



A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2008

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 Agreement 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 the A New Tax System (*Goods and Services Tax*) Act 1999 *Classes of Recipient Created Tax Invoice Determination* (No. 1) 2008.

Commencement (see Note 1)

2. (1) This determination commences on 26 September 2008.
- (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 that acquires promotional services, related to agricultural products they produce, 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 agricultural producer, who is a recipient of a taxable supply of promotional services from a registered entity, may issue a tax invoice that belongs to a class of tax invoices for a taxable supply of promotional services, where the following circumstances exist:
 - a) the recipient of the promotional services is registered for GST;
 - b) the recipient supplies the agricultural product that is subject to the promotional services;
 - c) the recipient establishes the cost of the promotional services acquired from the promotional services supplier, based on the quantity of product it sells; 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 promotional services

6. A recipient of a taxable supply of promotional services 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 promotional services from an industry association or similar body.

promotional services means the promotion of agricultural products.

supplier means an industry association or similar body of which the recipient is a member or otherwise associated with.

- (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) 2008*

Note 1

The *A New Tax System (Goods and Services Tax) Act 1999 Classes of Recipient Created Tax Invoice Determination (No. 1) 2008* (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. 3) 2008</i>	10 July 2008 (see F2008L02399)	26 September 2008
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 1	am. (F2009L01772)
Clause 6	am. (F2009L01772)