



Legislative Instrument

A New Tax System (Goods and Services Tax) Waiver of Tax Invoice Requirement (Acquisitions from Property Managers) Legislative Instrument (No. 1) 2012

I, James O'Halloran, Deputy Commissioner of Taxation, make this legislative instrument under subsection 29-10(3) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act).

1. Name of instrument

This legislative instrument is the *A New Tax System (Goods and Services Tax) Waiver of Tax Invoice Requirement (Acquisitions from Property Managers) Legislative Instrument (No. 1) 2012*.

2. Commencement and application of this instrument

- (a) This legislative instrument commences on 1 July 2010.
- (b) This legislative instrument applies to net amounts for tax periods commencing on or after 1 July 2010.
- (c) This legislative instrument does not revoke, amend or vary any previous legislative instrument made by the Commissioner or delegate.

3. Relief from the requirement to hold a tax invoice

For an input tax credit to be attributable to a tax period, a recipient that makes a creditable acquisition of a thing by way of a supply that was made through the supplier's property manager,¹ is not required (under subsection 29-10(3) of the GST Act) to hold a tax invoice for the creditable acquisition if the requirements provided by this instrument are satisfied.

4. Requirements for relief from holding a tax invoice

At the time the recipient gives its GST return for the tax period to the Commissioner:

- (a) the recipient must hold a document for a creditable acquisition that was issued by the supplier's property manager; and

¹ It does not matter that the property manager for the supplier may have transacted either by disclosing the property manager relationship but without naming the principal or by not disclosing either the property manager relationship or the principal.

- (b) that document must meet the information requirements set out in clause 5.

5. Document information requirements

The document referred to in clause 4:

- (a) meets the requirements of subsection 29-70(1) of the GST Act other than subparagraphs 29-70(1)(c)(i) of the GST Act; and
- (b) contains enough information to enable the identity and ABN of the supplier's property manager to be clearly ascertained from the document.

6. Definitions

- (1) **Property manager** means an entity that has entered into an arrangement with another entity (the **principal**) under which the entity, on the principal's behalf, manages real property and, in the performance of its services, may do any or all of the following in respect of the real property:

- (a) make or facilitate supplies to third parties (including by issuing invoices relating to, or receiving consideration for, such supplies); and
- (b) make or facilitate acquisitions from third parties (including by providing consideration for such acquisitions).

To avoid doubt, for the purposes of this legislative instrument:

- (a) the arrangement between the entity and the principal does not need to be recorded in writing; and
- (b) the entity can be a property manager whether or not the entity is the agent of the principal.
- (2) Other expressions in this legislative instrument have the same meaning as in the GST Act.

Your comments

You are invited to comment on this draft legislative instrument, which is explained in the attached draft explanatory statement. Please forward your comments to the contact officer by the due date.

Compendium of comments

A compendium of comments is also prepared for the consideration of the relevant Rulings Panel or relevant tax officers. An edited version (names and identifying information removed) of the compendium of comments will also be prepared to:

- provide responses to persons providing comments; and
- publish on the ATO website at www.ato.gov.au.

Please advise if you do not want your comments included in the edited version of the compendium.

Due date: 7 September 2012
Contact officer: Grant Murphy
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Dated this DD MMMM 2012

James O'Halloran
Deputy Commissioner of Taxation

DRAFT FOR CONSULTATION