GSTD 2002/1W - Goods and services tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?

This cover sheet is provided for information only. It does not form part of *GSTD 2002/1W - Goods and services tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?*

This document has changed over time. This is a consolidated version of the ruling which was published on *27 November 2002*

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Notice of Withdrawal

Goods and Services Tax Determination

Goods and services tax: are there GST consequences when a partner in a partnership takes goods held as trading stock for private or domestic use?

Goods and Services Tax Determination GSTD 2002/1 is withdrawn with effect from today.

Reason for Withdrawal

As a result of further industry comment and as part of the Australian Taxation Office's continuing review of Public Rulings to monitor their technical accuracy and practical application, we identified the need to review the issues raised in GSTD 2002/1. We have decided to withdraw GSTD 2002/1 for the reasons given below.

Under Division 130 of the *A New Tax System (Goods and Services Tax) Act 1999* you may have an increasing adjustment if you made a creditable acquisition or creditable importation that was solely for a creditable purpose and you apply the goods solely to private or domestic use. The Australian Taxation Office (ATO) view in GSTD 2002/1 is that Division 130 does not apply to applications of trading stock by partnerships.

Division 72 ensures that supplies to, and acquisitions from, your associates without consideration are brought within the GST system. The ATO view in GSTD 2002/1 is that Division 72 applies to supplies made by partnerships to partners.

The current preliminary view of the ATO is that Division 130 applies to applications of trading stock by partnerships for private use. Division 72 does not apply. Our current preliminary view is contained in draft GSTD 2002/D5, which issued today.

Commissioner of Taxation
27 November 2002

ATO References
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