

AN 2012/1 (As Amended) -



Australian Government

Australian Taxation Office

A New Tax System (Goods and Services Tax) Adjustment Note Information Requirements Determination 2012

as amended

made under subsection 29-75 of the *A New Tax System (Goods and Services Tax) Act 1999* and subsection 4(1) of the *Acts Interpretation Act 1901*.

This compilation was prepared on 09 September 2013 taking into account amendments up to Goods and Services Tax: Adjustment Note Information Requirements Amendment Determination 2013.

Prepared by Indirect Tax Interpretative Assistance, Australian Taxation Office

1. Name of Determination (see Note 1)

This legislative instrument is the *A New Tax System (Goods and Services Tax) Adjustment Note Information Requirements Determination 2012*.

2. Revocation of previous instrument

The legislative instrument *A New Tax System (Goods and Services Tax) Adjustment Note Information Requirements Determination (No. 1) 2000* (F2006B11651) registered on 29 November 2006 is revoked on the commencement of this legislative instrument and therefore does not apply to net amounts for tax periods to which this instrument applies.

3. Commencement and application of this instrument

- (a) This legislative instrument commences on 1 July 2010.
- (b) This legislative instrument specifies the other information requirements for adjustment notes and **recipient created adjustment notes** for the purposes of subsection 29-75(1) of the GST Act. These requirements apply in relation to net amounts for tax periods starting on or after 1 July 2010.
- (c) A document that satisfied the information requirements of *A New Tax System (Goods and Services Tax) Adjustment Note Information Requirements Determination (No. 1) 2000* (F2006B11651) registered on 29 November 2006 will continue to satisfy the information requirements of this legislative instrument.

4. Legislative instrument (Who is covered by this legislative instrument)

This legislative instrument applies to all entities that issue adjustment notes and recipient created adjustment notes under section 29-75 of the GST Act.

5. Information requirements

(1) Adjustment Note other than a recipient created adjustment note

An adjustment note, other than a recipient created adjustment note referred to in subclause (2), must contain the following information, or enough information in the adjustment note to enable the following to be clearly ascertained:

- (a) that the document is intended as an adjustment note and the effect¹ of the adjustment;
- (b) the identity² of the supplier or the supplier's agent;
- (c) the identity or ABN of the recipient, the recipient's agent, or another member of the recipient's GST group,³ if the adjustment note:

¹ For example, whether it is a positive or negative amount, or a debit or credit amount, to the supplier or the recipient.

² Paragraph 29-75(1)(b) of the GST Act also requires the adjustment note to contain the ABN of the entity that issues it, either the supplier or the supplier's agent.

- (i) relates to a tax invoice showing the total price for the supply or supplies is at least \$1,000 (or such higher amount as the regulations made pursuant to subparagraph 29-70(1)(c)(ii) of the GST Act specify); or
- (ii) arises out of an adjustment event where a supply that was not taxable becomes taxable and the price of the supply is at least \$1,000 (or such higher amount as the regulations made pursuant to subparagraph 29-70(1)(c)(ii) of the GST Act specify);
- (d) the issue date of the adjustment note;
- (e) a brief explanation of the reason for the adjustment;
- (f) the amount of the adjustment to the GST payable;⁴
- (g) if there is a difference between the price of the supply before the adjustment event and the price of the supply after the adjustment event – that difference. Where the supply is not a wholly taxable supply, the adjustment note may identify only the difference in the price to the extent it causes the adjustment.

(2) Recipient created adjustment note

A recipient created adjustment note must contain the following information, or enough information in the recipient created adjustment note to enable the following to be clearly ascertained:

- (a) that the document is intended as a recipient created adjustment note and the effect⁵ of the adjustment;
- (b) the identity and ABN of the supplier or the supplier's agent;
- (c) the identity⁶ of the recipient or the recipient's agent;
- (d) the issue date of the adjustment note;
- (e) a brief explanation of the reason for the adjustment;
- (f) the amount of the adjustment to the GST payable;⁷
- (g) if there is a difference between the price of the supply before the adjustment event and the price of the supply after the adjustment event – that difference. Where the supply is not a wholly taxable supply, the adjustment note may identify only the difference in the price to the extent it causes the adjustment.

³ Where the document was taken to be a tax invoice under the circumstances in subsection 48-57(1).

⁴ If the amount of the GST payable is 1/11th of the price, see the alternative to this requirement at subclause 5(3).

⁵ For example, whether it is a positive or negative amount, or a debit or credit amount, to the supplier or the recipient.

⁶ Paragraph 29-75(1)(b) of the GST Act also requires the adjustment note to contain the ABN of the entity that issues it. In the case of a recipient created adjustment note, this is either the recipient or the recipient's agent.

⁷ If the amount of the GST payable is 1/11th of the price, see the alternative to this requirement at subclause 5(3).

(3) Statement as an alternative to the requirement in paragraph 5(1)(f) or 5(2)(f), as applicable

If the amount of the GST payable is 1/11th of the price, a statement can be included as an alternative to the requirement at paragraph 5(1)(f) or 5(2)(f). The statement must make it clear that the difference in the price of the supply includes GST.

Note: all other requirements in subclause 5(1) or 5(2), as applicable, must be satisfied.

(4) Other information clearly ascertained

A document issued by an entity to another entity satisfies paragraph 29-75(1)(c) for the purposes of the GST Act if it meets the following requirements:

- (a) it would comply with the requirements for an adjustment note but for the fact that it does not contain certain information otherwise required by the Commissioner pursuant to a determination under paragraph 29-75(1)(c); and
- (b) all of that information can be clearly ascertained from other documents given by the entity to the other entity.

(5) Multiple adjustments

If more than one adjustment is included in a document, then:

- (a) the requirement in 5(1)(f) or 5(2)(f) will be satisfied if a total amount of adjustments to the GST payable can be clearly ascertained for each type of adjustment, and
- (b) the requirement in 5(1)(g) and 5(2)(g) will be satisfied if the net total of differences in price can be clearly ascertained.

6. Definitions

- (1) **Recipient created adjustment note** means, for the purpose of this determination, an adjustment note issued by a recipient in the circumstances referred to in subsection 29-75(2) of the GST Act.
- (2) Other expressions in this determination have the same meaning as in the GST Act.

Notes to the A New Tax System (Goods and Services Tax) Adjustment Notes Information Requirements Determination 2012

Note 1:

The A New Tax System (Goods and Services Tax) Adjustment Notes Information Requirements Determination 2012 (in force under subsection 29-75 of the A New Tax System (Goods and Services Tax) Act 1999) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of FRLI registration	Date of commencement
<i>A New Tax System (Goods and Services Tax) Adjustment Note Information Requirements Determination 2012 (F2012L00769)</i>	<i>3 April 2012</i>	<i>1 July 2010</i>
<i>Goods and Services Tax: Adjustment Note Information Requirements Amendment Determination 2013 (F2013L01602)</i>	<i>21 August 2013</i>	<i>1 July 2010</i>

Table of Amendments

ad. = added or inserted *am.* = amended *rep.* = repealed *rs.* = repealed and substitute

Provision affected	How affected
<i>Clause 5</i>	<i>am. (F2013L01602)</i>