

WTI 2014/1 -



Legislative Instrument

A New Tax System (Goods and Services Tax) Waiver of Tax Invoice Requirement (Motor Vehicle Incentive Payment Made to Motor Vehicle Dealer) Legislative Instrument 2014

I, James O'Halloran, Deputy Commissioner of Taxation, make this legislative instrument under subsection 29-10(3) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act).

1. Name of instrument

This legislative instrument is the *A New Tax System (Goods and Services Tax) Waiver of Tax Invoice Requirement (Motor Vehicle Incentive Payment Made to Motor Vehicle Dealer) Legislative Instrument 2014*.

2. Commencement and application of this instrument

- (a) This legislative instrument is taken to have commenced on 1 May 2014.
- (b) This legislative instrument applies to tax periods for which the GST return is required to be given to the Commissioner on or after 1 May 2014.
- (c) This legislative instrument does not revoke, amend or vary any previous legislative instrument made by the Commissioner or a delegate.

3. Waiver of requirement to hold a tax invoice

For the purposes of attributing an input tax credit for a creditable acquisition to a tax period, if:

- (a) a recipient makes a creditable acquisition of a motor vehicle from a motor vehicle dealer (the supplier); and
- (b) the supplier receives or is entitled to receive a motor vehicle incentive payment for the supply of the motor vehicle to the recipient in addition to the consideration payable by the recipient;

the recipient is not required (under subsection 29-10(3) of the GST Act) to hold a tax invoice before the input tax credit for the creditable acquisition is attributable to that tax period if the requirements provided by this instrument are satisfied.

4. Waiver from holding a tax invoice requirements

At the time the recipient gives its GST return for the tax period to the Commissioner, the recipient holds a document that meets the information requirements set out in clause 5.

5. Document information requirements

The document referred to in clause 4:

- (a) meets the requirements of paragraphs 29-70(1)(a) and 29-70(1)(c) of the GST Act other than subparagraphs 29-70(1)(c)(iii) and 29-70(1)(c)(vi) of the GST Act; and
- (b) contains enough information to enable the following to be clearly ascertained from the document:
 - (i) what is supplied, including the quantity (if applicable); and
 - (ii) the amount of consideration payable by the recipient of the supply; and
 - (iii) the amount of GST payable that is referable to the consideration payable by the recipient.

6. Definitions

Expressions in this legislative instrument have the same meaning as in the GST Act.

Consideration payable by the recipient does not include the motor vehicle incentive payment.

Motor vehicle incentive payment means the consideration provided by a motor vehicle manufacturer, distributor or importer to the motor vehicle dealer that is part of the consideration for the supply of the motor vehicle to the recipient.

Dated 8 May 2014

James O'Halloran
Deputy Commissioner of Taxation