



GSTA TPP 035 - Goods and services tax: Can an agent issue a tax invoice on behalf of a principal?

 This cover sheet is provided for information only. It does not form part of *GSTA TPP 035 - Goods and services tax: Can an agent issue a tax invoice on behalf of a principal?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *14 June 2005*



Goods and Services Tax Advice

Goods and services tax: Can an agent issue a tax invoice on behalf of a principal?

Preamble

*This document is a ruling for the purposes of section 37 of the Taxation Administration Act 1953. It illustrates the principles contained in **Goods and Services Tax Ruling GSTR 2000/37 on agency**. You can rely on the information presented in this document, which provides advice on the operation of the GST system.*

Answer

Yes, an agent can issue a tax invoice on behalf of a principal.

Explanation

GSTR 2000/37 discusses the requirements of agents and tax invoices:

61. Paragraph 29-70(1)(a) requires that the principal (as the supplier) must issue a tax invoice for a taxable supply. However, if a principal makes a taxable supply through an agent, section 153-15 allows either a principal or an agent, but not both, to issue the tax invoice. A principal may be liable to a penalty, under the Taxation Administration Act 1953, if the principal and agent both issue separate tax invoices for the same taxable supply.

62. Subsection 29-70(2) requires that if the principal (as the supplier) has not issued a tax invoice and the recipient of the supply requests one, it must be issued within 28 days of that request. In agency relationships, this obligation arises when the recipient makes a request to either the principal or the agent, and is complied with if either the principal or the agent gives the recipient a tax invoice within 28 days after the request.

63. Section 29-70 requires that a tax invoice:

- must set out the ABN of the entity that issues it which can either be that of the principal or the agent (paragraph 29-70(1)(b)); and
- must set out the price of the supply (paragraph 29-70(1)(c)); and
- must contain such other information as regulation 29-70.01 of A New Tax System (Goods and Services Tax) Regulations 1999

(the GST regulations) specifies (paragraph 29-70(1)(d)); and

- must be in the approved form (paragraph 29-70(1)(e)).

64. There is an argument that subsection 153-15(1) only varies the requirements of subsection 29-70(2) about who can issue the tax invoice. However, the Commissioner considers that the better view is that subsection 153-15(1) also varies the requirements set out in paragraphs 29-70(1)(b) about the issuer's ABN and 29-70(1)(d) about information required under the regulations.

65. Regulation 29-70.01 of the GST regulations states, inter alia, that the tax invoice must contain the name of the supplier. However, where an agent issues the tax invoice, that document is a tax invoice and it meets the requirements of subsection 29-70(1) if it sets out:

- the principal's name and ABN without the agent's name and ABN as the supplier and issuer of the tax invoice; or
- the agent's name and ABN as the supplier and issuer, instead of the principal's name and ABN as the supplier.

66. You may act as an agent for more than one principal in a single dealing with a customer. In addition to supplies you make as an agent on behalf of your principals, you may also make a separate supply on your own account. In these situations, you may issue the one tax invoice that shows details for all of the supplies that you make.

Application of this GST Advice

This Advice is based on GSTR 2000/37. It explains our view of the law as it applied from 1 July 2000. You can rely on this Advice on and from its date of issue for the purposes of section 37 of the *Taxation Administration Act 1953*. Goods and Services Tax Ruling GSTR 1999/1 explains the GST rulings system and our view of when you can rely on our interpretation of the law in GST public and private rulings.

If this Advice conflicts with a previous private ruling that you have obtained, this public ruling prevails. However, if you have relied on a private ruling, you are protected in respect of what you have done up to the date of issue of this public ruling. This means that if you have underpaid an amount of GST, you are not liable for the shortfall prior to the date of issue of this later ruling. Similarly, you are not liable to repay an amount overpaid by the Commissioner as a refund.

Commissioner of Taxation

Date

Related Rulings/Determinations/GST Advice:

GSTR 2000/17

GSTR 2000/37

GSTA TPP 036

GSTA TPP 037

GSTA TPP 041

Subject references:

agent

tax invoice

principal

Legislative references:

ANTS(GST)A 1999 29-70

ANTS(GST)A 1999 153-15

ANTS(GST)R 1999 29-70.01

TAA 1953 37

ATO references

NO:	05/3095
ISSN:	1833-0053