ABN and GST registration - flexibility -

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Page status: legally binding

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Charities Consultative Committee

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This publication (excluding appendixes) is a public ruling for the purposes of the *Taxation Administration Act* 1953.

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If you rely on this ruling, the Commissioner must apply the law to you in the way set out in the ruling (unless the Commissioner is satisfied that the ruling is incorrect and disadvantages you, in which case the law may be applied to you in a way that is more favourable for you – provided the Commissioner is not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

Can a non-profit sub-entity of an entity that is endorsed as a tax concession charity apply the GST concessions that the parent entity has access to?

1. Yes. Since 1 July 2005, charities must be endorsed as a tax concession charity in order to access income tax, fringe benefits tax and GST concessions.

2. A non-profit sub-entity cannot be endorsed as a tax concession charity in its own right because it is only recognised as a separate entity for GST purposes. For all other purposes including income tax, it is treated as part of the parent entity. Consequently, the non-profit sub-entity is entitled to access the GST concessions where the parent entity has been endorsed as a tax concession charity.