

A New Tax System (Goods and Services Tax): Waiver of Tax Invoice Requirement (Offer Documents and Renewal Notices) Determination 2023

I, Ben Kelly, Deputy Commissioner of Taxation, make the following determination.

Dated 7 March 2023

Ben Kelly

Deputy Commissioner of Taxation

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1 Name

 This instrument is the *A New Tax System (Goods and Services Tax): Waiver of Tax Invoice Requirement (Offer Documents and Renewal Notices) Determination 2023.*

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | On the day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under subsection 29-10(3) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) creditable acquisition;

(b) GST return;

(c) input tax credit.

 In this determination:

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

***offer document or renewal notice*** means a document that allows the total price of, and the GST payable on, a proposed supply to be clearly ascertained when the offer is accepted and complete.

5 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Waiver of the requirement to hold a tax invoice

 (1) For the purpose of attributing an input tax credit for a creditable acquisition to a tax period, a recipient is not required to hold a tax invoice under subsection 29‑10(3) of the Act if:

 (a) the recipient holds:

 (i) an offer document given to more than one recipient; or

 (ii) a renewal notice; and

 (b) the recipient has:

 (i) accepted the offer or renewal;

 (ii) completed the requirements in the offer document or renewal notice; and

 (iii) paid consideration according to the terms of the offer or renewal; and

 (c) the requirements in subsection (2) are met.

 (2) At the time the recipient gives a GST return to the Commissioner for the tax period to which the input tax credit (or any part of the input tax credit) on the acquisition would otherwise be attributable:

 (a) the recipient must hold the relevant offer document or renewal notice; and

 (b) that offer document or renewal notice must meet the requirements set out in section 7.

7 Document information requirements

 The requirements referred to in paragraph 6(2)(b) are that the offer document or renewal notice:

 (a) indicates the supplies offered to be acquired or to be renewed;

 (b) indicates the extent to which each supply is a taxable supply, and the total price and total GST payable when the offer or renewal is accepted by the recipient; and

 (c) when it was issued, meets the requirements in paragraphs 29-70(1)(a) and 29-70(1)(c) of the Act, other than subparagraphs 29-70(1)(c)(iii) (to the extent that it requires the quantity and the price of what is supplied to be clearly ascertained) and 29-70(1)(c)(vi).

Schedule 1—Repeals

A New Tax System (Goods and Services Tax) Waiver of Tax Invoice Requirement (Offer Documents and Renewal Notices) Legislative Instrument 2013

1 The whole of the instrument

Repeal the instrument.