



Contributions reporting protocol

Reporting protocol and guidance for super providers and suppliers who need to report contributions.

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How contribution reporting works

What contributions are, which income year to report, when to accept contributions and how to action a release authority.

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Meaning of contributions

The word 'contribution' is generally not defined in the law. The term's ordinary meaning is discussed in Taxation Ruling TR 2010/1 Income tax: superannuation contributions.

For a receiving provider, it is the characteristics of an amount that comes into your hands that will determine if it is a contribution. Generally, any amount that increases your fund's capital is a contribution. However, not all of these amounts are required to be reported to us as part of your member information reporting.

If an amount is derived or received as income, profit or gain from an investment, or is the realisation of an investment from your existing capital, it is not a contribution.

Amount of a contribution

The amount of a contribution is the gross amount originally contributed excluding deductions of tax, fees or other amounts. In some cases, you may need to calculate the market value – for example, in relation to in specie contributions.

Always report the full amount of the contribution that was originally made for the member, do not reduce the amount by any:

- fees, taxes and investment losses that may reduce an account balance below what was originally contributed
- contributions rolled over, transferred or allotted to a spouse under a contributions splitting arrangement
- super benefits paid to the member
- contributions paid out to the member under the hardship provisions
- amounts released in accordance with a release authority.

If you return a contribution in **restitution of a mistake** of law or fact, you should not report it to us, unless otherwise advised. If you have already reported it, you will need to correct your reporting.

To correct a mistake, see **Amendments protocol**.

Income year for which a contribution is reported

Report a contribution according to when the contribution was legally made – not when it was allocated. Do this regardless of the intentions of either the member or their employer. The period in which a contribution was intended to be made by the member or an employer does not affect when it was actually made. In this regard, you have no discretion in how you report the contribution.

Contributions received by you (made) on or before 30 June of a financial year, but not allocated to the member's account until the next financial year, should be reported as being made in the earlier year. Conversely, where a member attempts to make a contribution on 30 June but it is not received by you until July, the contribution is considered to have been made on the day it was received by you.

Even if, for some other legal or practical purpose the contribution is recognised in a different year, for member contribution reporting purposes the contribution should be attributed to the year it was made (received by the provider). See [example 2](#) for when a contribution may be legally recognised in another year than it was reported.

If you are applying Taxation Determination TD 2013/22 *Income tax: 'concessional contributions' – allocation of a superannuation contribution with effect from a day in the financial year after the financial year in which the contribution was made* to the reporting of

contributions, note that our administrative assumption is that contributions are always made and allocated in the same year. Therefore, affected members may need to bring their circumstances to our attention when this assumption does not apply.

TD 2013/22 is not considered to apply as a broad brush approach that a provider should take for all of its members. It is used on a case by case basis which require the same or similar circumstances as discussed in the determination. Applying this determination may require either:

- additional notification from you
- an objection from the member to an impacted assessment of excess contributions tax (for 2012–13 and earlier financial years)
- an income tax assessment that includes excess concessional contributions in their assessable income (for 2013–14 and later financial years).

Example 1: allocation of contribution not made in the same financial year it was reported

As part of a salary sacrifice arrangement, Austin's employer made a contribution for him of \$10,000 on 29 June 2016. The contribution was received into his fund's bank account on the same date; however the contribution was not allocated to an account for Austin until 1 July 2016.

The contribution was correctly reported as being made on 29 June 2016 as an employer contribution for Austin for the 2015–16 financial year.

Example 2: when a contribution can be legally recognised in another year than it was reported

Melanie had arranged for her employer, Wild Villas, to make regular personal contributions during the year, totalling \$1,000, to allow her to take advantage of the maximum super co-contribution. The contributions were made by after-tax payroll

deductions and paid monthly to her fund along with her employer contributions. Melanie's last monthly pay for the year was on 23 June 2017 when Wild Villas sent contributions of \$83 (personal) and \$400 (employer) to the fund. Her payments were part of a large cheque that covered contributions for all Wild Villas employees which was dated 28 June 2017 and mailed the next day. The cheque was received by the fund on 3 July 2017.

Wild Villas has satisfied its super guarantee obligations for Melanie for the 2016–17 financial year as the contribution was made by 28 July 2017. However, the fund should report for Melanie that both the \$83 and \$400 were contributed in the 2017–18 financial year.

Melanie asked the fund to re-report the \$83 and treat the contribution as being made in the 2016–17 (the year it was intended for) but the fund correctly refused to do so, referring Melanie to the ATO's ruling TR 2010/1. Unfortunately, she was not entitled to the full co-contribution for the 2016–17 financial year. However, the contribution did count towards her co-contributions entitlement for the 2017–18 financial year.

Acceptance of contributions

You may only accept contributions in accordance with **regulation 7.04** of the Superannuation Industry Supervision Regulations 1994 (SISR). Circumstances in which you cannot accept certain contributions include where:

- the member is over a certain age
- the member has not quoted their tax file number (TFN) to you.

If a contribution is inconsistent with **regulation 7.04** of the SISR, you should not accept it.

If you do accept a contribution that you shouldn't have, you must return it within 30 days of becoming aware of the error. Failure to comply with the time limit does not affect your legal obligation to return the contributions. An exception to this rule is if the member had initially failed to quote their TFN but then provided it to you within the 30 day period.

The 30-day limit is a period of grace allowing you to remove the contributions from the super system without breaching the payment or contribution rules.

Returning contributions under **regulation 7.04** of the SISR may have implications for contributions reporting.

Release authority and contributions

When you receive a valid release authority, the member has satisfied a condition of release. You are authorised to release a benefit, but not to refund contributions. The contributions that gave rise to an actual or potential liability to excess contributions tax are past transactions that are unchanged by application of the release authority.

Actioning a release authority must have no impact on the contributions you report, or on any contributions tax you applied to the member account when the contributions were made.

The release authority does not impact contributions reporting for a member, or whether the contributions are considered assessable contributions for the purposes of your fund's income tax liability.

You must ensure that your systems do not trigger a re-report when you action a release authority.

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Reporting member TFNs

Your obligations to report members' tax file numbers (TFNs).

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Your obligations

Only report valid member TFNs

Your obligations

You are obliged to report a member's TFN to us if you have it. A member's TFN is central to our being able to correctly calculate their:

- super co-contributions
- low income super amounts
- liability for excess contributions
- Division 293 tax.

If you do not have a member's TFN, you:

- will not be able to accept certain member contributions
- may be liable for **additional income tax** (32% on top of the 15% tax you already paid) on assessable contributions, such as employer contributions (including salary sacrifice contributions).

Only report valid member TFNs

When reporting member information to us, if you do not know the member's TFN it is not acceptable to report an exemption code (such as 444 444 444) to us. The use of exemption codes is intended for an exemption from withholding tax on interest and other investment income by banks and other investment bodies. Find out more at [Claiming an exemption from quoting a TFN for savings accounts and investments](#).

If your member or their employer quotes a number to you that you know is not the valid TFN of the member, you should treat the member as having not quoted a TFN. You should attempt to obtain the correct number from them.

If they do not give you their valid TFN and you are reporting:

- an **employer contribution** – fill the member TFN field with zeroes
- a **member contribution** – Regulation 7.04(2) of the SISR states that you may not accept member contributions in these circumstances,

therefore you should not be reporting those contributions.

Example: reporting valid member TFNs

In May 2013, Brunswick Super Fund reviewed the TFNs it held for all its members, checking for one or more members with the same TFN. It found that it had exemption codes stored at the TFNs for 90 members. The fund wrote to these members in June 2013 seeking their correct TFN.

By August 2013, 85 of the members contacted had responded with valid TFNs.

For the remaining 5 members, the fund reported no TFN (by zero-filling the member TFN field) in October 2013. Where they were accumulation members in receipt of contributions, the fund also returned member contributions and super co-contributions received since 1 July 2007 (when the SISR was amended to prohibit a fund from accepting member contributions where a TFN is not quoted). Brunswick Super Fund also applied additional tax to employer contributions being made for the members.

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Personal superannuation contribution deduction notice of intent to claim

What to do if a member gives you a form notifying their intention to claim a tax deduction in their personal tax return.

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Intention to claim a tax deduction

Eligible members may provide you with a form notifying you of their intention to claim an income tax deduction in their personal tax return for some or all of the personal contributions they made on their own behalf during a financial year.

Reporting claimed amounts

A personal contribution does not cease to be a personal contribution when the member notifies you of their intention to claim a deduction for that contribution with a notice under **section 290-170** of the ITAA 1997.

Even though the income tax consequences have changed for the fund and for the member, you do not change how you categorise the contribution. You should continue to report the contribution as a member contribution at either the Personal contributions field or the Personal Injury election/Structured settlement field (if applicable).

While you will need to distinguish concessional and non-concessional personal contributions for other purposes (for relevant income tax obligations and for calculation of member taxable and tax-free components), you don't need to do so for reporting member transactions. As you may receive a notice of intent to deduct personal contributions long after the end of the financial year, it is often impossible for you to characterise the contribution at the time you report. Because of these timing difficulties, we will characterise reported personal contributions as either concessional or non-concessional, depending on whether we allow a deduction for those contributions when the member lodges their tax return.

Personal contributions should never be categorised as employer contributions, no matter how they are treated for income tax purposes by the member or by you.

If you report all concessional contributions as employer contributions, regardless of their actual nature, you are not complying with your legal obligations and risk incurring penalties. If personal contributions are incorrectly reported as employer contributions (or other types of contributions) your members may:

- miss out on co-contributions entitlements
- be treated incorrectly as having exceeded their concessional contributions cap
- not be assessed when they have exceeded the non-concessional cap.

Reporting of a notice of intent to claim a deduction

In addition to ensuring correct reporting of personal contributions amounts, you are required to notify us of certain details pertaining to a member's notice of intent that has been received and acknowledged as valid by you. These details, and the specifications regarding how they should be reported, are contained in the [MATS Business Implementation Guide \(BIG\) \(DOCX, 426KB\)](#) [📄](#).

QC 82663

Our commitment to you

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

If you feel that our information does not fully cover your circumstances, or you are unsure how it applies to you, contact us or seek professional advice.

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