

Supply of time share interest -

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⚠ This publication is extracted from section 18 - time share of the Property and Construction Industry Partnership - issues register. See issue 18.1 of that register. This publication should be read in conjunction with the related content of that register where further context is required.



Property and Construction Industry Partnership

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This publication (excluding appendixes) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

A public ruling is an expression of the Commissioner's opinion about the way in which a relevant provision applies, or would apply, to entities generally or to a class of entities in relation to a particular scheme or a class of schemes.

If you rely on this ruling, the Commissioner must apply the law to you in the way set out in the ruling (unless the Commissioner is satisfied that the ruling is incorrect and disadvantages you, in which case the law may be applied to you in a way that is more favourable for you – provided the Commissioner is not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

Is the supply of an interest in a time sharing scheme an input taxed supply?

1. A scheme that is a time sharing scheme under the *Corporations Law* is also a managed investment scheme under that legislation. Interests in a managed investment scheme are securities under section 92 of the *Corporations Law* and therefore also securities for the purposes of the Regulations.
2. This means that the supply of an interest in the scheme will be a financial supply and therefore input taxed by virtue of section 40-5 of the GST Act.
3. This treatment however only applies from the date of gazettal of *A New Tax System (Goods and Services Tax) Amendment Regulations 2000 (No. 6)* 20 December 2000. Until this amending regulation the Regulations specifically excluded the supply of an interest in a time sharing scheme from being a financial supply.