

# Capital gains tax cap election (2021/22)

**Return this completed form to:**

Complete this form when you are contributing to legalsuper and you intend to make a capital gains tax (CGT) cap election.

legalsuper  
Locked Bag 5081  
Parramatta NSW 2124  
Phone: 1800 060 312  
Email: mail@legalsuper.com.au

Please use **BLOCK LETTERS** and **BLACK INK** when completing this form.

## 1. Member details

legalsuper Membership Number

Mr  Mrs  Ms  Miss  Dr  Justice

Gender

Male  Female

Surname

Given Names

Date of birth (dd/mm/yyyy)

Postal Address

Town or Suburb

State Postcode

Telephone number

Mobile number

Email

## Contribution amount

Small business retirement exemption amount

\$

Small business 15-year exemption amount

\$

## 2. Employment declaration for members aged (67 to 74 only)

### Accepting personal contributions

If you are aged between 67 and 74, you are required to complete a declaration confirming your employment each financial year in which you or your employer contributes into your superannuation account.

To be eligible to contribute, you must have been gainfully employed for at least 40 hours within a period of 30 consecutive days in the financial year in which you or your employer made a contribution.

You are also eligible to contribute for 12 months from the end of the financial year in which you last met the work test, provided that your total superannuation balance is below \$300,000.

## Declaration

In order for legalsuper to accept your contribution, you are required to select 'YES' to either Option One or Option Two below:

### Option One:

I have worked at least 40 hours within a period of 30 consecutive days in the financial year that this contribution relates to.

YES  NO

### Option Two:

I have a total superannuation balance below \$300,000 and worked at least 40 hours within a period of 30 consecutive days last financial year.

YES  NO

I acknowledge that:

- i. I am an eligible person (as defined on the back of this form).
- ii. Any amount not claimed is not exempt.
- iii. The amount claimed does not cover the whole, or any part included in a previous notice.
- iv. I cannot revoke or withdraw this notice. However, I may vary it.
- v. I cannot give a notice to the Trustee of legalsuper after I have ceased to be a member of the Fund.
- vi. At the time of this notice, I am a member of legalsuper.
- vii. No previous notice has been given in respect of this contribution.
- viii. I declare that contributions have been made by me, or on my behalf, and I have met the requirements of section 292-100 of the *Income Tax Assessment Act 1997* to elect to have the contributions excluded from the non-concessional contributions cap.
- ix. I understand that the personal information that I have provided on this form will be used for the purpose of administering my account (and in particular claiming an appropriate tax deduction under Tax legislation).
- x. I declare the information I have given on this form is complete and correct.

Member's signature

Date (dd/mm/yyyy)

Please note:

You cannot claim a tax deduction unless this section has been:

1. signed by you;
2. acknowledged by the Trustee; and
3. returned to you.

For a copy of legalsuper's Privacy Policy, please call legalsuper Administration on **1800 060 312** (8am to 8pm [AEST] Monday to Friday) or visit the Fund's website [legalsuper.com.au](http://legalsuper.com.au)

## Acknowledgement

The Trustee of legalsuper hereby acknowledges receipt of the above notice.

Signed on behalf of the Trustee

Date (dd/mm/yyyy)

See reverse side of this form for important information.

## Important information

### Who should complete this election?

You should complete this election if contributions have been made to your super from the disposal of a certain small business asset, and you:

- want to exclude these contributions from the non-concessional contributions cap, and
- have not reached your \$1.615 million CGT cap amount (for income year 2021/22) – this amount is indexed on an annual basis and rounded down to the nearest \$5,000.

**Please note that this election must be made and given to legalsuper before or at the time you make the contribution it applies to.**

**An election made after the contribution it refers to is not valid. Your contribution will not be excluded from the non-concessional contributions cap. legalsuper will not be permitted to report to the ATO that a valid election was made.**

For more information about CGT exemptions, contact the ATO:

- [ato.gov.au](http://ato.gov.au), or
- phone 13 10 20 between 8.00am and 6.00pm Monday to Friday, or
- write to PO Box 3100, Penrith NSW 2740

### Important note

You should seek professional advice that takes into account your circumstances and eligibility to make this contribution. If you are ineligible to make this contribution, you may be subject to a significant tax liability, and your contribution is non-refundable.

### Tax file number (TFN) details

Under the *Superannuation Industry (Supervision) Act 1993*, legalsuper is authorised to collect, use and disclose your TFN.

legalsuper may disclose your TFN to another superannuation provider, when your benefits are being transferred, unless you request legalsuper, in writing, not to disclose your TFN to any other superannuation provider.

Declining to quote your TFN to legalsuper is not an offence. However giving your TFN to legalsuper will have the following advantages:

- legalsuper will be able to accept all permitted types of contributions to your account/s;
- other than the tax that may ordinarily apply, you will not pay more tax than you need to. This affects both contributions to your superannuation and benefit payments when you start drawing down your superannuation benefits; and
- it will make it much easier to find different superannuation accounts in your name so that you receive all your superannuation benefits when you retire.

### Voluntary cashing of benefits

If you wish to withdraw your benefit, you can obtain a benefit payment request form by calling legalsuper on **1800 060 312** (8am to 8pm [AEST] Monday to Friday).