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A New Tax System (Goods and Services Tax) Regulations 1999

Statutory Rules 1999 No. /

245

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *A New Tax System (Goods and Services Tax) Act 1999*.

Dated **20 OCT 1999** 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

PETER COSTELLO
Treasurer



A New Tax System (Goods and Services Tax) Regulations 1999

Statutory Rules 1999 No. 4¹

245

made under the

A New Tax System (Goods and Services Tax) Act 1999

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Part 1 Preliminary

1 Name of Regulations

These Regulations are the *A New Tax System (Goods and Services Tax) Regulations 1999*.

2 Commencement

These Regulations commence on the commencement of the *A New Tax System (Goods and Services Tax) Act 1999*.

3 Definitions — the dictionary etc

- (1) The dictionary at the end of these Regulations defines words and expressions for the purposes of the Regulations, and includes references to words and expressions that are defined in the Act or elsewhere in the Regulations (*signpost definitions*).

Example of signpost definition

The signpost definition '*interest* see regulation 40-6' means that the word *interest* is defined in r 40-6.

- (2) The dictionary does not include a signpost definition for a word or expression if the word or expression is not used in more than 1 regulation.
- (3) The dictionary is part of these Regulations.
- (4) A definition of, or reference to, a word or expression in the dictionary applies to each use of the word or expression in these Regulations, unless the contrary intention appears.

Part 2-6 Tax periods

29-70 Information that must be contained in a tax invoice (other than a recipient created tax invoice) (Act s 29-70)

- (1) For the purposes of paragraph 29-70 (1) (d) of the Act, this regulation sets out the information that a tax invoice (other than a recipient created tax invoice) is to contain.

Note In addition to the information required by this regulation to be set out in a tax invoice for a taxable supply, a tax invoice must also set out the ABN of the entity that issues it and the price for the taxable supply — see paras 29-70 (1) (b) and (c) of the Act.

- (2) If the total amount, including GST, payable for the supply or supplies to which the tax invoice relates is \$1000 or more, the tax invoice must contain the following information:
- (a) the words 'tax invoice' stated prominently;
 - (b) the date of issue of the tax invoice;
 - (c) the name of the supplier;
 - (d) the name of the recipient;
 - (e) the address or the ABN of the recipient;
 - (f) a brief description of each thing supplied;
 - (g) for each description — the quantity of the goods or the extent of the services supplied.
- (3) If the total amount, including GST, payable for the supply or supplies to which the tax invoice relates is less than \$1000, the tax invoice must contain the following information:
- (a) the words 'tax invoice' stated prominently;
 - (b) the date of issue of the tax invoice;
 - (c) the name of the supplier;
 - (d) a brief description of each thing supplied.

-
- (4) If the tax invoice is for 1 or more taxable supplies only, and the amount of GST payable on the supply or supplies is exactly 1/11th of the total price for the supply or supplies, the tax invoice must contain:
- (a) a statement to the effect that the total amount payable includes GST for the supply or supplies; or
 - (b) the total amount of GST payable.
- (5) If the tax invoice is for 1 or more taxable supplies only, and the amount of GST payable on the supply or supplies is less than 1/11th of the total price for the supply or supplies, the tax invoice must contain the following information:
- (a) the amount, excluding GST, payable for the taxable supply or supplies;
 - (b) the amount of GST payable on the taxable supply or supplies.
- (6) If the tax invoice is for 1 or more taxable supplies and any of the following supplies:
- (a) a supply that is GST-free or input taxed;
 - (b) a supply that was made before 1 July 2000 —
- the tax invoice must:
- (c) clearly identify each taxable supply; and
 - (d) contain the following information:
 - (i) the total amount of GST payable;
 - (ii) the total amount payable.
- (7) If the total amount of GST payable for the taxable supply or supplies to which the tax invoice relates is an amount that includes a fraction of a cent, the amount is to be rounded down to the nearest whole cent.

29-71 Information that must be contained in a recipient created tax invoice (Act s 29-70)

- (1) For the purposes of paragraph 29-70 (1) (d) of the Act, a recipient created tax invoice is to contain the following information:
 - (a) the words 'recipient created tax invoice' stated prominently;
 - (b) the information stated in paragraphs (b) to (g) of subregulation 29-70 (2);
 - (c) the ABN of the supplier.
- (2) If the recipient created tax invoice is for 1 or more taxable supplies only, the tax invoice must also contain:
 - (a) a statement to the effect that the total amount payable includes GST for the supply or supplies; or
 - (b) the following information:
 - (i) the total amount of GST payable;
 - (ii) a statement to the effect that the GST shown is payable by the supplier.
- (3) If the recipient created tax invoice is for 1 or more taxable supplies and any of the following supplies:
 - (a) a supply that is GST-free or input taxed;
 - (b) a supply that was made before 1 July 2000 — the tax invoice must also:
 - (c) clearly identify each taxable supply; and
 - (d) contain the following information:
 - (i) the total amount of GST payable;
 - (ii) the total amount payable;
 - (iii) a statement to the effect that the GST shown is payable by the supplier.
- (4) If the total amount of GST payable for the taxable supply or supplies to which the recipient created tax invoice relates is an amount that includes a fraction of a cent, the amount is to be rounded down to the nearest whole cent.

Part 3-1 Financial supply

Division 1 Introductory

40-5 Object of Part 3-1

The object of this Part is to identify a supply that is or is not a financial supply.

Note 1 For the meaning of *supply*, see subs 9-10 (2) of the Act.

Note 2 Subsection 40-5 (2) of the Act provides that *financial supply* has the meaning given by the regulations.

Division 2

Key concepts used in Part 3-1

40-6 Interests

An *interest* is anything that is recognised at law or in equity as property in any form.

Examples of interests

- 1 A debt or a right to credit.
- 2 A mortgage over land or premises.
- 3 A right under a contract of insurance or a guarantee.
- 4 A right to receive a payment under a derivative.
- 5 A right to future property.

40-7 Provision

Provision of an interest includes allotment, creation, grant and issue of the interest.

40-8 Disposal

Disposal of an interest includes assignment, cancellation, redemption, transfer and surrender of the interest.

40-9 Acquisition

Acquisition, in relation to the provision or disposal of an interest, includes acceptance and receipt of the interest.

40-10 Financial supply providers

An entity, in relation to the supply of an interest that was:

- (a) immediately before the supply, the property of the entity;
or
- (b) created by the entity in making the supply;

is the *financial supply provider* of the interest.

Examples of interests to which paragraph (a) applies

- 1 Sale of a share or bond.
- 2 Assignment of rights under a derivative.

Examples of interests to which paragraph (b) applies

- 1 Issue of a share or bond.
- 2 Entry into a derivative.

40-11 Financial supply facilitators

A *financial supply facilitator*, in relation to supply of an interest, is an entity facilitating the supply of the interest for a financial supply provider.

Note For examples of interests, see the examples at the foot of r 40-6.

Division 3 What is and is not financial supply

40-12 When supply may be financial supply

- (1) For the purposes of subsection 40-5 (2) of the Act, a supply is a financial supply if the supply is mentioned as:
 - (a) a financial supply in regulation 40-13; or
 - (b) an incidental financial supply in regulation 40-14.
- (2) However, if a supply is mentioned in regulations 40-13 and 40-16, the supply is not a financial supply.

40-13 What supplies are financial supplies

- (1) The provision, acquisition or disposal of an interest mentioned in subregulation (2) is a financial supply if:
 - (a) the provision, acquisition or disposal is:
 - (i) for consideration; and
 - (ii) in the course or furtherance of an enterprise; and
 - (iii) connected with Australia; and
 - (b) the supplier is:
 - (i) registered or required to be registered; and
 - (ii) a financial supply provider in relation to supply of the interest.
- (2) For the purposes of subregulation (1), the interest is an interest in or under (as each case requires) the matter mentioned in an item in the following table:

Item	An interest in or under...
1	An account made available by an Australian ADI (authorised deposit-taking institution) in the course of: <ol style="list-style-type: none">(a) its banking business within the meaning of the <i>Banking Act 1959</i>; or(b) its State banking business
2	A debt, credit or right to credit, including a letter of credit

Item	An interest in or under...
3	A charge or mortgage over real or personal property
4	A regulated superannuation fund, an approved deposit fund, a pooled superannuation trust or a public sector superannuation scheme within the meaning of the <i>Superannuation Industry (Supervision) Act 1993</i> , or an RSA (retirement savings account) within the meaning of the <i>Retirement Savings Accounts Act 1997</i>
5	An annuity or allocated pension
6	Life insurance business to which subsection 9 (1) of the <i>Life Insurance Act 1995</i> , or a declaration under subsection 12 (2) and section 12A of that Act, applies, or related reinsurance business
7	A guarantee, including an indemnity (except for a contract of insurance or reinsurance)
8	Credit under a hire purchase agreement in relation to goods, if: <ul style="list-style-type: none"> (a) the credit for the goods is provided for a separate charge; and (b) the charge is disclosed to the recipient of the goods
9	Australian currency, the currency of a foreign country, or an agreement to buy or sell the currency
10	Securities, including: <ul style="list-style-type: none"> (a) a debenture described in paragraph (a), (b), (c), (d), (e) or (f) of the definition of <i>debenture</i> in section 9 of the Corporations Law; and (b) a document issued by an individual that would be debenture if it were issued by a body corporate; and (c) a scheme described in paragraph (e), (i), (k) or (m) of the definition of <i>managed investment scheme</i> in section 9 of the Corporations Law; and (d) the capital of a partnership or trust
11	A derivative

Note 1 Regulation 40-12 provides that this regulation applies subject to r 40-16. As a result, if something is within the scope of both an item in this table and an item in the table in r 40-16, it will *not* be a financial supply.

Note 2 Subparagraph 40-13 (1) (b) (ii) has the effect that a supply by a financial supply facilitator is *not* a financial supply.

Note 3 Division 99 of the Act applies to taking of a deposit as security.

Note 4 Supply of something that is mentioned in more than 1 item in this table will still be a financial supply.

40-14 Incidental financial supplies

Despite regulation 40-16, if something is supplied by an entity to a recipient directly in connection with a financial supply to the recipient by the entity, it is an *incidental financial supply*.

Note Regulation 40-16 applies subject to this regulation. As a result, if something is both an incidental financial supply and within the scope of an item in the table in r 40-16, it will still be a financial supply.

40-15 Examples of supplies that are financial supplies

Something mentioned in a Part of Schedule 1 that relates to a financial supply mentioned in an item in the table in regulation 40-13, or to an incidental financial supply, is an example of the financial supply mentioned in the item or of the incidental financial supply.

Note 1 The examples are not to be taken as exhaustive.

Note 2 If an example in Sch 1 is inconsistent with the description in this Division of the financial supply to which the example relates, the description prevails.

See s 15AD of the *Acts Interpretation Act 1901*.

Note 3 Something that is within the scope of an item in the table in r 40-13 will be a financial supply described in that item even if it is not mentioned as an example of the item set out in the Part of Sch 1 relating to the item.

40-16 What supplies are not financial supplies

For the purposes of subsection 40-5 (2) of the Act, the supply of something, or an interest in or under (as the case requires) something, that is mentioned in an item in the following table is not a financial supply:

Item	Supply, or an interest in or under...
1	Cheque and deposit forms and books supplied to an Australian ADI in connection with an account mentioned in item 1 in the table in regulation 40-13
2	Special forms, or overprinting of standard forms, to the requirements of particular account holders by an Australian ADI in connection with an account mentioned in item 1 in the table in regulation 40-13
3	Professional services, including information and advice, in relation to a financial supply
4	Payment facilities for transaction cards for account providers
5	Stored value facility cards and prepayments not linked to accounts provided by an Australian ADI in connection with an account mentioned in item 1 in the table in regulation 40-13
6	Goods in accordance with agreements under which the goods are supplied under a lease, and: (a) the lessees have no obligation or option to acquire the rights of the lessors in the goods; or (b) the lessors dispose of their rights in the goods to the lessees
7	An option, right or obligation to make or receive a taxable supply, except a mortgage or charge mentioned in item 3 in the table in regulation 40-13
8	A supply made as a result of the exercise of an option or right, or the performance of an obligation, to make or receive a taxable supply, including an option, right or obligation under a mortgage or charge mentioned in item 3 in the table in regulation 40-13

Item	Supply, or an interest in or under...
9	Facilities for: (a) trading securities or derivatives; and (b) clearance and settlement of those trades
10	Insurance and reinsurance business, except business mentioned in item 6 of the table in regulation 40-13
11	The following payment systems: (a) an approved RTGS (real time gross settlement) system for the purposes of the <i>Payment Systems and Netting Act 1998</i> ; (b) the SWIFT (Society for Worldwide Interbank Financial Telecommunications) Payment Delivery System
12	Broking services
13	Management of the assets or liabilities of another entity, including investment portfolio management and administration services for trusts or superannuation, pension or annuity funds
14	Debt collection services
15	Sales accounting services under a factoring arrangement, or an arrangement having the same effect as a factoring arrangement
16	Trustee services
17	Custodian services in relation to money, documents and other things
18	Australian currency, or the currency of a foreign country, the market value of which exceeds its stated value as legal tender, or an agreement to buy or sell the currency
19	An arrangement for the provision of goods to an entity for display or demonstration pending disposal of the goods to a third party

Note 1 Regulation 40-13 applies subject to this regulation. As a result, if something is within the scope of both an item in the table in r 40-13 and an item in the table in this regulation, it will *not* be a financial supply.

Note 2 Regulation 40-14 applies despite this regulation. As a result, if something is both an incidental financial supply and within the scope of an item in this table, it will still be a financial supply.

Note 3 Division 105 of the Act deals with supply in satisfaction of a debt.

Note 4 Sections 7-1 and 9-70 of the Act, and this regulation in respect of items 8 and 9 in this table, have the effect that GST is payable on any premium on a deliverable commodity derivative and the price on settlement when the commodity is delivered.

40-17 Examples of supplies that are not financial supplies

Something mentioned in a Part of Schedule 2 that relates to a supply mentioned in an item in the table in regulation 40-16 is an example of the supply mentioned in the item.

Note 1 The examples are not to be taken as exhaustive.

Note 2 If an example is inconsistent with the description of the financial supply in the table to which the example relates, the description in the table prevails.

See s 15AD of the *Acts Interpretation Act 1901*.

Part 4-2 Reduced credit acquisitions

70-1 Objects of Part 70

The objects of this Part are:

- (a) to specify the reduced credit acquisitions that relate to making financial supplies that give rise to an entitlement to reduced input tax credits; and
- (b) to specify the percentage of the reduction of the input tax credits to which the financial supplier is entitled.

70-2 Acquisitions that attract reduced input tax credit

- (1) For the purposes of subsection 70-5 (1) of the Act, an acquisition of a kind mentioned in subregulation (2) that relates to making financial supplies gives rise to an entitlement to a reduced input tax credit.
- (2) The following acquisitions (within the meaning of subsection 70-5 (1) of the Act) are reduced credit acquisitions:

Item	Reduced credit acquisition
<i>Transaction banking and cash management services</i>	
1	The service of opening, issuing, closing, operating, maintaining, or performing a transaction in respect of an account by a financial supply facilitator, including by using the following facilities: <ul style="list-style-type: none">(a) telephone banking;(b) Internet banking;(c) GiroPost
2	Processing services in relation to account information for account providers, including: <ul style="list-style-type: none">(a) archives storage and retrieval services; and(b) statement processing and bulk mailing; and(c) processing and manipulation of information relating to accounts, including information about transactions to which item 7 applies

Item	Reduced credit acquisition
3	Acquisition of transaction cards by card account providers
4	Acquisition of passbooks, deposit and withdrawal forms and cheques and chequebooks by account providers
5	Processing services in relation to account applications for account providers, including providing credit reference and credit scoring assessment
	<i>Payment and fund transfers services</i>
6	Supplies to which the following credit and debit card interchange fees relate: <ul style="list-style-type: none"> (a) fees charged by an electronic funds transfer terminal network owner, including the owner of an ATM, to a card account provider for access to and use of the network; (b) fees charged between a card account provider and a party (a <i>third party</i>) to a transaction with the account holder using a card
7	The service of processing, settling, clearing and switching transactions between a card account provider, a third party mentioned in paragraph 6 (b) and the party processing the transactions for the third party, including the following transactions: <ul style="list-style-type: none"> (a) direct debit and credit; (b) debit and credit transactions; (c) cheque; (d) electronic funds transfer; (e) ATM; (f) B-pay and other phone banking transactions; (g) Internet banking; (h) GiroPost and other agency network transactions
8	The following services to a third party mentioned in paragraph 6 (b): <ul style="list-style-type: none"> (a) processing of account data on behalf of the third party; and (b) electronic payment services to the third party

Item	Reduced credit acquisition
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Securities transactions services

- | | |
|----|--|
| 9 | Arranging the provision, acquisition or disposal of an interest in a security by a financial supply facilitator, including: <ul style="list-style-type: none">(a) order placement and trade execution; and(b) clearance and settlement of trades; and(c) management of the issue of securities, including rights and bonus issues; and(d) arranging flotations and privatisations; and(e) arranging mergers and acquisitions; and(f) arranging takeover bids; and(g) performing a settlement, including issue of drafts and encashment; and(h) other securities transactions, including lodgment, withdrawal and exchange control; and(i) underwriting, except a matter that is described in the table in regulation 40-13 |
| 10 | Securities and unit registry services to securities and unit issuers, including: <ul style="list-style-type: none">(a) managing portfolios of assets; and(b) allotting of share issues; and(c) making dividend payments; and(d) receiving application for issue of shares; and(e) performing a redemption or capital repayment; and(f) placing scrip orders; and(g) bonus issue; and(h) scrip settlement; and(i) client account processing; and(j) transaction processing and recording; and(k) handling investor inquiries |

Item	Reduced credit acquisition
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Loans services

- | | |
|----|---|
| 11 | The following supplies by a financial supply facilitator: <ul style="list-style-type: none">(a) loan agency services;(b) provision of a loan facility;(c) mortgage broking;(d) arranging syndicated loans;(e) introducing and broking |
| 12 | Lenders mortgage and title insurance |
| 13 | Loan protection insurance |
| 14 | The following loan application and processing services to lenders: <ul style="list-style-type: none">(a) loan origination and brokerage;(b) settlement and discharge of loans, including document preparation;(c) registration of loan documents;(d) credit reference assessment and credit scoring analysis;(e) valuation as a part of a loan application;(f) property title searches;(g) registration and certification of titles;(h) mortgage variations, including name changes;(i) adding and deleting caveats to titles |
| 15 | The following loan management services to lenders: <ul style="list-style-type: none">(a) processing of repayments;(b) statement preparation;(c) filing and requisitioning of loan file records |

Credit union services

- | | |
|----|---|
| 16 | Supply to a credit union by an entity that is wholly owned by 2 or more credit unions |
|----|---|

Debt collection services

- | | |
|----|--|
| 17 | The following debt collection services: <ul style="list-style-type: none">(a) debt recovery;(b) litigation; |
|----|--|

Item	Reduced credit acquisition
	<ul style="list-style-type: none"> (c) lodgment of documents; (d) by financial supply facilitator, managing the recovery of sums due by borrowers <p style="text-align: center;"><i>Asset based finance services</i></p>
18	<p>Arranging hire purchase to which item 8 in the table in regulation 40-13 applies by a financial supply facilitator</p> <p style="text-align: center;"><i>Trade finance services</i></p>
19	Trade finance transaction processing and recording
20	Trade finance remittance services
	<i>Capital markets and financial instruments services</i>
21	<p>Arranging by a financial supply facilitator of:</p> <ul style="list-style-type: none"> (a) the supply of a derivative or the currency of a foreign country, or an agreement to buy or sell the currency; or (b) the sale of a forward contract
22	<p>Transaction processing, account maintenance and report generation services provided to suppliers of derivatives or the currency of a foreign country, or an agreement to buy or sell the currency</p> <p style="text-align: center;"><i>Funds management services</i></p>
23	<p>The following investment portfolio management functions, including those functions for superannuation schemes:</p> <ul style="list-style-type: none"> (a) management of a client's asset portfolio; (b) management of an investment portfolio for a trust or superannuation fund; (c) acting as a trustee of a trust or superannuation fund; (d) acting as a single responsible entity; (e) asset allocation services
24	<p>The following investment portfolio administration functions:</p> <ul style="list-style-type: none"> (a) maintaining member and employer records and associated accounting; (b) processing of contributions, benefits and distributions;

Item	Reduced credit acquisition
	<ul style="list-style-type: none"> (c) processing transfer between funds and trusts; (d) production and distribution of reports and statements to members; (e) handling of inquiries and complaints made by members; (f) archive storage and retrieval services; (g) statement processing and bulk mailing (h) compliance with regulatory requirements, excluding taxation advice
	<i>Insurance services</i>
25	Brokerage of general or life insurance
26	The following life insurance administration services provided for a life insurer: <ul style="list-style-type: none"> (a) maintaining policyholder records and associated accounting; (b) processing of premiums and benefits; (c) processing and assessing claims under policies; (d) production and distribution of reports, statements and forms to policyholders, including statement processing and bulk handling; (e) handling of inquiries and complaints made by policyholders; (f) archive storage and retrieval services; (g) processing and assessing applications (h) compliance with regulatory requirements, excluding regulatory requirements (i) managing reinsurance requirements
	<i>Services remunerated by commission and franchise fees</i>
27	Supplies for which financial supply facilitators are paid commission by financial supply providers
28	Supplies provided by financial supply facilitators to franchisors, for which the facilitators are paid a franchise fee

Item	Reduced credit acquisition
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Trustee and custodial services

- | | |
|----|--|
| 29 | Trustee and custodial services (except safe custody of money, documents and other things), including: <ul style="list-style-type: none">(a) transfer of cash without purchase, sale or transfer of assets, excluding cash delivery and collection from branches of Australian ADIs; and(b) undertaking and settling of securities transactions by a financial supply facilitator; and(c) collecting income and other payments; and(d) registration of interests and rights; and(e) proxy voting; and(f) exercise of options and warrants; and(g) opening and maintaining accounts with Australian ADIs |
| 30 | The following master custody services: <ul style="list-style-type: none">(a) maintenance of accounting records; and(b) taxation reporting; and(c) mandate monitoring; and(d) trade execution monitoring; and(e) portfolio performance analysis; and(f) risk management reporting |
| 31 | Single responsible entity services |
-

- (3) However, something that is used in making a reduced credit acquisition is not, for that reason, itself a reduced credit acquisition.

Examples

- 1 Information technology services used for brokerage services.
- 2 Labour hire services used for life insurance administration services.

70-3 Percentage to which input tax credits are reduced

For subsection 70-5 (2) of the Act, the percentage to which the input tax credit for each kind of reduced credit acquisition is reduced is 75%.

Schedule 1 Examples of supplies that are financial supplies

(regulation 40-15)

Note 1 The examples are not to be taken as exhaustive.

Note 2 If an example is inconsistent with the description of the financial supply in the item in the table in r 40-13 to which the example relates, the description prevails.

See s 15AD of the *Acts Interpretation Act 1901*.

Part 1 Examples for item 1 in the table in regulation 40-13

Item	Example
1	Opening, keeping, operating, maintaining and closing of cheque, debit card, deposit and savings accounts for account holders
2	Cash collection, handling and sorting for account holders by account providers
3	ATM, electronic and telephone operation of accounts
4	Supply of standard cheque and deposit books for account holders
5	Supply of debit and smart cards
6	Cashing cheques and payment orders
7	Preparation, reconciliation and replacement of account statements
8	Notification of dishonoured transactions and unpaid fees
9	Stopping payment of cheques
10	Operation of authorised overdraft facilities
11	Unauthorised usage of overdraft facilities
12	Retention and storage of vouchers
13	Making information about accounts available
14	Garnishee of accounts
15	Recovery of Commonwealth, State and Territory fees, duties and taxes
16	Audit confirmation of accounts
24	<i>A New Tax System (Goods and Services Tax) Regulations 1999</i>

Item	Example
5	Collection, negotiation and endorsement of instruments (including cheques) for payment in foreign currency, including message services
6	Forward contracts for transactions to buy or sell foreign currency
7	Options to buy or sell foreign currency
8	Conversion of Australian currency into foreign currency and conversion of foreign currency into Australian currency

**Part 7 Examples for item 10 in the table in
regulation 40-13**

Item	Example
1	Bonds, stocks or debentures issued, or proposed to be issued, by a government entity
2	Shares in, or debentures or convertible notes of, a body
3	Subordinated notes
4	Structured notes
5	Units in a unit trust
6	Dealings in floating rate notes, commercial bills, commercial paper, extendable bill investments and other financial instruments
7	Interests in a partnership
8	Promissory notes and bills of exchange
9	Bank cheques
10	Warrants
11	Securities lending

Part 8 Examples for item 11 in the table in regulation 40-13

Item	Example
1	Forward contracts, futures contracts, swap contracts and options contracts the value of which depends on, or is derived from: (a) the price of debt securities or debt securities index values or interest rates; or (b) foreign exchange or currency values or currency index values; or (c) share or stock prices or equity index values; or (d) credit spreads or credit events, including: (i) default; and (ii) other forms of financial distress; and (iii) credit index values; or (e) macroeconomic indicators or variables; or (f) climatic events or indexes
2	Commodity derivatives that involve no option, right or obligation to delivery of the commodity, such as electricity derivatives
3	Reciprocal repurchase agreements
4	Options over precious metals
5	Securities lending agreements
6	Initial and variation margins in respect of exchange traded futures contracts

Schedule 2 Examples of supplies that are not financial supplies

(regulation 40-17)

Note 1 The examples are not to be taken as exhaustive.

Note 2 If an example is inconsistent with the description of the financial supply in the table in r 40-16 to which the example relates, the description in the table prevails.

Sec s 15AD of the *Acts Interpretation Act 1901*.

Part 1 Examples for item 3 in the table in regulation 40-16

Item	Example
1	Advice by a legal practitioner in the course of professional practice
2	Advice by an accountant in the course of professional practice
3	Taxation advice, including preparation of tax returns
4	Actuarial advice
5	Rating services for securitisation vehicles

Part 2 Examples for item 4 in the table in regulation 40-16

Item	Example
1	Supplies to which the following credit and debit card interchange fees relate: (a) fees charged by an electronic funds transfer terminal network owner, including an ATM owner, to a card account provider for access to and use of the network; (b) fees charged between a card account provider and a party (a third party) to a transaction with the account holder using the card
2	Services to a third party mentioned in paragraph 1 (b), including: (a) processing of account data on behalf of the third party; and (b) electronic payment services to the third party

Part 5 Examples for item 13 in the table in regulation 40-16

Item	Example
1	Managing the assets or liabilities of an entity
2	Acting as the trustee of an entity
3	Investment portfolio administration, including: (a) maintaining account holder records and associated accounting; and (b) processing of contributions and returns; and (c) storage and retrieval of archives; and (d) statement processing and bulk mailing

Part 6 Examples for item 16 in the table in regulation 40-16

Item	Example
1	Acting as a trustee of a trust or other entity
2	Acting as a trustee under a will or settlement

Dictionary

(regulation 3)

ABN see the Dictionary in Part 6-3 of the Act.

account:

- (a) means an account mentioned in item 1 in the table in regulation 40-13; and
- (b) includes an account in relation to which the account holder (the ***customer***) has the right:
 - (i) to have the account maintained by the account provider (the ***provider***); and
 - (ii) to repayment of the amount credited to the account by the provider; and
 - (iii) to require the provider to act on directions by the customer that are in accordance with the arrangements, or any agreement, between the provider and the customer in relation to operation of the account.

acquisition see regulation 40-9.

Act means *A New Tax System (Goods and Services Tax) Act 1999*.

Australian ADI has the meaning given by section 9 of the Corporations Law.

charge card means an article, commonly known as a charge card, for use in obtaining cash, goods or services by incurring a debt with the issuer of the card.

connected with Australia, in relation to a financial supply, has the meaning given by section 9-25 of the Act.

Note This meaning is affected by s 96-5 of the Act.

consideration see the Dictionary in Part 6-3 of the Act.

credit card:

- (a) means an article commonly known as a credit card and any similar article for use in obtaining cash, goods or services on credit; and
- (b) includes an article commonly issued by persons conducting business to their customers, or prospective customers, for use in obtaining goods or services from the business on credit.

debit card means an article intended for use by an entity in obtaining access to an account held by the entity for the purpose of withdrawing or depositing cash or obtaining goods or services.

derivative means an agreement or instrument the value of which depends on, or is derived from, the value of assets or liabilities, an index or a rate.

disposal see regulation 40-8.

enterprise see section 9-20 of the Act.

entity see section 184-1 of the Act.

financial supply see subsection 40-5 (2) of the Act.

financial supply facilitator see regulation 40-11.

financial supply provider see regulation 40-10.

GST see the Dictionary in Part 6-3 of the Act.

GST-free see subsection 9-30 (1) and Division 38 of the Act.

incidental financial supply see regulation 40-14.

input tax credit see the Dictionary in Part 6-3 of the Act.

input taxed see subsection 9-30 (2) and Division 40 of the Act.

interest see regulation 40-6.

money see the Dictionary in Part 6-3 of the Act.

price, in relation to a supply, see section 9-75 of the Act.

provision see regulation 40-7.

recipient, in relation to a supply, see the Dictionary in Part 6-3 of the Act.

recipient created tax invoice see subsection 29-70 (3) of the Act.

reduced credit acquisition has the meaning given by subsection 70-5 (1) of the Act.

registered means registered under Part 2-5 of the Act.

required to be registered has the meaning given by sections 23-5, 57-20, 144-5 and 147-5 of the Act.

securities has the meaning given by subsection 92(1) of the Corporations Law.

smart card means an article, commonly known as a smart card, that has the capacity to keep a record of financial transactions using the article.

supply see section 9-10 of the Act.

taxable supply see the Dictionary in Part 6-3 of the Act.

tax invoice see the Dictionary in Part 6-3 of the Act.

transaction card means a debit card, charge card, credit card or smart card.

Note

1. Made by the Governor-General on ^L 1999, and notified in the *Commonwealth of Australia Gazette* on _L 1999.

20 October
21 October