



***GSTR 2005/5W - Goods and services tax:  
arrangements of the kind described in Taxpayer Alert  
TA 2004/8: use of the Going Concern provisions and  
the Margin Scheme to avoid or reduce the Goods and  
Services Tax on the sale of new residential premises***

 This cover sheet is provided for information only. It does not form part of *GSTR 2005/5W - Goods and services tax: arrangements of the kind described in Taxpayer Alert TA 2004/8: use of the Going Concern provisions and the Margin Scheme to avoid or reduce the Goods and Services Tax on the sale of new residential premises*

 This document has changed over time. This is a consolidated version of the ruling which was published on *29 March 2017*



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## Notice of Withdrawal

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### Goods and Services Tax Ruling

Goods and services tax: arrangements of the kind described in Taxpayer Alert TA 2004/8: use of the Going Concern provisions and the Margin Scheme to avoid or reduce the Goods and Services Tax on the sale of new residential premises

Goods and Services Tax Ruling GSTR 2005/5 is withdrawn with effect from today.

1. This Ruling provides the Commissioner's view in relation to arrangements referred to in Taxpayer Alert TA 2004/8: *Use of the Going Concern provisions and the Margin Scheme to avoid or reduce the Goods and Services Tax (GST) on the sale of new residential premises*.
2. Subsection 75-11(5) was inserted into the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act) in 2005 to address the arrangements covered by this Ruling. Goods and Services Tax Ruling GSTR 2006/8 *Goods and services tax: the margin scheme for supplies of real property acquired on or after 1 July 2000* provides the Commissioner's view on the application of subsection 75-11(5) of the GST Act.
3. The decision of the High Court in *Commissioner of Taxation v. Unit Trend Services Pty Ltd [2013] HCA 16* confirmed that Division 165 of the GST Act operated to negate the GST benefit obtained by a scheme similar to the arrangements covered by this Ruling.
4. Accordingly, GSTR 2005/5 is no longer current and is therefore withdrawn.

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**Commissioner of Taxation**

29 March 2017

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ATO references

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