

COMMONWEALTH OF AUSTRALIA

A NEW TAX SYSTEM (GOODS AND SERVICES TAX) ACT 1999

DETERMINATION

Under subsection 29-70(3) of the *A New Tax System (Goods and Services Tax) Act 1999*, I make the following determination:

Citation

1. This determination may be cited as the *A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No.1) 2003*.

Commencement

2. (a) This determination commences on 1st December 2002.
(b) This determination does not revoke or vary any previous determination made by the Commissioner or a delegate of the Commissioner.

Application of determination

3. This determination applies to an entity not determined previously as being able to issue a tax invoice belonging to a class of tax invoices that may be issued by a recipient.

Classes of Tax Invoices that may be issued by the recipient of a taxable supply

3. A refrigerant processor who is the recipient of a taxable supply, may issue a tax invoice that belongs to a class of tax invoices for a taxable supply of recovered refrigerants where the refrigerant processor:
 - (i) establishes the value of those goods after the supply is made using a qualitative or quantitative process; and
 - (ii) satisfies the requirements set out in Clause 5.

Requirements that must be satisfied by a recipient of a taxable supply

5. A recipient must satisfy the following requirements:
 - (a) the recipient must be registered for GST when the invoice is issued;
 - (b) the recipient must set out in the tax invoice the ABN of the supplier;
 - (c) the recipient must issue the original or a copy of the tax invoice to the supplier within 28 days of making, or determining, the value of a taxable supply and must retain the original or the copy;
 - (d) the recipient must issue the original or a copy of an adjustment note to the supplier within 28 days of the adjustment and must retain the original or the copy;
 - (e) the recipient must reasonably comply with its obligations under the taxation laws;

- (f) the recipient must issue the tax invoice pursuant to a written agreement that the recipient has with the supplier which specifies the supplies to which it relates and contains the following terms:
- (i) the recipient may issue tax invoices in respect of the specified supplies;
 - (ii) the supplier will not issue tax invoices in respect of those supplies;
 - (iii) the supplier acknowledges that it is registered when it enters the agreement and that it will notify the recipient if it ceases to be registered;
 - (iv) the recipient acknowledges that it is registered when it enters the agreement and that it will notify the supplier if it ceases to be registered;
- (g) the recipient must not issue a document that would otherwise be a recipient created tax invoice, on or after the date when the recipient or the supplier has failed to comply with any of the requirements of this determination;

Definitions

6. The following expressions are defined for the purposes of this determination:

refrigerant processor means an entity that principally acquires recovered refrigerants for the purposes of recycling or safe destruction;

refrigerants means chlorofluorocarbons, hydrochlorofluorocarbons, hydrofluorocarbons and other ozone depleting substances and synthetic greenhouse gas refrigerants.

7. Other expressions in this determination have the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

Signed this 28th day of February 2003

Barrie Russell
DEPUTY COMMISSIONER OF TAXATION

Per
Signed by Eileen Clancy