



Australian Government

Australian Taxation Office

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Lodgment of statements by superannuation providers for the year ended 30 June 2006 in accordance with the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* and the *Superannuation Guarantee (Administration) Act 1992*

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I, Michael D'Ascenzo, make the following Legislative Instrument regarding lodgment of statements by superannuation providers for the year ended 30 June 2006 in accordance with sections 26 and 29 the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* and section 78 the *Superannuation Guarantee (Administration) Act 1992*.

**Citation**

This instrument may be cited as Lodgment of statements by superannuation providers for the year ended 30 June 2006 in accordance with the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* and the *Superannuation Guarantee (Administration) Act 1992*.

**LODGMENT OF STATEMENTS BY SUPERANNUATION PROVIDERS**

I require a superannuation provider as defined in each of these Acts or a person who keeps particulars for or on behalf of a superannuation provider to give to me, on or before 31 October 2006 or such later date as I may allow, the particulars to be given in a statement given under section 26 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* or section 78 of the *Superannuation Guarantee (Administration) Act 1992*, in accordance with section 29 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* and section 388-50 in Schedule 1 of the *Taxation Administration Act 1953*.

If the fund is a self managed superannuation fund within the meaning of section 17A of the *Superannuation Industry (Supervision) Act 1993*, the superannuation provider or a person who keeps particulars for or on behalf of the superannuation provider must give the statement to me by 31 March 2007 or such later date as I may allow.

**LODGMENT OF STATEMENTS IN A CERTAIN FORM**

The particulars required to be given in a statement given under section 26 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* or section 78 of the *Superannuation Guarantee (Administration) Act 1992* 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 Tax Office Superannuation Member Contributions Statement Electronic Media Specification final Version 7.0 (MCS).

- **Magnetic Information Processing Services**

Data can be transmitted using Magnetic Information Processing Services (MIPS) on the following magnetic media:

- a) zip disk; or
- b) 18 or 36 track cartridge; or
- c) 90 metre, 40mm DAT with recording density of DDSI (that is, uncompressed); or
- d) 3.5 inch High Density floppy disk;
- e) CD-ROM; or
- f) DVD

Data sent via MIPS must be formatted according to the MCS.

- **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) or MIPS.

- **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, which contains the surcharge contribution lodgment option.

- **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 keep the particulars required to be given in a statement under either section 26 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* or section 78 of the *Superannuation Guarantee (Administration) Act 1992* electronically, 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 from exempting a superannuation provider or a person who keeps particulars for or on behalf of a superannuation provider required to be given under section 26 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* or section 78 of the *Superannuation Guarantee (Administration) Act 1992* from giving those particulars electronically.

## **PENALTIES FOR NON-COMPLIANCE**

If the particulars required to be reported in a statement under section 26 of the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003* are not given in the way specified and within the time prescribed in this instrument the superannuation provider is guilty of an offence with a penalty not exceeding 50 penalty units (currently \$5500).

If the particulars required to be reported in a statement under section 78 of the *Superannuation Guarantee (Administration) Act 1992* are not provided in the approved form and within the time prescribed the superannuation provider is liable to an administrative penalty of 5 penalty units (currently \$550) for each relevant member in respect of whom a statement has not been provided in the approved form and within the time prescribed.

(M. D'Ascenzo)

Commissioner of Taxation

Dated this 25th day of October 2006