

COMMONWEALTH OF AUSTRALIA

A NEW TAX SYSTEM (GOODS AND SERVICES TAX) ACT 1999

DETERMINATION

Under subsection 29-25(1) of the *A New Tax System (Goods and Services Tax) Act 1999*, I make the following determination, being satisfied under paragraph 29-25(2)(e) of the Act that it is necessary to prevent the provisions of Division 29 and Chapter 4 applying in a way that is inappropriate in circumstances involving a supply or acquisition occurring before the supplier or recipient knows the total consideration:

Citation

1. This Determination is the *A New Tax System (Goods and Services Tax) Act 1999 (Particular Attribution Rules for Supplies of Gas or Electricity made by Public Utility Providers) Determination (No. 1) 2000*.

Application of Determination

2. This Determination applies to a taxable supply of gas or electricity made on or after the commencement of the *A New Tax System (Goods and Services Tax) Act 1999* by an entity that:

- (a) is a public utility provider; and
- (b) has a payment arrangement with the recipient of that supply; and
- (c) does not account on a cash basis.

Particular attribution rule for GST payable on a taxable supply of gas or electricity made by a public utility provider

3. The GST payable on a taxable supply of gas or electricity made by a public utility provider is attributable to:

- (a) if an invoice is issued in relation to that supply - the tax period in which that invoice is issued; or
- (b) the tax period in which an invoice would have been issued by the supplier in relation to that supply if the supplier did not have a payment arrangement with the recipient;

whichever is the earlier.

Definitions

4. (1) The following expressions are defined for the purposes of this Determination:

payment arrangement means an arrangement between a public utility provider and a recipient where the provider may receive consideration from the recipient in respect of a supply made or to be made by the provider before any invoice is issued by the provider to the recipient in relation to that supply;

public utility provider means an authority or an enterprise the primary business of which is to provide electricity or gas to the public for domestic or business purposes.

- (2) Other expressions in this Determination have the same meaning as in the Act.

Signed this 26th day of July 2000
Lawrie Hill
Assistant Commissioner
Rulings
Goods and Services Tax Program
Delegate of the Commissioner