



Australian Government

Australian Taxation Office

Lodgment of statements by superannuation providers in relation to superannuation plans (other than self managed superannuation funds) for each income year ended 30 June in accordance with the *Taxation Administration Act 1953*

I, Michael D'Ascenzo, Commissioner of Taxation, make the following Legislative Instrument regarding lodgment of statements by superannuation providers for each income year ended 30 June, commencing with the income year ended 30 June 2008 in accordance with the:

Taxation Administration Act 1953 (Schedule 1)

Section 286-75, Section 388-50, Section 390-5

Superannuation Industry (Supervision) Act 1993

Section 17A

Citation

This Instrument may be cited as 'Lodgment of statements by superannuation providers in relation to superannuation plans (other than self managed superannuation funds) for each income year ended 30 June in accordance with the *Taxation Administration Act 1953*'.

LODGMET OF STATEMENTS BY SUPERANNUATION PROVIDERS

I require every superannuation provider in relation to a superannuation plan (other than a self managed superannuation fund), or every person who keeps particulars for or on behalf of a superannuation provider in relation to a superannuation plan (other than a self managed superannuation fund), to give to me, on or before 31 October of each year or such later date as I may allow, a statement under section 390-5 of Schedule 1 to the *Taxation Administration Act 1953* ('TAA 1953') for each income year ended 30 June, commencing with the income year ended 30 June 2008.

If the plan is a self managed superannuation fund within the meaning of section 17A of the *Superannuation Industry (Supervision) Act 1993*, lodgment of the *Self Managed Superannuation Fund Annual Return* will meet the requirements under section 390-5 of Schedule 1 to the TAA 1953. A separate Legislative Instrument details the lodgment requirements of the *Self Managed Superannuation Fund Annual Return*.

LODGMET OF STATEMENTS IN THE APPROVED FORM

In accordance with subsection 390-5(4) of Schedule 1 to the TAA 1953, a statement required by the Commissioner under this Instrument must be lodged in the approved form. Under section 388-50 of Schedule 1 to the TAA 1953, a document is in the approved form if:

- it is in the form approved in writing by the Commissioner;
- it contains a declaration signed by the person or persons as required;
- it contains the information required by the form and is accompanied by any further information, statement, or document (**including any schedule**) required by the Commissioner; and
- it is given in the manner that the Commissioner requires (which may include electronically).

A statement given under section 390-5 of Schedule 1 to the TAA 1953 may be provided in any of the following ways (subject to the restrictions on the use of paper forms):

- **Electronic Commerce Interface**

Data can be transmitted using the Internet. Data sent via the Internet must be formatted according to the current version of the Tax Office Superannuation Member Contributions Statement (MCS) Electronic Reporting Specification.

- **Electronic Form**

Data may be captured using an electronic form (SuperReport) which can be obtained from the Tax Office or via the Tax Office website. This data can be forwarded to the Tax Office using Electronic Commerce Interface (ECI).

- **Electronic Lodgment Service (ELS)**

Data may be transmitted by participants in the Tax Office Electronic Lodgment Service (ELS) program who hold Tax Office certified software.

- **Paper Form**

Data may be sent, typed or handwritten, on a paper form provided by the Tax Office for the purpose. It is acceptable to photocopy or download the paper form. All information must be entered by hand or by typewriting.

Restrictions in relation to paper forms

A superannuation provider, or a person who keeps particulars for or on behalf of a superannuation provider, that does not electronically keep the particulars required to be given in a statement under section 390-5 of Schedule 1 to the TAA 1953 may use paper forms but:

- a) may not lodge statements by way of paper forms if there are 100 or more members; and
- b) may not lodge more than 20 paper forms.

EXEMPTION FROM REQUIREMENT TO GIVE PARTICULARS IN A SPECIFIC FORM

Nothing in this Instrument prevents me or an authorised officer of the Australian Taxation Office from exempting a superannuation provider, or a person who keeps particulars for or on behalf of a superannuation provider,

who is required to give me a statement under section 390-5 of Schedule 1 to the TAA 1953 from giving the statement electronically.

PENALTIES FOR NON-COMPLIANCE

If the particulars required to be given in a statement under section 390-5 of Schedule 1 to the TAA 1953 are not provided in the approved form and within the time prescribed, the superannuation provider is liable to an administrative penalty under section 286-75 of Schedule 1 to the TAA 1953.

(M. D'Ascenzo)
Commissioner of Taxation
Dated this 24th day of June 2008