



MT 2000/2 - The New Tax System: the requirement to get an ABN for PAYG purposes if you let out a residence

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 This document has changed over time. This is a consolidated version of the ruling which was published on *6 September 2000*



Miscellaneous Taxation Ruling

The New Tax System: the requirement to get an ABN for PAYG purposes if you let out a residence

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Preamble

*This document does not rule on the application of a 'tax law' (as defined) and is, therefore, not a 'public ruling' for the purposes of Part IVAAA of the **Taxation Administration Act 1953**. The document is, however, administratively binding on the Commissioner of Taxation. Taxation Rulings TR 92/1 and TR 97/16 together explain when a Ruling is a 'public ruling' and how it is binding on the Commissioner.*

[Note: This is a consolidated version of this document. Refer to the Tax Office Legal Database (<http://law.ato.gov.au>) to check its currency and to view the details of all changes.]

What this Ruling is about

1. This ruling considers the requirement to get an Australian Business Number (ABN) for Pay As You Go (PAYG) purposes if you let out a residence.

Ruling and explanation

2. If you let out a property on a regular and continuous basis you are carrying on an enterprise for ABN purposes¹ and you are entitled to get an ABN.²

3. If you let out residential premises where the whole of the premises is to be used predominantly for residential accommodation purposes you are entitled to get an ABN, but you do not need one for PAYG withholding purposes. This is because the supply will be input taxed³ and excluded from the requirement to withhold amounts from payments in relation to a supply.⁴

¹ Paragraph 38(1)(c) ANTS(ABN)A 1999

² Subsection 8(1) ANTS(ABN)A 1999

³ Section 40-35 ANTS(GST)A 1999

⁴ Paragraph 12-190(4)(d) Schedule 1 TAA 1953

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4. If you let out commercial premises and the supply is a taxable supply⁵ for the Goods and Services Tax (GST), you will need to quote your ABN,⁶ or your agent will need to quote the agent's ABN,⁷ to your tenant to avoid the possibility of having an amount withheld from the rent or lease payments under the PAYG withholding laws.⁸

5. For a more detailed explanation of your obligations in relation to ABN, PAYG and GST see Taxation Determination GSTD 2000/9, which is about your requirement to get an ABN and register for GST if you let out a residence.

Date of effect

6. This Ruling will apply on and from 1 July 2000.

Detailed contents list

7. Below is a detailed contents list for this Miscellaneous Taxation Ruling:

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Commissioner of Taxation

30 August 2000

Previous draft:

Not previously issued in draft form

Related Rulings/Determinations:

GSTD 2000/9

Subject references:

- Australian Business Number
- Pay As You Go Withholding

⁵ Section 9-5 ANTS(GST)A 1999

⁶ Subsection 12-190(2) Schedule 1 TAA 1953

⁷ Subsection 12-190(2A) Schedule 1 TAA 1953

⁸ Subsection 12-190(1) Schedule 1 TAA 1953

- residential accommodation
- commercial premises
- input taxed
- taxable supply

Legislative references:

- ANTS(ABN)A 99 8(1)
- ANTS(ABN)A 99 38(1)(c)
- ANTS(GST)A 99 9-5
- ANTS(GST)A 99 40-35
- TAA 53 Sch 1 12-190(1)
- TAA 53 Sch 1 12-190(2)
- TAA 53 Sch 1 12-190(2A)
- TAA 53 Sch 1 12-190(4)(d)

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