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## Legislative Instrument

# Goods and Services Tax: Particular Attribution Rules Where Total Consideration is Not Known Determination 2017

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I, Timothy Dyce, Deputy Commissioner of Taxation, make this determination under subsection 29-25(1) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act)

**Timothy Dyce**

Deputy Commissioner of Taxation

Dated: 12/04/2017

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### 1. Name of determination

This determination is the *Goods and Services Tax: Particular Attribution Rules Where Total Consideration Not Known Determination 2017*.

### 2. Commencement

This determination commences on 1 April 2017.

### 3. Repeal of previous determination

This determination replaces *A New Tax System (Goods and Services Tax) (Particular Attribution Rules Where Total Consideration Not Known) Determination (No. 1) 2000 - F2006B11593* (previous determination), registered on 17 November 2006. The previous determination is repealed from 1 April 2017.

### 4. Application

- (1) This determination applies where you make a taxable supply or creditable acquisition and:
- (a) you do not know the total consideration when any part of the consideration is paid or received or when an invoice is issued relating to the supply or acquisition,, and
  - (b) the ascertainment of the total consideration depends on a future event or events that is not entirely within your control
- and either:
- (c) an invoice is issued relating to the supply or acquisition; or
  - (d) any consideration is received or paid for the supply or acquisition.

- (2) This determination applies only if you do not account on a cash basis.
- (3) This determination is substantially the same as the determination that it replaces.. An entity that satisfied the requirements of the previous determination and makes a taxable supply or creditable acquisition as described in this determination will satisfy the requirements of this determination.

## **5. Particular attribution rule for GST payable on a taxable supply occurring before the supplier knows the total consideration**

- (1) Where, in a tax period, you make a taxable supply before you know the total consideration, and *an invoice is issued* relating to the taxable supply which states an amount of consideration and:
  - (a) *no consideration is received for the supply in that tax period* – the GST on the supply is attributable to that tax period but only to the extent of the amount of the consideration stated in the invoice, or
  - (b) *consideration is received for the supply in that tax period* – the GST on the supply is attributable to that tax period but only to the extent:
    - (i) where the consideration received is less than or equal to the amount of the consideration stated in the invoice – the amount of consideration stated in the invoice, or
    - (ii) where the consideration received is more than the amount stated in the invoice – the amount of the consideration received.
- (2) Where, in a tax period, you make a taxable supply before you know the total consideration, and *an invoice is not issued* relating to the supply and:
  - (a) *consideration is received for the supply in that tax period* – the GST payable on the taxable supply is attributable to that tax period but only to the extent of the consideration received in that tax period, or
  - (b) *no consideration is received for the supply in that tax period* – none of the GST on the supply is attributable to that tax period.
- (3) In tax periods after the tax period in which you first attributed any GST on the taxable supply, attribute GST on any increase in consideration to the earlier of the tax period (or tax periods) in which you issue an invoice (or amended invoice) for the increase in consideration or receive any of the additional consideration.

## **6. Particular attribution rule for input tax credits arising from a creditable acquisition occurring before the recipient knows the total consideration**

- (1) Where, in a tax period, you make a creditable acquisition before you know the total consideration, and *an invoice is issued* relating to the creditable acquisition which states an amount of consideration and you:
  - (a) *do not provide any of the consideration for the acquisition in that tax period* – the input tax credit for the acquisition is attributable to that tax period but only to the extent of the amount of the consideration stated on the invoice, or

- (b) *provide any of the consideration for the acquisition in that tax period* – the input tax credit for the creditable acquisition is attributable to that tax period but only to the extent:
    - (i) where the consideration provided by you is less than or equal to the amount of the consideration stated in the invoice - the amount of the consideration stated in the invoice, or
    - (ii) where the consideration provided by you is more than the amount stated in the invoice - the amount of the consideration provided.
- (2) Where, in a tax period, you make a creditable acquisition before you know the total consideration, and *an invoice is not issued* relating to a creditable acquisition and you:
  - (a) *provide any of the consideration for the acquisition in that tax period* – the input tax credit for the creditable acquisition is attributable to that tax period but only to the extent of the consideration that you provided in that tax period, or
  - (b) *provide none of the consideration for the acquisition in that tax period* – none of the input tax credit for the acquisition is attributable to that tax period.
- (3) In tax periods after the tax period in which you first attributed any GST on the taxable supply, attribute GST on any increase in consideration to the earlier of the tax period (or tax periods) in which you issue an invoice (or amended invoice) for the increase in consideration or receive any of the additional consideration.
- (4) However, the input tax credit to which you are entitled for a creditable acquisition is attributable to the tax period in which you first know the total amount of consideration for the creditable acquisition to the extent it has not been attributed to an earlier tax period.
- (5) To avoid doubt, this Determination is not intended to override subsection 29-10(3) of the GST Act

## **7. Definitions**

Expressions in this determination have the same meaning as in the GST Act.