

ST 2189 - SALES TAX : AUSTRALIAN BICENTENNIAL AUTHORITY

 This cover sheet is provided for information only. It does not form part of *ST 2189 - SALES TAX : AUSTRALIAN BICENTENNIAL AUTHORITY*

This document has been Withdrawn.

There is a [Withdrawal notice](#) for this document.

TAXATION RULING NO. ST 2189

SALES TAX : AUSTRALIAN BICENTENNIAL AUTHORITY

F.O.I. EMBARGO: May be released

REF

H.O. REF: 84/5899-5

DATE OF EFFECT:

B.O. REF:

DATE ORIG. MEMO ISSUED:

F.O.I. INDEX DETAIL

REFERENCE NO:

SUBJECT REFS:

LEGISLAT. REFS:

I 1205252

AUTHORITIES

SALES TAX (EXEMPTIONS
AND CLASSIFICATIONS)
ACT; ITEM 74, FIRST
SCHEDULE.
AUSTRALIAN BICENTENNIAL
AUTHORITY ACT 1980,
SECTION 19.

PREAMBLE

This Ruling deals with the extent to which the Australian Bicentennial Authority is liable to sales tax.

2. Section 19 of the Australian Bicentennial Authority Act 1980 provides that the Authority is not subject to taxation under any law of the Commonwealth or of a State or Territory. This means that where the Authority might otherwise be liable to sales tax, i.e. if it manufactures goods, the liability is extinguished. Section 19 does not confer exemption, however, where the liability does not rest with the Authority, i.e. where the Authority purchases goods, liability for sales tax falls on the supplier.

3. Goods for official use and not for sale by Commonwealth, State and Territory authorities that are completely controlled by and their expenditure exclusively borne by the Government of the Commonwealth, State or Territory, as the case may be, are exempt from sales tax under item 74, First Schedule, Sales Tax (Exemptions and Classifications) Act.

4. The Australian Bicentennial Authority Act 1980 contains a number of provisions to confirm that the Authority is completely controlled by the Government of the Commonwealth. The more important controlling provisions provide:-

- . The Minister may give to the Board of Directors written policies to be followed by the Authority.
- . The Board is required to report to the Minister on matters concerning the objects and operations of the Authority.
- . There is ministerial control over the functions of the Authority, e.g. the application of moneys, formation of any company to promote its operations, its borrowings and its winding up.
- . Ministerial power to terminate the Chairman's

appointment.

- . Borrowing of funds is subject to Ministerial approval.

5. The Authority is financed by funds appropriated by Parliament. The funds provided are subject to Ministerial direction as to their allocation to the Authority and the time they are allocated. The funds cannot be expended otherwise than in accordance with the estimates of expenditure approved by the Minister.

6. The Australian Bicentennial Authority is a body to which item 74 applies.

RULING

7. By virtue of section 19 of the Australian Bicentennial Authority Act 1980 the Authority is not liable for sales tax on goods which it manufactures or imports direct, whether for its own use or for sale by retail or by wholesale.

8. The Authority is entitled to exemption under item 74 on goods purchased for its own use and not for sale, e.g. office equipment, furniture, stationery, etc. are exempt from sales tax.

9. Goods purchased by the Authority for sale by retail are liable to sales tax irrespective of whether the goods are purchased from a local supplier or an importer unless the goods are specifically exempt under an item in the First Schedule.

COMMISSIONER OF TAXATION

17 December 1985

<