

RCTI 2006/1 (As Amended) -



A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2006

as amended

made under subsection 29-70(3) 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 **18 May 2009** taking into account amendments up to *Recipient Created Tax Invoice – Embedded Agreements Amending Legislative Instrument 2009*

Prepared by the Goods and Services Tax Centre of Expertise,
Australian Taxation Office

Citation (see Note 1)

1. This determination may be cited as *Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No 1) 2006*.

Commencement (see Note 1)

2. (1) This determination commences on 1 December 2006.

(2) This determination does not revoke or vary any previous determination made by the Commissioner or a delegate of the Commissioner.

Application

3. This determination applies to an entity not determined previously as being able to issue a tax invoice belonging to a class of tax invoices that may be issued by a recipient.

Who is covered by this Determination

4. This determination applies to an entity, which acquires Demand Side Response (DSR) as a taxable supply from a registered entity.

Classes of tax invoices that may be issued by the recipient of a taxable supply

5. An aggregator of DSR, who is a recipient of a taxable supply of DSR from a registered entity, may issue a tax invoice that belongs to a class of tax invoices for a taxable supply of DSR, where the following circumstances exist:

- a) the recipient of DSR is registered for GST;
- b) the recipient supplies aggregated DSR to electricity retailers, network service providers and other users of aggregated DSR;
- c) the recipient establishes the value of the DSR acquired from the DSR supplier; and
- d) the recipient satisfies the requirements set out in Clause 6.

Requirements that must be satisfied by the recipient of a taxable supply of DSR

6. A recipient of a taxable supply of DSR must satisfy the following requirements

- a) the recipient must be registered for GST when the invoice is issued;
- b) the recipient must set out in the tax invoice the Australian Business Number of the supplier;
- c) the recipient must issue the original or a copy of the tax invoice to the supplier within 28 days of making or determining the value of a taxable supply and must retain the original or the copy;
- d) the recipient must issue the original or a copy of an adjustment note to the supplier within 28 days of the adjustment and must retain the original or the copy;
- e) the recipient must reasonably comply with its obligations under the taxation laws;
- f) the recipient must have either:

- a written agreement with the supplier specifying the supplies to which it relates, that is current and effective when the RCTI is issued, agreeing that:
 - (i) the recipient can issue tax invoices in respect of the supplies;
 - (ii) the supplier will not issue tax invoices in respect of the supplies;
 - (iii) the supplier acknowledges that it is registered for GST when it enters into the agreement and that it will notify the recipient if it ceases to be registered;
 - (iv) the recipient acknowledges that it is registered when it enters into the agreement and that it will notify the supplier if it ceases to be registered for GST; and
 - (v) the recipient indemnifies the supplier for any liability for GST and penalty that may arise from an understatement of the GST payable on any of the specified supplies received on a tax invoice the recipient issues; or
- an agreement with the supplier embedded in an RCTI it issues that contains the following statement:

The recipient and the supplier declare that this agreement applies to supplies to which this tax invoice relates. The recipient can issue tax invoices in respect of these supplies. The supplier will not issue tax invoices in respect of these supplies. The supplier acknowledges that it is registered for GST and that it will notify the recipient if it ceases to be registered. The recipient acknowledges that it is registered for GST and that it will notify the supplier if it ceases to be registered for GST. The recipient indemnifies the supplier for any liability for GST and penalty that may arise from an understatement of the GST payable on any of the specified supplies received on a tax invoice the recipient issues. Acceptance of this RCTI constitutes acceptance of the terms of this written agreement.

Both parties to this supply agree that they are parties to an RCTI agreement. The supplier agrees to notify the recipient if the supplier does not wish to accept the proposed agreement within 21 days of receiving this document.

Definitions

7. (1) The following expressions are defined for the purposes of this determination:

recipient means an entity that acquires DSR from registered electricity consumers, aggregates it and sells it to electricity retailers, network service providers and other users of DSR.

Demand Side Response (DSR) means the measures taken by electricity consumers to reduce their demand from the electricity network at peak times.

supplier means an electricity consumer, who enters into a written agreement with a DSR aggregating entity to supply DSR as and when requested by the aggregating entity.

(2) Other expressions in this determination have the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999*.

Table of Instruments

Notes to the *A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2006*

Note 1

The *A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2006* (in force under subsection 29-70(3) 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) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2006</i>	23 October 2006 (see F2006L03480)	1 December 2006
Recipient Created Tax Invoice – Embedded Agreement Amending Legislative Instrument 2009	14 May 2009 (see F2009L01772)	1 July 2009

Table of Amendments

Table of Amendments

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

Provision affected

How affected

Clause 6

am. (F2009L01772)
