



Request for an extension of time to seek agreement to apply the margin scheme

With this form you can request the Commissioner to exercise his discretion to allow you more time to arrange a written agreement that the margin scheme applies to a property transaction. You can use this form for yourself or on behalf of another person or entity.

The circumstances in which the Commissioner may exercise his discretion is outlined in our Practice Statement Law Administration PS LA 2005/15 *The Commissioner's discretion to extend the time in which the agreement in writing must be made to apply the margin scheme under Division 75 of the A New Tax System (Goods and Services Tax) Act 1999.*

Where the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act) requires that the supplier and the recipient have agreed in writing that a particular provision applies, the supplier and recipient of a supply must have agreed or settled between themselves that the provision applies to that supply and they must have formalised that agreement in writing. The written form of their agreement, when reasonably read, must identify the relevant supply (sale) and express a mutual understanding that the provisions relating to the margin scheme applies. Subsection 75-5(1) of the GST Act does not prescribe a form or format for the written agreement, so it may be separately documented or included in any documentation for making the supply.

Section A: **Your details** (or details of the entity this request is for)

1 (a) Provide the full name of the individual or entity that is applying for exercise of the discretion

Full name

Title: Mr Mrs Miss Ms Other

Family name

First given name

Other given names

Entity name

Your relationship to the entity

(for example – self, partner, spouse, public officer, agent or legal personal representative)

Date of application / /

(b) If you are a tax agent, provide the following

Tax agent number

Tax agent phone number

Tax agent fax number

Date of application / /

2 Provide your tax file number (TFN) or Australian business number (ABN)

ABN

OR

TFN



While it is not compulsory to provide your ABN or TFN, it will help us process your application promptly. For information about providing us with TFNs, see 'Privacy' on page 6.

Section B: Contact details

3 The contact person for this application

If it is you and you have entered your full name in section A, enter 'as above'.

4 Contact details

Phone number (including area code)

Fax number (if available)

5 Address (street address or PO Box)

Suburb/town

State/territory

Postcode

Section C: Questions and facts

 If there is insufficient space, attach a separate document with all relevant details.

With this form you are requesting the Commissioner exercise his discretion to allow you a further period within which to obtain a written agreement with the purchaser that the margin scheme applies.

Information to support your request

The following questions are provided to guide the relevant information you should supply to us. Some questions may not apply to your situation. We may also require further information in certain circumstances.

Note that the Commissioner will only exercise his discretion if he is satisfied that:

- all the requirements (other than the requirement for the supplier and recipient of the supply to have made the agreement in writing on or before the making of the supply) to apply the margin scheme are met
- there is no arrangement that has the effect of producing an outcome contrary to the policy of the legislation.

6 What are the names of the seller(s) and the purchaser(s)?

7 What is the address or addresses of the property or properties?

8 What is or are the type of property or properties? (That is, house and land, stratum unit, block of land, etc.)

9 Have you developed or altered the property or properties? (That is, have you subdivided the property, or demolished or added buildings? Please give full details.)

10 On what date did you acquire (or purchase) the property or properties?

11 On what date did you dispose of (or sell) the property or properties?

- 12 Did you acquire (or purchase) the property or properties as one of the following:
- a taxable supply on which the GST was worked out without applying the margin scheme
 - a GST-free supply
 - an input taxed supply.

Provide details below.

- 13 Why was a written agreement to apply the margin scheme not made on or before the making of the supply of the property or properties, that is, on or before the date of settlement?

- 14 Do any of the following apply to the seller of the property or properties:

(a) Did you acquire the property or properties through an inheritance?

(b) Are you a member of a GST group?

(c) Are you a participant to a joint venture?

(d) Did you acquire the property or properties as a GST-free supply of a going concern?

(e) Did you acquire the property or properties as a GST-free supply of farmland?

(f) Did you acquire the property or properties from an associate?

15 Further information

Provide any further information that may be relevant below. Include all relevant facts, assumptions, transaction dates and the names of other parties actively involved.

16 Additional documentation

Send us copies of your purchase and sale documents and any other relevant supporting documentation. This may help speed up your request.

Section D: Checklist

This checklist will determine whether you have provided enough information for the Commissioner to make a decision about whether to exercise his discretion.

Complete each question, by placing a cross (X) in all relevant boxes.

 The following questions refer to the individual or entity making the request to the Commissioner.

17 Is there, or has there been, an ATO audit on the issues raised in this request, or have you been notified of a proposed audit?

No

Yes Provide the ATO reference numbers and the names of the tax officers conducting the audit

ATO reference numbers

Name of tax officers

18 Are you reasonably certain of the facts you set out?

No

Yes

19 Have you provided copies of purchase and/or sale documents?

No

Yes

 Check that you have answered all relevant questions before submitting your request.

Section E: Declaration

Privacy

We are authorised under the *Taxation Administration Act 1953* to request your tax file number (TFN). We will use your TFN to identify you in our records.

Tax law authorises us to collect information and disclose it to other government agencies. This includes personal information of the person authorised to sign the declaration. For information about your privacy, go to ato.gov.au/privacy

 The ATO is authorised by the *Taxation Administration Act 1953* to ask for the information on this form. This information helps us respond to your request.

If you are the applicant or are applying as a legal personal representative, by signing this form you are declaring that the information contained in this document, and any attached documents, is true and correct.

If you are an agent, by signing this form you are declaring that:

- this document and any attached documents have been prepared according to the information supplied by the individual or entity identified in Section A of this form
- you have received a declaration from the individual or entity stating that the information they provided to you to prepare this application is true and correct
- you are authorised by the individual or entity to give this request to the Commissioner of Taxation.

 'You' includes a trustee of a trust, a partner in a partnership, public officer, company director.

'Legal personal representative' means an executor or administrator of a deceased estate, a person holding a general power of attorney, or a trustee of an estate of a person under a legal disability.

'Agent' includes spouse, relative, friend, or another agent (including tax agent) authorised to give this application to the Commissioner of Taxation.

Sign and date if you are sending via fax, post, or delivering in person.

Name

Signature

Date

Day / Month / Year
 / /

How to lodge this form

Keep a copy of your form for your records and lodge it in one of the following ways:

■ [Online services for business](#) or [Online services for agents](#)

■ Fax **1300 139 031**

■ send the original to us at:

Australian Taxation Office

PO Box 3524

ALBURY NSW 2640

 If you lodge your form through the [Online services for business](#) or [Online services for agents](#), you will receive an instant receipt and your application will be actioned faster than if lodged via post.