Australian Taxation Office

Financial Strategies (SA) Pty Ltd  
Attention: Theo Marinis  
PO Box 951  
PROSPECT EAST SA 5082

Reply to: PO Box 3100  
PENRITH NSW 2740  
Contact officer: Steve Polacik  
Phone: 13 28 69  
Fax: 1300 669 846  
Our reference: 1012134742257

ABN: 54 083 005 930

11 May 2012

**Helping Australians to avoid making excess superannuation contributions  
For your information**

Dear Mr Marinis

We refer to correspondence received 14 February 2012 regarding helping Australians to avoid making excess superannuation contributions.

In your letter you suggested that the best way to ensure people do not make excess contributions, is for the Australian Taxation Office (ATO) to advise the individual (or their authorised financial advisor) regularly, before this problem occurs.

Our published document, "*Understanding Tax*" which can be found at [www.ato.gov.au](http://www.ato.gov.au) by typing the document title in the search engine on the right hand side, outlines an individual's taxation rights and responsibilities and states:

You're responsible for providing correct information to us. Australia has a self-assessment system, which means we accept the information you give on your tax return and any related forms to work out your tax refund or tax liability. We use automatic checks to verify some information and may later examine your information more thoroughly.

The *Taxpayers' Charter* outlines your rights and responsibilities under the law and the service standards you can expect when dealing with us. The charter also explains what you can do if you are dissatisfied with our decisions or actions and sets out your obligations as a taxpayer.

In administering the tax laws, we need to collect information about you, which can be obtained from you and other parties. In some circumstances, the law authorises us to disclose your information to others for specific purposes. There are laws that protect your privacy in relation to this information.

We will not disclose your information to any person or organisation unless the disclosure is authorised by the laws we administer. To protect you, when you contact us, we will check your identity.

It is not the responsibility of the ATO to monitor an individuals superannuation contributions to ensure they do not exceed their contributions cap, this is the responsibility of the individual.

Furthermore, in regards to excess contributions tax (ECT) the ATO is generally only made aware of excess contributions after the amounts have been made as the Commissioner relies on the contributions amounts reported by superannuation funds and the personal deducted amounts included in income tax returns which are reported each financial year to make an ECT assessment. Therefore, the ATO is generally not in a position to be able to inform individuals when they are nearing their contributions cap as we are not provided with this information.

In your letter you have also asked whether the ATO are able to respond to financial advisors with the requested information as outlined in your enclosed draft letter.

As you indicated in your letter the ATO is able and obligated to provide this information to individual and authorised contacts when requested. However, it is important to note that if the individual is requesting the information be supplied to a third party that has not formally been added as an authorised contact to the individuals account a completed *Nomination of a representative* (NAT12412) should be included to ensure an adequate and timely response.

Our service standard as outlined in the *Taxpayers' Charter* for responding to these requests is 28 days from the date of the ATO receiving the request.

**More information**

If you have any questions, please phone **13 28 69** between 8.00am and 5.00pm, Monday to Friday, and ask for Steve Polacik on extension **10649**.

When you phone us, please have the reference number located at the top right ready so we can quickly access your case details.

Yours faithfully

Neil Olesen  
Deputy Commissioner of Taxation

Per  
(Steve Polacik)

