

GSTR 2000/28A2 - Addendum - Goods and services tax: attributing GST payable or an input tax credit arising from a sale of land under a standard land contract

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Addendum

Goods and Services Tax Ruling

Goods and services tax: attributing GST payable or an input tax credit arising from a sale of land under a standard land contract

This Addendum amends Goods and Services Tax Ruling GSTR 2000/28 to:

- discuss subsection 29-10(4) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act), as amended by the *Tax Laws Amendment (2010 GST Administration Measures No.1) Act 2010*;
- reflect the insertion of Division 93 into the GST Act by the *Tax Laws Amendment (2009 GST Administration Measures) Act 2010*.

GSTR 2000/28 is amended as follows:

1. Paragraph 9

- (a) Omit 'Note:.'; substitute 'Note 1:.'
- (b) Omit from Note 2 'our'; substitute 'the Commissioner's'.
- (c) Omit the second sentence from Notes 2 and 3.
- (d) Omit the paragraph after Note 3; substitute:

Note 4: The Addendum to this Ruling that issued on 25 January 2012 applies in relation to net amounts for tax period starting on or after 1 July 2010. To the extent it discusses Division 93, the Addendum applies to acquisitions and adjustments that are taken into account in:

- (a) GST returns given to the Commissioner after 7:30pm Australian Eastern Standard Time on 12 May 2009, or
- (b) assessments made by the Commissioner under Subdivision 105-A in Schedule 1 to the *taxation Administration Act 1953* after that time, or
- (c) amendments of:
 - (i) GST returns referred to in paragraph (a), or
 - (ii) assessments referred to in paragraph (b).

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2. Paragraph 19

Omit the paragraph; substitute:

19. You attribute all of an input tax credit for a creditable acquisition to the earlier of the tax periods in which:⁴

- you provide any of the consideration; or
- an invoice is issued for the acquisition.⁵

3. Paragraph 21

Omit the paragraph; substitute:

21. You attribute an input tax credit to the tax period in which you provide consideration for the acquisition, but only to the extent that you provided the consideration in that tax period.^{7,8}

21A. However, regardless of whether you account on a cash basis or not, if you do not hold a tax invoice for a creditable acquisition when you lodge your Business Activity Statement (BAS)^{8A} 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:

- the input tax credit (including any part of the input tax credit) is not attributable to that tax period; and
- the input tax credit (or part) is attributable to the first tax period for which you have a tax invoice when you lodge your BAS^{8B} (subject to the four-year time limit contained in Division 93).^{8C}

⁴ [Omitted.]

⁵ Subsection 29-10(1).

⁷ [Omitted.]

⁸ Subsection 29-10(2). This means that if, in a particular tax period, you have paid only part of the total consideration for an acquisition, you are entitled to only that same part of the input tax credit for the acquisition.

^{8A} Your GST return is part of your BAS.

^{8B} Subsection 29-10(3). There is no requirement to hold a tax invoice if the value of the taxable supply to you was \$75 or less (subsection 29-80(1)).

^{8C} Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(1) or 29-10(2).

21B. If the BAS for a tax period states a net amount that does not take into account an input tax credit attributable to that tax period, the input tax credit is not attributable to that tax period and is attributable to the first tax period for which you lodge a BAS that does take it into account^{8D} (subject to the four-year time limit contained in Division 93).^{8E}

4. Paragraph 26

After 'occurs.'; insert new footnote 9AA:

^{9AA} However, if you do not take the credit into account in the BAS you lodge for this tax period, the credit is not attributable to the period and is attributable to the first tax period for which you lodge a BAS in which the credit is taken into account (subject to the four-year time limit contained in Division 93).

5. Paragraph 40

Omit the paragraph; substitute:

40. However, under subsection 29-10(3) if you do not hold a tax invoice for a creditable acquisition when you lodge your BAS 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:

- the input tax credit (including any part of the input tax credit) is not attributable to that tax period; and
- the input tax credit (or part) is attributable to the first tax period for which you have a tax invoice when you lodge your BAS (subject to the four-year time limit contained in Division 93).¹¹

^{8D} Subsection 29-10(4).

^{8E} Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(1) or 29-10(2).

¹¹ Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(1).

40A. If the BAS for a tax period states a net amount that does not take into account an input tax credit attributable to that tax period, the input tax credit is not attributable to that tax period and is attributable to the first tax period for which you lodge a BAS that does take it into account^{11A} (subject to the four-year time limit contained in Division 93).^{11B}

6. Paragraph 74

After 'occurs.'; insert new footnote 23AA:

^{23AA} However, if you do not take the credit into account in the BAS you lodge for this tax period, the credit is not attributable to the period and is attributable to the first tax period for which you lodge a BAS in which the credit is taken into account (subject to the four-year time limit contained in Division 93).

7. Paragraph 77

(a) Omit the second dot point; substitute:

- the input tax credit (or part) is attributable to the first tax period for which you have a tax invoice when you lodge your BAS (subject to the four-year time limit contained in Division 93).^{24A}

(b) After the paragraph; insert:

77A. If the BAS for a tax period states a net amount that does not take into account an input tax credit attributable to that tax period, the input tax credit is not attributable to that tax period and is attributable to the first tax period for which you lodge a BAS that does take it into account^{24B} (subject to the four-year time limit contained in Division 93).^{24C}

^{11A} Subsection 29-10(4).

^{11B} Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(1).

^{24A} Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(2).

^{24B} Subsection 29-10(4).

^{24C} Under Division 93, you may cease to be entitled to an input tax credit to the extent that you do not take the credit into account in a GST return you lodge within four years from the due date of the GST return for the tax period to which the credit would have been attributable under subsection 29-10(2).

8. Paragraph 85

After 'occurs.'; insert new footnote 24D:

^{24D} However, if you do not take the credit into account in the BAS you lodge for this tax period, the credit is not attributable to the period and is attributable to the first tax period for which you lodge a BAS in which the credit is taken into account (subject to the four-year time limit contained in Division 93).

9. Paragraph 88

After the second occurrence of 'occurs.'; insert new footnote 24E:

^{24E} However, if you do not take the credit into account in the BAS you lodge for this tax period, the credit is not attributable to the period and is attributable to the first tax period for which you lodge a BAS in which the credit is taken into account (subject to the four-year time limit contained in Division 93).

10. Paragraph 100

After 'acquisition.'; insert new footnote 31A:

^{31A} However, if you do not take the credit into account in the BAS you lodge for this tax period, the credit is not attributable to the period and is attributable to the first tax period for which you lodge a BAS in which the credit is taken into account (subject to the four-year time limit contained in Division 93).

11. Related Rulings/Determinations

Omit:

- GSTR 2000/17

12. Legislative references

Insert:

- ANTS(GST)A99 29-10(1)
- ANTS(GST)A99 29-10(4)
- ANTS(GST)A99 Div 93

This Addendum, other than to the extent it discusses Division 93 of the GST Act, applies in relation to net amounts for tax period starting on or after 1 July 2010.

To the extent it discusses Division 93, the Addendum applies to acquisitions and adjustments that are taken into account in:

- (a) GST returns given to the Commissioner after 7:30pm Australian Eastern Standard Time on 12 May 2009, or
- (b) assessments made by the Commissioner under Subdivision 105-A in Schedule 1 to the *taxation Administration Act 1953* after that time, or

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- (c) amendments of:
 - (i) GST returns referred to in paragraph (a), or
 - (ii) assessments referred to in paragraph (b).

Commissioner of Taxation

25 January 2012

ATO references

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