

COMMONWEALTH OF AUSTRALIA

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

DETERMINATION

Under subsection 29-25(1) of the *A New Tax System (Goods and Services Tax) Act 1999* and subsection 4(1) of the *Acts Interpretation Act 1901*, I make the following determination, being satisfied under paragraph 29-25(2)(c) of the Act that it is necessary to prevent the provisions of Division 29 and Chapter 4 applying in a way that is inappropriate in circumstances involving a supply or acquisition occurring, but still being subject to a statutory cooling off period under an Australian law:

Citation

1. This Determination is the *A New Tax System (Goods and Services Tax) (Particular Attribution Rules for Cooling off Periods) Determination (No. 1) 2000*.

Commencement

2. This Determination commences on the date the *A New Tax System (Goods and Services Tax) Act 1999* commences.

Particular attribution rule for GST payable on a taxable supply still subject to a statutory cooling off period under an Australian law

3. (1) If you do not account on a cash basis and you make a taxable supply subject to a statutory cooling off period under an Australian law, then the GST payable on the supply is attributable to the earlier of:
 - (a) the tax period in which any of the consideration is received for the supply; or
 - (b) the tax period in which an invoice is issued relating to the supply.(2) However, if the GST payable on the supply would be attributable under subclause (1) to a tax period that ends before the cooling off period expires, then the GST payable is attributable to the tax period in which the cooling off period expires.
4. (1) If you account on a cash basis and you make a taxable supply subject to a statutory cooling off period under an Australian law, then the GST on the supply is attributable to:
 - (a) if, in a tax period, all of the consideration for the supply is received – the tax period in which that consideration is received; or
 - (b) if, in a tax period, part of the consideration is received – the tax period in which part of the consideration is received, but only to the extent that the consideration is received in that tax period.

(2) However, if some or all of the GST payable on the supply (the *relevant GST payable*) would be attributable under subclause (1) to a tax period or tax periods that end before the cooling off period expires, then the relevant GST payable is attributable to the tax period in which the cooling off period expires.

Particular attribution rule for input tax credits arising from a creditable acquisition still subject to a statutory cooling off period

5. (1) If you do not account on a cash basis and you make a creditable acquisition subject to a statutory cooling off period under an Australian law, then the input tax credit to which you are entitled for the acquisition is attributable to the earlier of:
- (a) the tax period in which you provide any of the consideration for the acquisition; or
 - (b) the tax period in which an invoice is issued relating to the acquisition.
- (2) However, if the input tax credit for the acquisition would be attributable under subclause (1) to a tax period that ends before the cooling off period expires, the input tax credit is attributable to the tax period in which the cooling off period expires.
6. (1) If you account on a cash basis and you make a creditable acquisition subject to a statutory cooling off period under an Australian law, then the input tax credit to which you are entitled for the acquisition is attributable to:
- (a) if, in a tax period, you provide all of the consideration for the acquisition – the tax period in which that consideration is provided; or
 - (b) if, in a tax period, you provide part of the consideration – the tax period in which part of the consideration is provided, but only to the extent that the consideration is provided in that tax period.
- (2) However, if some or all of the input tax credit (the *relevant input tax credit*) would be attributable under subclause (1) to a tax period or tax periods that end before the cooling off period expires, then the relevant input tax credit is attributable to the tax period in which the cooling off period expires.
7. To avoid doubt, this determination is not intended to override subsection 29-10(3) or Division 156 of the Act.

Definitions

8. (1) The following expression is defined for the purposes of this Determination:

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

- (2) Other expressions in this Determination have the same meaning as in the Act.

Signed this 30th day of June 2000

Signed by Marilyn Knight
Senior Tax Counsel
Goods and Services Tax Program
Delegate of the Commissioner