

PAR 2015/1 -



Legislative Instrument

A New Tax System (Goods and Services Tax) (Particular Attribution Rules for Certain Motor Vehicle Incentive Payments Made to Motor Vehicle Dealers) Legislative Instrument 2015

I, Tim Dyce, Deputy Commissioner of Taxation, make this legislative instrument under subsection 29-25(1) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act). I am satisfied under paragraph 29-25(2)(b) of the GST Act that it is necessary to prevent the provisions of Division 29 and Chapter 4 applying in a way that is inappropriate in circumstances involving a supply or acquisition for which payment is made or an invoice is issued, but use, enjoyment or passing of title will, or may, occur at some time in the future.

Dated this 19 November 2015

Tim Dyce
Deputy Commissioner of Taxation

1. Name of instrument

This legislative instrument is the *A New Tax System (Goods and Services Tax) (Particular Attribution Rules for Certain Motor Vehicle Incentive Payments Made to Motor Vehicle Dealers) Legislative Instrument 2015*.

2. Commencement

- (a) This legislative instrument is taken to have commenced on 1 January 2015.
- (b) This legislative instrument does not revoke, amend or vary any previous legislative instrument made by the Commissioner or a delegate.

3. Application

This legislative instrument applies if:

- (a) a motor vehicle dealer either:
 - (i) receives a **third party motor vehicle incentive payment** in a tax period; or

- (ii) issues an invoice for a **third party motor vehicle incentive payment** in a tax period, before receiving the payment; and
- (b) the **third party motor vehicle incentive payment** relates to the supply of a motor vehicle by the motor vehicle dealer where use, enjoyment and passing of title will occur in a later tax period; and
- (c) the motor vehicle dealer does not know the total consideration for the supply of the motor vehicle by the end of the tax period during which:
 - (i) if clause 3(a)(i) applies – the **third party motor vehicle incentive payment** was received; or
 - (ii) if clause 3(a)(ii) applies – the invoice for the **third party motor vehicle incentive payment** was issued; and
- (d) the supply of the motor vehicle will be a taxable supply.

4. Particular attribution rule

If this legislative instrument applies, the GST payable by the motor vehicle dealer on the supply of the motor vehicle:

- (a) is not attributable to the tax period in which the **third party motor vehicle incentive payment** is received or the invoice is issued despite subsections 29-5(1) and (2) of the GST Act; and
- (b) is attributable to the tax period in which the total consideration for the supply of the motor vehicle is known.

5. Definitions

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

Third party 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 customer.