

IMPORTANT NOTES

1 legalsuper is not permitted to accept any contribution that exceeds the receiving spouse's non-concession contribution cap for the relevant year, or when the receiving spouse has a total superannuation balance equal to or exceeding the general transfer balance cap (currently set as \$1.7 million and indexed periodically) immediately before the start of the financial year in which the contribution was made. Details of contribution limits can be found at legalsuper.com.au

2 A tax offset of up to \$540 may be available for up to \$3,000 of superannuation contributions made by a taxpayer on behalf of a non-working or low income spouse. The spouse contributions offset cannot be claimed for contributions split from your account to your spouse's account.

The offset is available to a person where:

- the person has a spouse
- the person makes after-tax (ie. not salary sacrifice) contributions on behalf of his/her spouse
- the contributions are not tax deductible for the person contributing
- both the person contributing and the spouse are Australian residents when the contribution is received
- at the time the contribution is made, the person contributing and the spouse must not have been living separately and apart on a permanent basis
- the spouse's total income (including assessable income, reportable fringe benefits and salary sacrifice amounts) is less than \$40,000.

3 The person making the contributions:

- must be less than age 75
- cannot be the employer of the receiving spouse
- must be an Australian resident to be able to claim a tax offset
- must be receiving assessable income (from any source).

4 The receiving spouse:

- must be less than age 75
- must be an Australian resident for the contributor to be eligible to claim a tax offset.

5 The spouse of a person includes:

- another person (whether of the same sex or a different sex) with whom the person is in a relationship that is registered under a state law or territory law
- another person who, although not legally married to the person, lives with the person on a genuine domestic basis in a relationship as a couple.

6 Spouse contributions must be preserved as follows:

- if the receiving spouse has never been employed, then any benefits arising from spouse contributions are preserved until age 65
- if the receiving spouse has been employed, then benefits arising from spouse contributions are preserved until at least age 55. Later preservation ages apply for people born after 30 June 1960.

7 Contributions made for a receiving spouse cannot be refunded to the contributing taxpayer.

8 Spouse contributions are currently treated as follows for taxation purposes:

- non-concessional contributions
- tax free when withdrawn (but interest on these amounts may be taxed)
- not subject to 15% contributions tax.

CHECK YOU HAVE SIGNED AND DATED THE DECLARATION IN SECTION 5.