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

Form and instructions for super fund members to claim or vary a deduction for personal contributions. (NAT 71121)

Last updated 23 May 2024

## Get the form

Download [Notice of intent to claim or vary a deduction for personal super contributions \(NAT 71121, PDF, 378KB\)](#) .

Do not use this form to claim a deduction for the super contributions that are shown as reportable employer superannuation contributions on your annual payment summary – these are not tax deductible personal contributions.

**Instructions**



**More information**



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## Instructions

## Who should complete this notice of intent?

You should complete this notice of intent if you:

- intend to claim a tax deduction for your personal super contributions
- want to vary a previous [valid notice of intent](#) you gave your super fund.

The personal contributions you claim as a tax deduction are treated as concessional contributions. When deciding whether to claim a deduction for super contributions, you should consider the superannuation impacts that may arise from this, including whether:

- you will exceed either of your contribution caps
- Division 293 tax applies to you
- you wish to split your contributions with your spouse
- it will affect your super co-contribution eligibility.

For more information see [Caps, limits and tax on super contributions](#).

## When should I complete this notice of intent?

Your super fund may request the information in this notice of intent as part of another form. If they don't request this information, use this notice to advise them of your intent to claim a deduction.

You must give a notice of intent to claim a deduction to your super fund on or before whichever of the following days occurs earliest, either:

- the day you lodge your 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.

You can apply to vary a previous [valid notice of intent](#) if:

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

### **Terms we use**

In this publication, when we refer to a super fund, we mean:

- super fund
- retirement savings account (RSA).

When we refer to a trustee, we mean:

- trustee of a super fund
- RSA provider.

When we refer to a non-deductible fund, we mean:

- Commonwealth public sector superannuation scheme in which a client has a defined benefit interest
- **Constitutionally protected funds** or other untaxed funds that would not include the contribution in its assessable income
- a super fund that has notified us before the start of the income year that they elected to either treat all member contributions to the
  - super fund as non-deductible
  - defined benefit interest within the fund as non-deductible.

## **Will I be eligible for a deduction?**

There are a number of conditions you must satisfy to be eligible to claim a deduction. From 1 July 2017 the eligibility conditions change, meaning your eligibility will depend on when you made the contributions. It will also mean that an individual who is an employee may be allowed a tax deduction for personal super contributions they made to a super fund on or after 1 July 2017.

For contributions made before 1 July 2017, you are eligible to claim a deduction if:

- you made personal contributions to a complying super fund or to a RSA
- your earnings as an employee were less than the maximum allowed
- you meet the **age-related conditions**
- you have given your super fund a valid notice of intent advising the amount you intend to claim as a deduction, in the approved form, and within the time limits specified above
- your super fund has acknowledged your notice of intent to claim a deduction.

For contributions made on or after 1 July 2017, you are eligible to claim a deduction if:

- you made personal contributions to a complying super fund or to a RSA that is not a non-deductible fund
- you meet the **age-related conditions**
- you have given your super fund a [valid notice of intent](#) advising the amount you intend to claim as a deduction, in the approved form, and within the time limits specified above
- your super fund has acknowledged your notice of intent to claim a deduction.

**Note:**

- You cannot claim a deduction for:
  - First Home Super Saver (FHSS) amounts that you have recontributed to your super fund(s)
  - Contributions made from 1 July 2018 to a superannuation fund that are identified as downsizer contributions.
- The condition regarding your earnings as an employee has been removed from 1 July 2017.
- If you are a member of a non-deductible super fund and would like to claim a deduction, you may choose to make a personal super contribution to another eligible super fund.

For more information see: **Personal super contributions.**

## What is a valid notice?

A notice of intent is only valid if:

- 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 of intent 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 to split the contribution for which you intend to claim a deduction (even if the application hasn't been dealt with by the fund)
- the contributions included in the notice of intent have not been released from the fund you are giving the notice to under the FHSS scheme
- it does not include all or part of a FHSS amount that you recontributed to your fund.

For more information see [How do I claim a 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.

A 'successor fund transfer' occurs when your super interest is transferred to another super fund (the successor fund) and that fund confers rights on that interest equivalent to those you had under your original fund. Typically, this occurs when your fund is merged with another.

A MySuper transfer may occur where your original fund compulsorily transfers your entire account balance (where you have not exercised an investment choice or if it is held in a default investment option) to

another fund that offers a MySuper product. In this case, your original fund may refer to you as a 'default member'.

**Note:** If you made your contribution to your original fund before a successor fund transfer or a MySuper transfer occurred, and you did not give your original fund a notice of intent to claim a deduction, you can give your notice to your new fund, even though you did not make your contribution to that fund.

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

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 lodgment of the notice of intent. You do not do this by lodging a variation to the first notice of intent; you lodge a second notice of intent 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.

### Example: increasing a personal super contributions deduction claim

John makes a contribution of \$20,000 and lodges a notice with his super fund to claim a deduction for \$15,000. Later (but within the set timeframes) he decides to increase his deduction to \$18,000. John must send his super fund another notice, advising that he now also intends to claim \$3,000 as a deduction. His super fund will now have two valid notices – one for \$15,000 and one for \$3,000. John should receive two acknowledgment notices from the fund.

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 your fund. The variation does not alter a previous notice; 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.

### **Example: reducing the amount on a previous valid deduction notice**

Sarah makes a contribution of \$50,000 and lodges a notice with her fund to claim a deduction for \$50,000. Later she decides to reduce her deduction to \$30,000. She must send her fund another notice of intent to claim or vary a deduction for personal super contributions, advising that \$30,000 is the amount she now intends to claim as a tax deduction. At the question 'Is this notice varying an earlier notice?' in section C, Sarah places an 'X' in the 'Yes' box.

You cannot vary a previous valid notice of intent if:

- your fund no longer holds the contribution stated in that previous valid notice that you intended to claim
- you are no longer a member of the fund (exceptions apply for successor fund transfers and MySuper transfers)
- the trustee has begun to pay an income stream based on all or part of the contribution stated in the previous valid notice that you intended to claim.

### **Variations applying to successor fund transfers or MySuper transfers only**

You can vary a valid notice of intent in relation to a contribution made to the original fund by giving the variation notice to the new fund.

### **Example: variation of a notice of intent where there has been a successor fund transfer**

Mary makes a contribution to Fund A. As she satisfies all the deduction requirements, she advises Fund A that she wishes to claim a deduction for the contribution. The trustee acknowledges receipt of the notice. At a later date, Mary is advised that her entire superannuation interest has been transferred to Fund B. Mary wishes to vary the original notice of intent which she gave to Fund A. She can do this by giving the variation notice to Fund B.

### **Example: variation of a notice of intent where there has been a MySuper transfer to a different fund**

Claire makes a contribution to Fund A. As she satisfies all the deduction requirements she advises Fund A that she wishes to claim a deduction for the contribution. The trustee acknowledges receipt of the notice. At a later date, Fund A transfers all its 'default member' accounts, including Claire's, to a MySuper product in Fund B. Claire wishes to vary the original notice of intent which she gave to Fund A. She can do this by giving the variation notice to Fund B.

## **Claiming a deduction after a partial rollover or withdrawal**

Special rules apply if, after you made a contribution, you made a withdrawal or rolled over part of your super.

A super fund will no longer hold a contribution, or at least a part of it, if the member has chosen to rollover or withdraw a part of their super account held by the fund. In such a case, a notice of intent 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, your super fund 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.




**Note:** If you send your fund an invalid notice of intent, your fund will not be able to acknowledge it. You will need to lodge a new valid notice and receive acknowledgment from your fund to enable you to claim a deduction for your contribution.

### **Example: valid notice of intent to deduct with a partial rollover**

Rachel, who's 54, has a super interest (that is, account balance) of \$50,000. This interest includes tax free contributions of \$10,000. She makes a \$100,000 personal contribution in March 2012, which is held by the fund as a tax free component of any super benefit paid to Rachel. The value of her super interest is \$150,000, with a tax free component of \$110,000.

In June 2012, Rachel rolls over \$60,000 to another fund. The \$60,000 rollover comprises a \$44,000 tax free component and a \$16,000 taxable component. The tax free component of the rollover is worked out as follows:

 To work out the tax-free component of the rollover amount, multiply the rollover amount of 60,000 by the tax-free component of interest before rollover of 110,000 divided by the value of the total super interest before rollover of 150,000. The tax-free component of the rollover amount is 44,000.

After the rollover, Rachel has a \$90,000 super interest remaining. The tax free component of that remaining super interest is calculated on the same basis as the above formula, so is \$66,000 (that is,  $\$90,000 \times (\$110,000 \div \$150,000)$ ).

Rachel then lodges a notice of intent in September 2012 advising that she intends to claim a deduction for the \$100,000 contribution made in 2011–12. That notice is not valid. Rachel's super fund no longer holds the entire \$100,000 contribution.

Rachel could give a valid notice of intent for an amount up to \$60,000. That amount is worked out as follows:



To work out the amount for a valid notice of intent to claim a deduction, multiply the tax-free component of remaining interest of 66,000 by the contribution amount of 100,000 divided by the tax-free component of interest before rollover of 110,000. The valid notice of intent amount is 60,000.

For more information on how to deal with deductions involving multiple partial rollovers, and the special rules which apply if you commence an income stream see Taxation ruling TR 2010/1.

## How do I complete this notice of intent?

### Section A: Your details

Provide the following personal details so your super fund 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).

### Section B: Super fund details

Provide your super fund's details.

6. Fund name
7. Fund Australian business number (ABN)
8. Member account number that your personal contributions are held in.
9. Unique superannuation identifier (USI) – if known.

**Note:** You can find your super fund's ABN and your member account number by checking your list of accounts on [ATO Online](#) or in your member statement. The fund ABN can also be found in your product disclosure statement or member statement. You can also search for their details on [Super Fund Lookup](#) [↗](#).

## Section C: Contribution details

10. 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.

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 original notices:

11. Provide the financial year in which you have made the personal contributions to your super fund.
12. Provide the amount of the personal contributions you have made to this fund in the above financial year. If you made your contributions to a different fund and your account was transferred to this fund as a result of a successor fund transfer or a MySuper transfer, provide the total amount of personal contributions you made to both funds here.
13. Show the amount of these contributions you are eligible to claim as a tax deduction. You should not include any amount here that has been included at this question on a previous valid notice.

**Note:** You can only claim the deduction in whole dollars. Any residual cents will remain as a non-concessional amount and will count towards the cap.

### For variation notices:

14. Provide the financial year in which you have made the personal contributions to your super fund.
15. Provide the amount of the personal contributions you have made to this fund in this financial year. If you made your contributions to a different fund and your account was transferred to this fund as a result of a successor fund transfer or a MySuper transfer, provide the total amount of personal contributions you made to both funds here.
16. Provide the amount of these contributions that you stated you would be claiming on your original notice of intent.
17. Provide 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.

## Section D: Declaration

There are two declarations. Complete the declaration that applies to you. Print your full name, then sign and date the declaration.

Your two choices are:

- **Intent to claim a tax deduction** – 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 notice of intent** – complete this declaration if you have already lodged a valid notice with your fund for these contributions and you wish to reduce the amount stated in that notice.

## How do I claim a deduction?

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

Your super fund 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, within certain timeframes.

You will claim the personal super contributions deduction in your personal income tax return after you have received an acknowledgment from your fund of your intent to claim the deduction.

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

**Note:** Send your completed notice of intent to your super fund. Do not send it to us.

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## More information

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- phone **13 10 20** between 8:00 am and 6:00 pm, Monday to Friday
- write to us at

**PO Box 3100  
PENRITH NSW 2740**

If you don't speak English well and need our help, phone the Translating and Interpreting Service on **13 14 50**.

If you are deaf, or have a hearing or speech impairment, phone us through the National Relay Service (NRS) on the numbers listed below and ask for the ATO number you need:

- TTY users, phone **13 36 77**
- Speak and listen (speech-to-speech relay) users, phone **1300 555 727**
- internet relay users, [connect to the NRS](#) .

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