GSTR 2007/1A2 - Addendum - Goods and services tax: when retirement village premises include communal facilities for use by the residents of the premises

Addendum

Goods and Services Tax Ruling

Goods and services tax: when retirement village premises include communal facilities for use by the residents of the premises

This Addendum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It amends Goods and Services Tax Ruling GSTR 2007/1 to give effect to changes introduced by the *Aged Care and Other Legislation Amendment Act 2025*, which commenced on 1 November 2025, and updates the:

- definition of 'retirement village'
- date of effect.

The Addendum also omits industry views on the meaning of 'communal facility'. Those views were extracted from content on a third-party website, accessed in 2007, the original sources for which are no longer available. For the purposes of the public ruling, the relevant interpretative position is the Commissioner's view as to the meaning of that term.

GSTR 2007/1 is amended as follows:

1. Preamble

Omit the preamble; substitute:

> **Relying on this Ruling**
>
> This publication is a public ruling for the purposes of the *Taxation Administration Act 1953*.
>
> If this Ruling applies to you, and you correctly rely on it, we will apply the law to you in the way set out in this Ruling. That is, you will not pay any more tax or penalties or interest in respect of the matters covered by this Ruling.

2. Table of Contents

Omit the Table of Contents; substitute:

Table of Contents	Paragraph

3. Paragraph 5

Omit the wording of the paragraph; substitute:

> This Ruling applies both before and after its date of issue, subject to the commencement and application of each amending Act to which it refers.

4. Paragraph 8

After ‘for example’, insert a comma.

5. Paragraph 11

Omit ‘GST purposes’; substitute ‘goods and services tax (GST) purposes’.

6. Paragraph 12

Omit ‘subsection 38-25(3).The’; substitute ‘subsection 38-25(3). The’.

7. Paragraph 14

(a) After ‘section 195-1 of the GST Act’, insert new footnote 5A:

> [5A] Paragraph (d) of the definition of retirement village in section 195-1 was amended by the *Aged Care and Other Legislation Amendment Act 2025*, commencing 1 November 2025. Paragraph (d) formerly read:
> (d) premises used, or intended to be used, for the provision of residential care (within the meaning of the *Aged Care Act 1997*) by an approved provider (within the meaning of that Act).

(b) In the quote, omit the wording of paragraph (d); substitute ‘an approved residential care home;[5B]’.

(c) After ‘an approved residential care home;’, insert new footnote 5B:

> [5B] Defined in section 195-1 to have the meaning given by section 7 of the *Aged Care Act 2024*.

8. Paragraphs 18 and 30

(a) Omit ‘building(s) is’; substitute ‘building, or buildings, are’.

(b) Omit ‘building(s)’; substitute ‘building, or buildings,’.

9. Paragraphs 19, 23 and 31

(a) Omit the first instance of ‘building(s)’; substitute ‘building, or buildings’.

(b) Omit the second instance of ‘building(s)’; substitute ‘building, or buildings,’.

10. Paragraph 27

After ‘if this requirement is satisfied’, insert a comma.

11. Paragraph 29

(a) Omit the wording of the paragraph, excluding footnote 6; substitute:

‘Residential premises’ is a defined term[6] and the Commissioner provides guidance as to what are residential premises in Goods and Services Tax Rulings GSTR 2003/3 *Goods and services tax: when is a sale of real property a sale of new residential premises?* and GSTR 2012/5 *Goods and services tax: residential premises*.

(b) Omit footnotes 7 and 8.

12. Paragraph 32

Omit ‘residence contract and/or an associated services agreement and include, for example’; substitute ‘residence contract, an associated services agreement, or both, and include, for example,’.

13. Paragraph 33

After ‘village premises, for example’, insert a comma.

14. Paragraph 34

After ‘for example’, insert a comma.

15. Paragraph 37

(a) Omit ‘*Tourapark Pty Ltd v. Federal Commissioner of Taxation*’; substitute ‘*Tourapark Pty Ltd v Federal Commissioner of Taxation* [1982] HCA 18,’.

(b) Omit ‘communal facilities ‘such as lavatories,’; substitute ‘communal facilities such as ‘lavatories,’.

(c) Omit the wording of footnote 14; substitute:

149 CLR 176 at [179].

(d) Omit ‘*Mount Isa Mines Ltd v. Federal Commissioner of Taxation*’; substitute ‘*Mount Isa Mines Ltd v The Commissioner of Taxation of the Commonwealth of Australia* [1990] FCA 109,’.

(e) Omit the wording of footnote 15; substitute:

21 ATR 159 at [187].

(f) After '*Zig Inge Retirement Villages*', insert '[2000] VCAT 2330'.

(g) Omit the wording of footnote 16; substitute:

At [21] (30 November 2000).

(h) After '*Colchester Sixth Form College*', insert '[2000] BVC 2095'.

(i) Omit the wording of footnote 17; substitute:

At [2101].

16. Paragraph 38

(a) Omit the wording of the paragraph; substitute:

There is no single retirement village industry definition of the term 'communal facilities'.

(b) Omit footnotes 18 and 19.

17. Paragraph 40

(a) Omit '*HP Mercantile Pty Ltd v. Federal Commissioner of Taxation*'; substitute '*HP Mercantile Pty Limited v Commissioner of Taxation* [2005] FCAFC 126'.

(b) Omit footnotes 21 and 22.

(c) After 'Hill J stated', insert new footnote 21A:

[21A] At [44]. See also *Sterling Guardian Pty Limited v Commissioner of Taxation* [2005] FCA 1166; 2005 ATC 4796 at [4804], per Stone J.

(d) In the quote, omit '(1997) 9 ANZ Insurance Cases 61-348;'.

18. **Paragraph 43**

(a) Omit the first instance of 'building(s)'; substitute 'building, or buildings'.

(b) Omit the second instance of 'building(s)'; substitute 'building, or buildings,'.

(c) Omit footnote 23.

19. **Paragraph 51**

Omit the paragraph, including heading and footnote 24.

20. **Paragraph 52**

Omit the paragraph, including heading.

This Addendum applies from 1 November 2025.

Commissioner of Taxation
2 September 2026

ATO references

NO:	1-199Q237S
ISSN:	2205-6157
BSL:	ISP-GST