# A New Tax System (Goods and Services Tax) Regulations 1999

**Statutory Rules No. 245, 1999**

made under the

*A New Tax System (Goods and Services Tax) Act 1999*

## Compilation No. 37

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**This compilation includes retrospective amendments made by F2017L01568**

Prepared by the Office of Parliamentary Counsel, Canberra

# About this compilation

### This compilation

This is a compilation of the *A New Tax System (Goods and Services Tax) Regulations 1999* that shows the text of the law as amended and in force on 4 December 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# Part 1—Preliminary

## 1 Name of Regulations

These Regulations are the *A New Tax System (Goods and Services Tax) Regulations 1999*.

## 3 Definitions—the dictionary etc

(1) The dictionary at the end of these Regulations defines words and expressions for the purposes of the Regulations, and includes references to words and expressions that are defined in the Act or elsewhere in the Regulations (***signpost definitions***).

Example of signpost definition: The signpost definition '***interest*** see regulation 40-5.02' means that the word *interest* is defined in regulation 40-5.02.

(2) The dictionary does not include a signpost definition for a word or expression if the word or expression is not used in more than 1 regulation.

(3) The dictionary is part of these Regulations.

(4) A definition of, or reference to, a word or expression in the dictionary applies to each use of the word or expression in these Regulations, unless the contrary intention appears.



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# Part 2-5—Registration

## Division 23—Who is required to be registered and who may be registered

### 23-15.01 Registration turnover threshold (other than for non-profit bodies) (Act ss 23-15 (1))

For paragraph 23-15(1)(b) of the Act, the amount of $75 000 is specified.

### 23-15.02 Registration turnover threshold for non-profit bodies (Act ss 23-15 (2))

For paragraph 23-15(2)(b) of the Act, the amount of $150 000 is specified.



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# Part 2-6—Tax periods

## Division 29—What is attributable to tax periods

### Subdivision 29-C—Tax invoices and adjustment notes

#### 29-80.01 Value of taxable supply (Act ss 29-80(1))

For subsection 29-80(1) of the Act, the amount of $75 is specified.

#### 29-80.02 Adjustment note threshold (Act ss 29-80 (2))

For subsection 29-80(2) of the Act, the amount of $75 is specified.



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# Part 2-7—Returns, payments and refunds

## Division 33—Payments of GST

### 33-15.01 Purpose of Division

For paragraph 33-15(1)(b) of the Act, this Division provides for the deferral of payments of amounts of assessed GST on taxable importations.

### 33-15.02 Application for approval

(1) An entity may apply to the Commissioner for approval to make deferred payments of assessed GST on taxable importations.

(2) The application must:
  (a) be made in a manner approved by the Commissioner; and
  (b) contain the information required by the Commissioner.

### 33-15.03 Requirements for approval

(1) The Commissioner must, in writing, approve an application by an entity if the Commissioner is satisfied of the following matters:
  (a) the entity is registered under Part 2-5 of the Act;
  (b) the entity has an ABN;
  (c) if the entity is an individual, the entity is not an undischarged bankrupt;
  (d) the tax period applying to the entity is each individual month;
  (e) if the entity is a member (but not the representative member) of a GST group, the representative member of the group is an approved entity;
  (f) the bank guarantee (if any) required under regulation 33-15.04 has been provided;
  (g) the entity will be able to comply with the requirements in subregulation 33-15.06(1);
  (h) it would not be appropriate to refuse the application under subregulation (2), (3) or (4).

(2) The Commissioner may refuse the application if the entity is a Chapter 5 body corporate (within the meaning of by section 9 of the *Corporations Act 2001*).

(3) The Commissioner may refuse the application if, in the period of 3 years before the date of the application:
  (a) the entity; or
  (b) if the entity is not an individual, an individual who is relevant to the entity's application;

has been convicted by a court, whether in Australia or in another country, of an offence in relation to taxation requirements, customs requirements, the



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misdescription of goods, trade practices, fair trading or the defrauding of a government.

Note: This subregulation is subject to Part VIIC of the *Crimes Act 1914*, which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of spent convictions to disregard them.

(4) The Commissioner may refuse the application if the entity, or any of its related entities (if any), has:
  (a) an outstanding tax-related liability; or
  (b) a return outstanding under a taxation law.

(5) In subregulation (4):

***related entity*** means:
  (a) for an entity that is a member of a GST group—any other member of the GST group; or
  (b) for an entity that is a joint venture operator for a GST joint venture—any other company that is a participant in the GST joint venture; or
  (c) for an entity that is a parent entity of a GST branch—any GST branch of the parent entity; or
  (d) for an entity that is a GST branch of a parent entity—the parent entity or any other GST branch of the parent entity.

## 33-15.04 Bank guarantee requirement

(1) If:
  (a) an entity applies for approval; and
  (b) a previous approval of the entity has been revoked under regulation 33-15.08;

the Commissioner may require the entity to provide a bank guarantee in relation to the payment of deferred payments of assessed GST on taxable importations.

(2) The guarantee must provide that, if an amount of assessed GST on taxable importations is not paid to the Commissioner on or before the day mentioned in regulation 33-15.07, the bank will pay to the Commissioner the lesser of:
  (a) the overdue amount; and
  (b) the guarantee amount worked out under subregulation (3).

(3) The guarantee amount is 1.5 times the highest monthly amount of assessed GST on taxable importations that was payable by the entity:
  (a) in the 12 months before the application mentioned in paragraph (1)(a) was made; or
  (b) if no monthly amounts of assessed GST on taxable importations were payable in that 12 months, in the 12 months before the previous approval was revoked.



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### 33-15.05 Decision on application—notice and date of effect

(1) If the Commissioner approves an entity's application, the Commissioner must give to the entity written notice of the approval.

(2) The approval takes effect on the day specified in the approval.

(3) If the Commissioner refuses an entity's application, the Commissioner must give to the entity written notice of the refusal.

(4) The notice must:
  (a) state the reasons for the refusal; and
  (b) state that the entity has a right under regulation 33-15.09 to object against the decision.

### 33-15.06 Electronic dealings by approved entities

(1) An approved entity must:
  (a) enter goods for home consumption by computer (within the meaning of the *Customs Act 1901*); and
  (b) lodge its GST returns electronically in a format approved by the Commissioner for this regulation; and
  (c) pay the amounts of assessed GST for which the entity is liable by electronic payment.

(2) However, paragraphs (1)(b) and (c) do not apply to an approved entity that is a member (but not the representative member) of a GST group.

### 33-15.07 Due date for deferred payments

An amount of assessed GST on taxable importations that is payable by an approved entity must be paid to the Commissioner on or before the 21st day after the end of the month in which the liability for the assessed GST arose.

### 33-15.08 Revocation of approval

(1) The Commissioner may, in writing, revoke an entity's approval if the Commissioner is satisfied that:
  (a) the entity no longer meets the requirements for approval in regulation 33-15.03; or
  (b) the bank guarantee (if any) provided by the entity under regulation 33-15.04 has lapsed; or
  (c) the entity has failed to meet a requirement in subregulation 33-15.06(1); or
  (d) the entity is liable to pay a charge or penalty mentioned in Part IIA of the *Taxation Administration Act 1953*; or
  (e) the entity is being prosecuted for, or has been convicted of, an offence under Part III of the *Taxation Administration Act 1953*.

(2) The revocation takes effect on the day specified in the revocation.



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(3) If the Commissioner revokes an entity's approval, the Commissioner must give to the entity written notice of the revocation.

(4) The notice must:
  (a) state the reasons for the revocation; and
  (b) state that the entity has a right under regulation 33-15.09 to object against the decision.

## 33-15.09 Review of decisions

An entity that is dissatisfied with a decision of the Commissioner to refuse an application by the entity under regulation 33-15.03, to require the entity to provide a bank guarantee under regulation 33-15.04, or to revoke an approval of the entity under regulation 33-15.08, may object against the decision in the manner set out in Part IVC of the *Taxation Administration Act 1953*.



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# Part 3-1—Supplies that are not taxable supplies

## Division 38—GST-free supplies

### Subdivision 38-A—Food

#### 38-3.01 GST-free beverages supplied from vending machines (Act s 38-3)

(1) For subsection 38-3(2) of the Act, this regulation applies to a beverage that:
  (a) is specified in the third column of the table in clause 1 of Schedule 2 to the Act; and
  (b) apart from subregulation (2), would not be GST-free; and
  (c) is supplied on premises from a vending machine for consumption on the premises.

(2) Section 38-3 of the Act, except subsection (3), does not apply to a supply of the beverage.

#### 38-3.02 Food additives (Act s 38-3)

(1) For paragraph 38-3(1)(e) of the Act, food additives other than exempt food additives are specified.

(2) Each of the following is an ***exempt food additive***:
  (a) a food additive which, at the time of supply is packaged and marketed for retail sale;
  (b) a food additive which, at the time of supply:
    (i) has a measurable nutritional value; and
    (ii) is supplied for use solely or predominantly in the composition of food; and
    (iii) is essential to the composition of that food.

### Subdivision 38-B—Health

#### 38-45.01 Medical aids and appliances (Act s 38-45)

(1) For paragraph 38-45(1)(a) of the Act, the medical aids and appliances mentioned in Schedule 3 are specified.

(2) Division 182 of the Act applies to the second column in Schedule 3 as if that column were the second column of the table in Schedule 3 to the Act.

## Subdivision 38-E—Exports and other supplies for consumption outside the indirect tax zone

### 38-185.01 Export of goods by travellers as accompanied baggage (Act s 38-185)

For item 7 of subsection 38-185(1) of the Act, the rules set out in Schedule 5 are specified in relation to the supply of goods to a relevant traveller.



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# Division 40—Input taxed supplies

## Subdivision 40-A—Financial supplies

### 40-5.01 Object of Subdivision 40-A

The object of this Subdivision is to identify a supply that is or is not a financial supply.

Note 1: For the meaning of ***supply***, see subsection 9-10(2) of the Act.

Note 2: Subsection 40-5(2) of the Act provides that ***financial supply*** has the meaning given by the regulations.

### 40-5.02 Interests

An ***interest*** is anything that is recognised at law or in equity as property in any form.

Examples of interests:

1 A debt or a right to credit

2 An interest conferred under a public or private superannuation scheme

3 A mortgage over land or premises

4 A right under a contract of insurance or a guarantee

5 A right to receive a payment under a derivative

6 A right to future property

### 40-5.03 Provision

***Provision*** of an interest includes allotment, creation, grant and issue of the interest.

### 40-5.04 Disposal

***Disposal*** of an interest includes assignment, cancellation, redemption, transfer and surrender of the interest.

### 40-5.05 Acquisition

***Acquisition***, in relation to the provision or disposal of an interest, includes acceptance and receipt of the interest.

### 40-5.06 Financial supply providers

(1) An entity, in relation to the supply of an interest that was:

(a) immediately before the supply, the property of the entity; or

(b) created by the entity in making the supply;

is the ***financial supply provider*** of the interest.



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Examples of interests to which paragraph (a) applies:

1 A share or bond that is sold

2 Rights assigned under a derivative

Examples of interests to which paragraph (b) applies:

1 A share or bond that is issued

2 A derivative that is entered into

(2) The entity that acquires that interest is also the ***financial supply provider*** of the interest.

### 40-5.07 Financial supply facilitators

A ***financial supply facilitator***, in relation to supply of an interest, is an entity facilitating the supply of the interest for a financial supply provider.

### 40-5.08 When supply may be financial supply (Act s 40-5)

(1) For subsection 40-5(2) of the Act, a supply is a financial supply if the supply is mentioned as:
  (a) a financial supply in regulation 40-5.09; or
  (b) an incidental financial supply in regulation 40-5.10.

(2) However, if a supply is mentioned in regulations 40-5.09 and 40-5.12, the supply is not a financial supply.

### 40-5.09 What supplies are financial supplies

(1) The provision, acquisition or disposal of an interest mentioned in subregulation (3) or (4) is a financial supply if:
  (a) the provision, acquisition or disposal is:
    (i) for consideration; and
    (ii) in the course or furtherance of an enterprise; and
    (iii) connected with the indirect tax zone; and
  (b) the supplier is:
    (i) registered or required to be registered; and
    (ii) a financial supply provider in relation to supply of the interest.

(2) However, if Division 84 of the Act applies to the provision, acquisition or disposal of an interest mentioned in subregulation (3), the provision, acquisition or disposal is a financial supply to the extent that it would, apart from subparagraphs (1)(a)(iii) and (b)(i), be a financial supply.

(3) For subregulation (1), the interest is an interest in or under the matter mentioned in an item in the following table:



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## Regulation 40-5.09

| Item | An interest in or under… |
|---|---|
| 1 | An account made available by an Australian ADI (authorised deposit-taking institution) in the course of:<br>(a) its banking business within the meaning of the *Banking Act 1959*; or<br>(b) its State banking business |
| 2 | A debt, credit arrangement or right to credit, including a letter of credit |
| 3 | A charge or mortgage over real or personal property |
| 4 | A regulated superannuation fund, an approved deposit fund, a pooled superannuation trust or a public sector superannuation scheme within the meaning of the *Superannuation Industry (Supervision) Act 1993*, or an RSA (retirement savings account) within the meaning of the *Retirement Savings Accounts Act 1997* |
| 5 | An annuity or allocated pension |
| 6 | Life insurance business to which subsection 9(1) of the *Life Insurance Act 1995*, or a declaration under subsection 12(2) or section 12A of that Act, applies, or related reinsurance business |
| 7 | A guarantee |
| 7A | An indemnity that holds a person harmless from any loss as a result of a transaction the person enters with a third party |
| 8 | Credit under a hire purchase agreement entered into before 1 July 2012 in relation to goods, if:<br>(a) the credit for the goods is provided for a separate charge; and<br>(b) the charge is disclosed to the recipient of the goods |
| 9 | Australian currency, the currency of a foreign country, digital currency or an agreement to buy or sell any of these 3 things |
| 10 | Securities, including:<br>(a) a debenture described in paragraph (a), (b), (c), (e) or (f) of the definition of ***debenture*** in section 9 of the *Corporations Act 2001*; and<br>(b) a document issued by an individual that would be a debenture if it were issued by a body corporate; and<br>(c) a scheme described in paragraph (e), (i) or (m) of the definition of ***managed investment scheme*** in section 9 of the *Corporations Act 2001*; and<br>(d) the capital of a partnership or trust |
| 11 | A derivative |
| 12 | An account made available by a non-resident in the course of carrying on banking business (within the meaning of the *Banking Act 1959*) in a foreign country in which the entity is authorised under the law of that country to carry on banking business |
| 13 | A foreign superannuation fund (within the meaning of the *Income Tax Assessment Act 1997*) |

Note 1: Regulation 40-5.08 provides that this regulation applies subject to regulation 40-5.12. As a result, if something is within the scope of both an item in this table and an item in the table in regulation 40-16, it will *not* be a financial supply.

Note 2: Subparagraph 40-5.09(1)(b)(ii) has the effect that a supply by a financial supply facilitator is *not* a financial supply.

Note 3: Division 99 of the Act applies to taking of a deposit as security.



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Note 4: Supply of something that is mentioned in more than 1 item in this table will still be a financial supply.

(4) A supply (to which item 1 in the table in subregulation (3) does not apply) by an Australian ADI for a fee of not more than $1 000 is a financial supply if:

(a) the item would have applied to that supply in relation to an account with the ADI; or

(b) the fee relates to an application to the ADI that, if accepted, would result in the creation of an account by the ADI.

Examples of financial supply mentioned in subregulation (4):

1 Electronic transfer to another Australian ADI for a person who does not hold an account with the ADI

2 A loan application fee

(4A) A supply by an entity for a fee of not more than $1 000 is a financial supply if it is a supply of 1 or more of the following ATM services:

(a) a withdrawal from an account;

(b) a deposit into an account;

(c) an electronic transfer from an account;

(d) advice of the balance of an account.

(5) A reference in item 10, in the table in subregulation (3), to a security, a debenture, a document, a scheme or capital in a partnership or trust does not include a security, debenture, document, scheme or capital in a partnership or trust, in relation to which an entity is given a right to participate in a barter scheme under which each participant may obtain goods or services from another participant for consideration that is wholly or substantially in kind rather than in cash.

## 40-5.10 Incidental financial supplies

Despite regulation 40-5.12, if something is supplied by an entity to a recipient directly in connection with a financial supply to the recipient by the entity, the thing is an ***incidental financial supply*** if:

(a) it is incidental to the financial supply; and

(b) it and the financial supply are supplied, at or about the same time, but not for separate consideration; and

(c) it is the usual practice of the entity to supply the thing, or similar things, and the financial supply together in the ordinary course of the entity's enterprise.

Note: Regulation 40-5.12 applies subject to this regulation. As a result, if something is both an incidental financial supply and within the scope of an item in the table in regulation 40-5.12, it will still be a financial supply.

Example of an incidental financial supply: Advice, for which a separate charge is not made, in relation to a housing loan



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Regulation 40-5.11

## 40-5.11 Examples of supplies that are financial supplies

Something mentioned in a Part of Schedule 7 that relates to a financial supply mentioned in an item in the table in regulation 40-5.09, or to an incidental financial supply, is an example of the financial supply mentioned in the item or of the incidental financial supply.

Note 1: The examples are not to be taken as exhaustive.

Note 2: If an example in Schedule 7 is inconsistent with the description in this Division of the financial supply to which the example relates, the description prevails.

See section 15AD of the *Acts Interpretation Act 1901*.

Note 3: Something that is within the scope of an item in the table in regulation 40-5.09 will be a financial supply described in that item even if it is not mentioned as an example of the item set out in the Part of Schedule 7 relating to the item.

## 40-5.12 What supplies are not financial supplies (Act s 40-5)

For subsection 40-5(2) of the Act, the supply of something, or an interest in or under something, that is mentioned in an item in the following table is not a financial supply:

| Item | Supply of, or an interest in or under… |
|---|---|
| 1 | Cheque and deposit forms and books supplied to an Australian ADI in connection with an account mentioned in item 1 in the table in regulation 40-5.09 |
| 2 | Special forms, or overprinting of standard forms, by an Australian ADI to the requirements of particular account holders in connection with an account mentioned in item 1 in the table in regulation 40-5.09 |
| 3 | Professional services, including information and advice, in relation to a financial supply |
| 4 | A payment system, except to the extent that it is digital currency |
| 5 | Stored value facility cards and prepayments not linked to accounts provided by an Australian ADI in connection with an account mentioned in item 1 in the table in regulation 40-5.09 |
| 6 | Goods in accordance with agreements under which the goods are supplied under a lease, and:<br>(a) the lessees have no obligation or option to acquire the rights of the lessors in the goods; or<br>(b) the lessors dispose of their rights in the goods to the lessees |
| 7 | An option, right or obligation to make or receive a taxable supply, except a mortgage or charge mentioned in item 3 in the table in regulation 40-5.09 |
| 8 | A supply made as a result of the exercise of an option or right, or the performance of an obligation, to make or receive a taxable supply, including an option, right or obligation under a mortgage or charge mentioned in item 3 in the table in regulation 40-5.09 |
| 9 | Facilities for:<br>(a) trading securities or derivatives; and<br>(b) clearance and settlement of those trades |
| 10 | Insurance and reinsurance business, except business mentioned in item 6 of the table in regulation 40-5.09 |



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| Item | Supply of, or an interest in or under… |
|---|---|
| 11 | Broking services |
| 12 | Management of the assets or liabilities of another entity, including investment portfolio management and administration services for trusts or superannuation, pension or annuity funds |
| 13 | Debt collection services |
| 14 | Sales accounting services under a factoring arrangement, or an arrangement having the same effect as a factoring arrangement |
| 15 | Trustee services |
| 16 | Custodian services in relation to money, digital currency, documents and other things |
| 17 | Australian currency, or the currency of a foreign country, the market value of which exceeds its stated value as legal tender, or an agreement to buy or sell currency of either kind the market value of which exceeds its stated value as legal tender |
| 18 | An arrangement for the provision of goods to an entity for display or demonstration pending disposal of the goods to a third party |
| 19 | Goods supplied under a hire purchase agreement entered into on or after 1 July 2012 |
| 20 | Credit under a hire purchase agreement entered into on or after 1 July 2012 |
| 21 | A warranty for goods |

Note 1: Regulation 40-5.09 applies subject to this regulation. As a result, if something is within the scope of both an item in the table in regulation 40-5.09 and an item in the table in this regulation, it will *not* be a financial supply.

Note 2: Regulation 40-5.10 applies despite this regulation. As a result, if something is both an incidental financial supply and within the scope of an item in this table, it will still be a financial supply.

Note 3: Division 105 of the Act deals with supply in satisfaction of a debt.

Note 4: Sections 7-1 and 9-70 of the Act, and this regulation in respect of items 7 and 8 in this table, have the effect that GST is payable on the premium (if any) on a taxable deliverable commodity derivative and the price on settlement when the commodity is delivered.

## 40-5.13 Examples of supplies that are not financial supplies

Something mentioned in a Part of Schedule 8 that relates to a supply mentioned in an item in the table in regulation 40-5.12 is an example of the supply mentioned in the item.

Note 1: The examples are not to be taken as exhaustive.

Note 2: If an example is inconsistent with the description of the financial supply in the table to which the example relates, the description in the table prevails.

See section 15AD of the *Acts Interpretation Act 1901*.



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# Part 4-1—Special rules mainly about particular ways entities are organised

## Division 48—GST groups

### Subdivision 48-A—Approval of GST groups

#### 48-10.01 Definitions for Subdivision

In this Subdivision:

***family***, in relation to a person, has the meaning given by section 272-95 of Schedule 2F to the *Income Tax Assessment Act 1936*, as if the person were the test individual mentioned in that section.

***fixed trust*** has the meaning given by section 995-1 of the *Income Tax Assessment Act 1997*.

***GST group*** includes a proposed GST group.

***representative*** means:

(a) in relation to a partner in a partnership:
  (i) for a partner that is not an individual—the partner; and
  (ii) for a partner that is an individual—the partner or a family member of the partner; and
(b) in relation to a shareholder in a company:
  (i) for a shareholder that is not an individual—the shareholder; and
  (ii) for a shareholder that is an individual—the shareholder or a family member of the shareholder.

***shareholder***, of a company that is an unincorporated association, means a member of the association.

#### 48-10.01A Trust distribution and beneficiaries

For this Subdivision, if the trustee of a trust distributes income or capital of the trust in such a way that another entity receives the income or capital indirectly through 1 or more interposed trusts or companies:

(a) the trustee is taken also to distribute the income or capital to the other entity; and
(b) the other entity is taken also to be a beneficiary of the trust.

#### 48-10.02 Membership requirements for partnerships

(1) For subparagraph 48-10 (1)(a)(ii) of the Act, this regulation sets out requirements that must be satisfied for a partnership to be a member of a GST group.



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Note: The partnership must also satisfy other membership requirements set out in section 48-10 of the Act.

(2) If the GST group includes entities other than partnerships, the partnership must satisfy the requirements of subregulation (3), (3A), (4) or (5).

(2A) If the GST group consists only of partnerships:

(a) there are no further requirements for one of the partnerships; and

(b) each other partnership must satisfy the requirements of subregulation (5).

(3) The partnership satisfies the requirements of this subregulation if, for at least 1 company that is a member of the GST group:

(a) the partnership has at least a 90% stake in the company (worked out in accordance with section 190-5 of the Act as if the partnership were a company); or

(b) shares of the company are held in such a way that:

(i) if there is 1 shareholder—the shareholder is a representative of a partner in the partnership; and

(ii) if there is more than 1 shareholder—at least 2 shareholders are representatives of different partners in the partnership.

(3A) The partnership satisfies the requirements of this subregulation if each partner in the partnership is:

(a) an individual who is a member of the GST group; or

(b) a family member of such an individual.

(4) The partnership satisfies the requirements of this subregulation if, for at least 1 trust that is a member of the GST group, the beneficiaries include at least 2 representatives of different partners in the partnership.

(5) The partnership (the ***candidate partnership***) satisfies the requirements of this subregulation if:

(a) there is a partnership (the ***member partnership***) that is a member of the GST group because of:

(i) paragraph (2A)(a) or subregulation (3), (3A) or (4); or

(ii) this subregulation, including the repeated application of this subregulation; and

(b) each partner in the candidate partnership is an individual, a family trust of an individual or a family company of an individual; and

(c) for each partner in the candidate partnership that is an individual, a family trust of an individual or a family company of an individual, one of the following is a partner in the member partnership:

(i) the individual;

(ii) a family trust of the individual;

(iii) a family company of the individual;

(iv) a family member of the individual;

(v) another individual for whom the first individual is a family member;

(vi) a family trust of a family member mentioned in subparagraph (iv) or the other individual mentioned in subparagraph (v);

(vii) a family company of a family member mentioned in subparagraph (iv) or the other individual mentioned in subparagraph (v); and

(d) at least 2 of the partners in the candidate partnership comply with paragraph (c) through different partners in the member partnership (whether or not they also comply through the same partner in the member partnership).

(6) For this regulation:

(a) a ***family trust*** of an individual is a trust that distributes income or capital of the trust only to the individual or family members of the individual (whether or not other distributions could lawfully be made); and

(b) a ***family company*** of an individual is a company each shareholder of which is either the individual or a family member of the individual.

## 48-10.03 Membership requirements for trusts

(1) For subparagraph 48-10(1)(a)(ii) of the Act, the requirements that must be satisfied for a trust to be a member of a GST group are:

(a) if the GST group consists only of fixed trusts—either the requirements set out in this regulation or the alternative requirements set out in regulation 48-10.03A; and

(b) in any other case—the requirements set out in this regulation.

Note: The trust must also satisfy other membership requirements set out in section 48-10 of the Act.

(2) One of the following must be satisfied for the trustee of the trust (the ***candidate trustee***):

(a) the candidate trustee has at least a 90% stake in a company that is a member of the GST group (worked out in accordance with section 190-5 of the Act as if the trustee were a company);

(b) the candidate trustee distributes any income or capital of the trust only to beneficiaries that are permitted beneficiaries (whether or not other distributions could lawfully be made);

(c) the candidate trustee is the sole beneficiary of any distribution of income or capital by the trustee of another trust that is a member of the GST group;

(d) the candidate trustee distributes income or capital of the trust, and the trustee of another trust that is a member of the GST group distributes income or capital of the other trust, only to persons who are all family members of the same individual (whether or not other distributions could lawfully be made).

Note: Distributions to beneficiaries may be direct or indirect (regulation 48-10.01A).

(3) Each of the following is a ***permitted beneficiary***:

(a) a company that is a member of the GST group;

(b) a charitable institution, a trustee of a charitable fund, or a gift-deductible entity;

(c) an individual who is a member of the GST group;



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(d) a family member of an individual who is a member of the GST group;
(e) a trustee of a trust that is a member of the GST group.

(4) For a company that is a member of the GST group, each representative of a shareholder of the company is also a ***permitted beneficiary*** if:
(a) for a company with 1 shareholder—the beneficiaries of the trust include a representative of the shareholder; and
(b) for a company with more than 1 shareholder—the beneficiaries of the trust include at least 2 beneficiaries who are representatives of different shareholders.

(5) For a partnership that is a member of the GST group, each representative of a partner in the partnership is also a ***permitted beneficiary*** if the beneficiaries of the trust include at least 2 beneficiaries who are representatives of different partners.

## 48-10.03A Alternative membership requirements for groups of fixed trusts

(1) This regulation sets out the alternative requirements mentioned in paragraph 48-10.03(1)(a) for a trust to be a member of a GST group that consists only of fixed trusts.

Note: The fixed trust must also satisfy other membership requirements set out in section 48-10 of the Act.

(2) The fixed trust must be a member of the same 90% owned group as all other fixed trusts in that group.

(3) For this regulation:
(a) two fixed trusts are members of the same ***90% owned group*** if:
(i) the trustee of one of the trusts has at least a 90% stake in the other trust; or
(ii) the trustee of a third trust has at least a 90% stake in each of the two trusts; and
(b) the trustee of a fixed trust (the ***head trust***) has ***at least a 90% stake*** in another fixed trust (the ***sub-trust***) if the trustee:
(i) owns at least 90% of the issued units in the sub-trust (whether directly or indirectly through 1 or more interposed trusts or companies); and
(ii) has the right to receive at least 90% of any distribution of capital or income of the sub-trust.

## 48-10.04 Membership requirements for individuals

(1) For subparagraph 48-10(1)(a)(ii) of the Act, this regulation sets out requirements that must be satisfied for an individual to be a member of a GST group.

Note: The individual must also satisfy other membership requirements set out in section 48-10 of the Act.

(2) The individual must satisfy the requirements of subregulation (3), (4) or (5).



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## Regulation 48-10.04

(3) The individual satisfies the requirements of this subregulation if, for at least 1 company that is a member of the GST group:

(a) the individual has at least a 90% stake in the company (worked out in accordance with section 190-5 of the Act as if the individual were a company); or

(b) each shareholder of the company is either the individual or a family member of the individual.

(4) The individual satisfies the requirements of this subregulation if, for at least 1 partnership that is a member of the GST group, the partners of the partnership are either or both of the individual and family members of the individual.

(5) The individual satisfies the requirements of this subregulation if, for at least 1 trust that is a member of the GST group:

(a) the beneficiaries of the trust include either or both of the individual and family members of the individual; and

(b) the trustee of the trust distributes income or capital of the trust only to permitted beneficiaries as described in regulation 48-10.03.



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# Division 51—GST joint ventures

## 51-5.01 Specified purposes for GST joint ventures (Act s 51-5)

(1) For paragraph 51-5(1)(a) of the Act, each of the following is a purpose:

(a) research and development;
(b) the provision of insurance, other than life insurance;
(c) fishing;
(d) agriculture;
(e) cultivation, or exploitation, of timber;
(f) design, or building, or maintenance, of residential or commercial premises;
(g) civil engineering, including the design, construction and maintenance of roads, railways, bridges, canals, dams, ports, harbours, airports and similar installations;
(h) generation, or transmission, or distribution, of electricity;
(i) transmission, or distribution, of water;
(j) receipt, or storage, or distribution, of oil and gas products;
(k) refining, or processing, of oil and gas products;
(l) beneficiation of minerals and primary metal production, including alloy production;
(m) charitable activities;
(n) transportation.

(2) If a joint venture is a joint venture for more than 1 of the purposes specified in subregulation (1) or paragraph 51-5(1)(a) of the Act, the combination of those purposes is specified as a purpose.



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# Part 4-2—Special rules mainly about supplies and acquisitions

## Division 70—Financial supplies (reduced credit acquisitions)

### 70-5.01 Objects of Division 70

The objects of this Division are:

(a) to specify the reduced credit acquisitions that relate to making financial supplies that give rise to an entitlement to reduced input tax credits; and

(b) to specify the percentage of the reduction of the input tax credits to which the financial supply provider is entitled.

### 70-5.01A Definition

In this Division, an enterprise is ***closely related*** to another enterprise if any of the following conditions apply:

(a) both enterprises are carried on by the same entity;

(b) one enterprise is carried on by a 100% subsidiary of the entity that carries on the other enterprise;

(c) both enterprises are carried on by 100% subsidiaries of the same entity.

### 70-5.02 Acquisitions that attract reduced input tax credits: general (Act s 70-5)

(1) For subsection 70-5(1) of the Act, an acquisition mentioned in subregulation (2) that relates to making financial supplies gives rise to an entitlement to a reduced input tax credit.

(2) The following acquisitions (within the meaning of subsection 70-5(1) of the Act) are reduced credit acquisitions:

| Item | Reduced credit acquisition |
|---|---|
| | *Transaction banking and cash management services* |
| 1 | The service of opening, issuing, closing, operating, maintaining, or performing a transaction in respect of an account by a financial supply facilitator, including by using the following facilities:<br>(a) telephone banking;<br>(b) Internet banking;<br>(c) GiroPost |
| 2 | Processing services in relation to account information for account providers, including:<br>(a) archives storage, retrieval and destruction services; and<br>(b) statement processing and bulk mailing; and<br>(c) processing and manipulation of information relating to accounts, including information about transactions to which item 7 applies |



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| Item | Reduced credit acquisition |
|---|---|
| 3 | Acquisition of transaction cards by card account providers |
| 4 | Acquisition of passbooks, deposit and withdrawal forms and cheques and chequebooks by account providers |
| 5 | Processing services in relation to account applications for account providers, including providing credit reference and credit scoring assessment |
| | *Payment and fund transfers services* |
| 6 | Supplies to which the following payment system fees relate:<br>(a) fees charged by the operator of a payment system to a participant in the system;<br>(b) fees charged by a participant in a payment system to a third party in relation to access to the system;<br>(c) fees charged between participants in a payment system |
| 7 | Processing, settling, clearing and switching transactions of the following kinds:<br>(a) direct credit and debit;<br>(b) other credit and debit transactions;<br>(c) charge, credit and debit card transactions;<br>(d) cheque;<br>(e) electronic funds transfer;<br>(f) ATM;<br>(g) B-pay;<br>(h) Internet banking;<br>(i) GiroPost;<br>(j) the SWIFT (Society for Worldwide Interbank Financial Telecommunications) Payment Delivery System |
| 8 | Services to a third party mentioned in paragraph 6(b), including:<br>(a) processing of account data; and<br>(b) electronic payment services |
| | *Securities transactions services* |
| 9 | Arrangement, by a financial supply facilitator, of the provision, acquisition or disposal of an interest in a security, including the following:<br>(a) order placement and trade execution;<br>(b) clearance and settlement of trades;<br>(c) management of the issue of securities, including rights and bonus issues;<br>(d) arranging flotations and privatisations;<br>(e) arranging mergers and acquisitions;<br>(f) arranging takeover bids;<br>(g) performing a settlement, including issue of drafts and encashment;<br>(h) other securities transactions, including lodgment, withdrawal and exchange control;<br>(i) underwriting, except a matter that is described in the table in regulation 40-5.09 |



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## Regulation 70-5.02

| Item | Reduced credit acquisition |
|---|---|
| 10 | Securities and unit registry services to securities and unit issuers, including:<br>(a) managing portfolios of assets; and<br>(b) allotting of share issues; and<br>(c) making dividend payments; and<br>(d) receiving application for issue of shares; and<br>(e) performing a redemption or capital repayment; and<br>(f) placing scrip orders; and<br>(g) bonus issue; and<br>(h) scrip settlement; and<br>(i) client account processing; and<br>(j) transaction processing and recording; and<br>(k) handling investor inquiries |
| | *Loans services* |
| 11 | The following supplies by a financial supply facilitator:<br>(a) loan agency services;<br>(b) provision of a loan facility;<br>(c) mortgage broking;<br>(d) arranging syndicated loans;<br>(e) introducing and broking |
| 12 | Lenders mortgage and title insurance |
| 12A | Lenders mortgage reinsurance |
| 13 | Loan protection insurance |
| 14 | The following loan application, management and processing services:<br>(a) loan origination and brokerage;<br>(b) settlement and discharge of loans, including document preparation;<br>(c) registration of loan documents;<br>(d) credit reference assessment and credit scoring analysis;<br>(e) valuations;<br>(f) property title searches;<br>(g) registration and certification of titles;<br>(h) mortgage variations, including name changes;<br>(i) adding and deleting caveats to titles |
| 15 | The following loan management services:<br>(a) processing of repayments;<br>(b) statement preparation;<br>(c) filing and requisitioning of loan file records |
| | *Credit union services* |



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| Item | Reduced credit acquisition |
|---|---|
| 16 | Supply to a credit union by:<br>(a) an entity that is wholly owned by 2 or more credit unions; or<br>(b) an entity that is wholly owned by an entity mentioned in paragraph (a) |
| | *Debt collection services* |
| 17 | The following debt collection services:<br>(a) debt recovery;<br>(b) litigation;<br>(c) lodgment of documents;<br>(d) by financial supply facilitator, managing the recovery of sums due by borrowers |
| | *Asset based finance services* |
| 18 | Arrangement by a financial supply facilitator of hire purchase to which item 8 in the table in regulation 40-5.09 applies |
| | *Trade finance services* |
| 19 | Trade finance transaction processing and recording |
| 20 | Trade finance remittance services |
| | *Capital markets and financial instruments services* |
| 21 | Arrangement by a financial supply facilitator of:<br>(a) the supply of a derivative or the currency of a foreign country, or an agreement to buy or sell the currency; or<br>(b) the sale of a forward contract; or<br>(c) the supply of digital currency, or an agreement to buy or sell digital currency |
| 22 | Transaction processing, account maintenance and report generation services provided to:<br>(a) suppliers of derivatives; or<br>(b) suppliers of the currency of a foreign country, or an agreement to buy or sell the currency; or<br>(c) suppliers of digital currency, or an agreement to buy or sell digital currency |
| | *Funds management services* |
| 23 | The following investment portfolio management functions, including those functions for superannuation schemes:<br>(a) management of a client's asset portfolio;<br>(b) management of an investment portfolio for a trust or superannuation fund;<br>(c) acting as a trustee of a trust or superannuation fund;<br>(d) acting as a single responsible entity;<br>(e) asset allocation services |



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## Regulation 70-5.02

| Item | Reduced credit acquisition |
|---|---|
| 24 | The following administrative functions in relation to investment funds, including those functions for superannuation schemes:<br>(a) maintaining member and employer and trustee records and associated accounting;<br>(b) processing of applications, contributions, benefits and distributions;<br>(c) processing transfer between funds and trusts;<br>(d) production and distribution of reports, statements and forms to members, employers and trustees;<br>(e) handling of inquiries and complaints made by members;<br>(f) archives storage, retrieval and destruction services;<br>(g) statement processing and bulk mailing;<br>(h) compliance with industry regulatory requirements, excluding taxation and auditing services;<br>(i) processing and assessing claims under life insurance policies carried out on or after 1 July 2012 |
| | *Insurance services* |
| 25 | Brokerage of general or life insurance |
| 26 | The following life insurance administration services provided for a life insurer:<br>(a) maintaining policyholder records and associated accounting;<br>(b) processing of premiums and benefits;<br>(c) processing and assessing claims under policies;<br>(d) production and distribution of reports, statements and forms to policyholders, including statement processing and bulk handling;<br>(e) handling of inquiries and complaints made by policyholders;<br>(f) archives storage, retrieval and destruction services;<br>(g) processing and assessing applications;<br>(h) compliance with industry regulatory requirements, excluding taxation and auditing services;<br>(i) managing reinsurance requirements |
| | *Services remunerated by commission and franchise fees* |
| 27 | Supplies for which financial supply facilitators are paid commission by financial supply providers |
| 28 | Supplies provided by financial supply facilitators to franchisors, for which the facilitators are paid a franchise fee |
| | *Trustee and custodial services* |
| 29 | Trustee and custodial services (except safe custody of money, documents and other things), including:<br>(a) transfer of cash without purchase, sale or transfer of assets, excluding cash delivery and collection from branches of Australian ADIs; and<br>(b) undertaking and settling of securities transactions by a financial supply facilitator; and<br>(c) collecting income and other payments; and<br>(d) registration of interests and rights; and<br>(e) proxy voting; and<br>(f) exercise of options and warrants; and |



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| Item | Reduced credit acquisition |
|---|---|
| | (g) opening and maintaining accounts with Australian ADIs;<br>(h) nominee services in relation to financial supplies |
| 30 | The following master custody services:<br>(a) maintenance of accounting records;<br>(b) taxation reporting;<br>(c) mandate monitoring;<br>(d) trade execution monitoring;<br>(e) portfolio performance analysis;<br>(f) risk management reporting |
| 31 | Single responsible entity services |
| | *Supplies to recognised trust schemes* |
| 32 | Supplies acquired by a recognised trust scheme, to the extent that:<br>(a) the supplies are acquired on or after 1 July 2012; and<br>(b) the supplies acquired are not:<br>(i) a supply by way of sale of goods or supply of real property made by:<br>(A) selling a freehold interest in land; or<br>(B) selling a stratum unit; or<br>(C) granting or selling a long-term lease; or<br>(ii) a brokerage service covered by item 9 or 21; or<br>(iii) a service covered by paragraph (a), (b) or (e) of item 23; or<br>(iv) a service covered by paragraph (a), (b), (c), (d), (e), (f), (g) or (i) of item 24; or<br>(v) a custodial service covered by item 29; or<br>(vi) a service covered by item 30; or<br>(vii) a service covered by item 33 |
| | *Monitoring services* |
| 33 | Monitoring and reporting services (other than taxation and auditing services) that:<br>(a) are acquired on or after 1 July 2012; and<br>(b) are required for compliance with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* |

(3) However, something that is used in making a reduced credit acquisition is not, for that reason, a reduced credit acquisition.

Examples for subregulation (3):

1 Information technology services used for brokerage services

2 Labour hire services used for life insurance administration services

(4) For this regulation:

***debt interest*** has the same meaning as in the *Income Tax Assessment Act 1997*.

***long-term lease***—see the Dictionary in Part 6-3 of the Act.

***managed investment scheme*** has the same meaning as in the *Corporations Act 2001*.



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***mortgage loan*** means a loan secured by a mortgage over real property.

***mortgage scheme*** means a managed investment scheme that has at least 50% of its non-cash assets invested in mortgage loans or in one or more other mortgage schemes.

***real property***—see the Dictionary in Part 6-3 of the Act.

***recognised trust scheme*** means a trust that has the following features:

(a) the entity that acts in the capacity as trustee or responsibility entity of the trust, is carrying on, in its own capacity, an enterprise that includes making taxable supplies to the trust;

(b) the trust is:

(i) a managed investment scheme, or part of a managed investment scheme, other than a securitisation entity or a mortgage scheme; or

(ii) an approved deposit fund within the meaning of the *Superannuation Industry (Supervision) Act 1993*; or

(iii) a pooled superannuation trust within the meaning of the *Superannuation Industry (Supervision) Act 1993*; or

(iv) a public sector superannuation scheme within the meaning of the *Superannuation Industry (Supervision) Act 1993*; or

(v) a regulated superannuation fund (other than a self managed superannuation fund) within the meaning of the *Superannuation Industry (Supervision) Act 1993*.

***securitisation entity*** means a trust that has the following features:

(a) the trust was established for the purpose of managing some or all of the economic risk associated with assets, liabilities or investments (whether the trust assumes the risk from another person or creates the risk itself);

(b) the total value of the debt interests in the trust is at least 50% of the total value of the trust's assets;

(c) the trust is an insolvency-remote special purpose entity according to criteria of an internationally recognised rating agency that are applicable to the circumstances of the trust (regardless of whether the agency has determined that the trust satisfies the criteria).

***stratum unit***—see the Dictionary in Part 6-3 of the Act.

## 70-5.02A Acquisitions that attract reduced input tax credits: certain offshore supplies (Act s 70-5)

(1) For subsection 70-5 (1) of the Act, an acquisition mentioned in regulation 70-5.02B that relates to making financial supplies gives rise to an entitlement to a reduced input tax credit (is a ***reduced credit acquisition***) if:

(a) the supply or transfer that gives rise to the acquisition (the ***relevant supply***):

(i) consists in:



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(A) the transfer of something to an enterprise in the indirect tax zone (the ***receiving enterprise***) from an enterprise outside the indirect tax zone (the ***supplying enterprise)***; or

(B) the doing of something for the receiving enterprise by the supplying enterprise; and

(ii) is a taxable supply because of section 84-5 of the Act (including supply that is not connected to the indirect tax zone because of section 84-15 of the Act); and

(b) the receiving enterprise and the supplying enterprise are closely related.

(2) In determining the reduced credit acquisition, the price of the relevant supply is reduced by the amount passed on by the supplying enterprise to the receiving enterprise for any unabsorbed contribution from a third party (see regulation 70-5.02C).

## 70-5.02B Reduced credit acquisitions

(1) The following acquisitions may be reduced credit acquisitions under regulation 70-5.02A:

| Item | Reduced credit acquisition |
|---|---|
| | *Senior executive management* |
| 1 | Provision of senior management services, including:<br>(a) corporate strategy and development; and<br>(b) investment strategy and performance measurement functions; and<br>(c) profit or business centre performance support |
| 2 | Provision of support systems associated with the provision of senior management services |
| | *Human resources support* |
| 3 | Provision of human resources support services, including:<br>(a) general advice and planning; and<br>(b) recruitment assistance; and<br>(c) compensation advice and management; and<br>(d) training |
| 4 | Processing and maintenance of employee data and files |
| | *Corporate marketing and communications* |
| 5 | Provision of corporate information and communication services |
| 6 | Provision of marketing administration and media support services |
| | *Financial management* |



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## Regulation 70-5.02B

| Item | Reduced credit acquisition |
|---|---|
| 7 | Performance of financial management service functions, including:<br>(a) tax law compliance; and<br>(b) corporate treasury operations; and<br>(c) financial control (including statutory reporting and accounting policy); and<br>(d) general ledger account reporting functions, including paying and processing invoices and payment instructions; and<br>(e) internal audit functions; and<br>(f) management reporting systems; and<br>(g) setting intrabank transfer pricing policy; and<br>(h) corporate insurance; and<br>(i) centralised payroll functions |
| | *Supply procurement and management* |
| 8 | Process and management services for the procurement of supplies |
| | *Credit, operational and risk management* |
| 9 | Establishment and application of credit policy |
| 10 | Development, establishment and application of policies, monitoring systems and procedures to manage market and operational risk |
| 11 | Development and application of security processes related to fraud prevention |
| | *Relationship management* |
| 12 | Provision of supervision, monitoring and management services in support of client relationships |
| | *In-house legal services* |
| 13 | Provision of legal services, including:<br>(a) company secretary functions; and<br>(b) regulatory and legal compliance |
| | *Technology systems* |
| 14 | Provision of systems development and computer programming services |
| 15 | Maintenance and operation of transaction processing systems (including communications and applications systems) |
| 16 | Development and maintenance of disaster recovery systems |
| | *Business services* |
| 17 | Provision of transport, security and mail services |
| 18 | Property management |

(2) However, something that is used in making a reduced credit acquisition is not, for that reason, a reduced credit acquisition.

Examples for subregulation (2):

1 Consultant's services used in the provision of recruitment services.

2 Labour hire services used in the provision of security services.



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## 70-5.02C Unabsorbed contribution

For subregulation 70-5.02A(2), the performance by a third party, on behalf of the supplying enterprise or a closely related enterprise of the supplying enterprise, of all or part of the relevant supply is an ***unabsorbed contribution*** if:

(a) the amount paid or payable, or part of the amount paid or payable, by the supplying enterprise for the performance is passed on by the supplying enterprise to the receiving enterprise as part of the price of the relevant supply; and

(b) the enterprise carried on by the third party is not closely related to the supplying enterprise; and

(c) the thing that is involved in the performance by the third party retains, at the time of the relevant supply, the substance and character that it had when first purchased, for the purposes of the relevant supply, by an entity that carries on an enterprise that is closely related to the supplying enterprise.

Example for paragraph (c):

Legal advice that is given in the following circumstances is an unabsorbed contribution:

- the advice is acquired by the supplying enterprise from a third party service provider as part of the provision of in-house legal services by the supplying enterprise to its 100% subsidiary in the indirect tax zone;
- the external legal service provider is not closely related to the supplying enterprise;
- the advice is passed on to the 100% subsidiary in the indirect tax zone by the supplying enterprise;
- the amount paid or payable for the advice is passed on to the 100% subsidiary in the indirect tax zone as part of the price that the supplying enterprise charges for the provision of in-house legal services.

## 70-5.02D Prohibition against claiming twice

To avoid doubt, an entity is not entitled to a reduced input tax credit under regulations 70-5.02 and 70-5.02A for the same acquisition.

## 70-5.03 Percentage to which input tax credits are reduced (Act s 70-5)

For subsection 70-5(2) of the Act, the percentage to which the input tax credit is reduced is as follows:

(a) for a reduced credit acquisition covered by item 32 of the table in subregulation 70-5.02(2)—55%;

(b) for a reduced credit acquisition covered by item 32 and one or more other items of the table in subregulation 70-5.02 (2):

(i) to the extent that the acquisition is covered by item 32—55%; and

(ii) to the extent that the acquisition is not covered by item 32—75%;

(c) for all other kinds of reduced credit acquisitions—75%.



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# Division 78—Insurance

## 78-105.01 Statutory compensation schemes

For the definition of ***statutory compensation scheme*** in section 78-105 of the Act, each scheme or arrangement mentioned in Schedule 10 is specified.



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# Division 79—Compulsory third party schemes

## 79-35.01 Meaning of *CTP ancillary payment or supply*

For paragraph 79-35 (3)(b) of the Act, the following kinds of payments are specified:

(a) a payment for medical treatment provided by a medical practitioner;

(b) a payment for surgical treatment provided by a medical practitioner;

(c) a payment for treatment provided by a registered nurse;

(d) a payment for dental treatment;

(e) a payment for hospital treatment;

(f) a payment for ambulance services;

(g) a payment for the conveyance of an injured person to obtain emergency medical treatment;

(h) a payment for the cost of travel for a medical practitioner or registered nurse to provide medical treatment;

(i) a payment of an amount determined under section 25A of the *Territory Insurance Office Act* of the Northern Territory;

(j) a payment made according to a bulk-billing arrangement under section 54 of the *Motor Accidents Compensation Act 1999* of New South Wales.

Note: For section 79-35 of the Act, the payments mentioned in this regulation are to be made under a compulsory third party scheme. Section 79-35 sets out other requirements in relation to payments and supplies to which the Act relates.



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# Division 81—Taxes, fees and charges

## 81-10.01 Fees and charges which constitute consideration

(1) For subsection 81-10(2) of the Act, the following kinds of Australian fee or charge are prescribed:

(a) a fee for parking a motor vehicle in a ticketed or metered parking space;

(b) a toll for driving a motor vehicle on a road;

(c) a fee for hire, use of, or entry to a facility, except for an entry fee to a national park;

(d) a fee for the use of a waste disposal facility;

(e) a fee for pre-lodgment advice if:

(i) the advice relates to an application to which subsection 81-10(4) of the Act applies; and

(ii) it is not compulsory to seek the advice;

(f) a fee or charge for the provision of information by an Australian government agency if the provision of the information is of a non-regulatory nature;

(g) a fee or charge for a supply of a non-regulatory nature;

(h) a fee or charge for a supply by an Australian government agency, where the supply may also be made by a supplier that is not an Australian government agency.

(2) Despite subregulation (1), a fee or charge, the payment of which is covered by subsection 9-17(3) or (4) of the Act, is not a prescribed fee or charge.

Note: ***Australian fee or charge*** is defined in section 195-1 of the Act.

## 81-15.01 Fees and charges which do not constitute consideration

(1) For section 81-15 of the Act, the following kinds of Australian fees and charges are prescribed:

(a) a fee or charge for:

(i) the kerbside collection of waste; or

(ii) the supply, exchange or removal of bins or crates used in connection with kerbside collection of waste;

(b) royalties charged in relation to natural resources;

(c) a fee or charge imposed on an industry to finance regulatory or other government activities connected with the industry;

(d) a fee or charge to compensate an Australian government agency for costs incurred by the agency in undertaking regulatory activities;

(e) a fee or charge imposed in relation to a court, tribunal, commission of inquiry or Sheriff's office;

(f) a fee or charge for a supply of a regulatory nature made by an Australian government agency;

(g) a fee or charge for entry to a national park;



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(h) any other fee or charge:

(i) specified in the *A New Tax System (Goods and Services Tax)(Exempt Taxes, Fees and Charges) Determination 2011 (No. 1)*, as in force immediately before the commencement of Schedule 4 to the *Tax Laws Amendment (2011 Measures No. 2) Act 2011*; and

(ii) imposed before 1 July 2013.

(2) In this regulation:

***waste*** includes green waste and recyclables.

## 81-15.02 Fees and charges covered by regulations 81-10.01 and 81-15.01

(1) The payment of a fee or charge covered by both paragraph 81-10.01(1)(g) and regulation 81-15.01, or the discharge of a liability to pay the fee or charge, is not to be treated as the provision of consideration.

(2) The payment of a fee or charge covered by both paragraph 81-10.01(1)(a), (b), (c), (d), (e), (f) or (h) and regulation 81-15.01, or the discharge of a liability to pay the fee or charge, is to be treated as the provision of consideration.

(3) However, payment of a fee or charge covered by both regulations 81-10.01 and 81-15.01, or the discharge of a liability to pay the fee or charge, is not to be treated as the provision of consideration if the fee or charge:

(a) is specified in the *A New Tax System (Goods and Services Tax)(Exempt Taxes, Fees and Charges) Determination 2011 (No. 1)*, as in force immediately before the commencement of Schedule 4 to the *Tax Laws Amendment (2011 Measures No. 2) Act 2011*; and

(b) was imposed before 1 July 2013.



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# Part 4-7—Special rules mainly about returns, payments and refunds

## Division 168—Tourist refund scheme

### Subdivision 168-1—Kinds of acquisitions

#### 168-5.01 Acquisition

For paragraphs 168-5(1)(b) and (1A)(b) of the Act, the acquisition, in accordance with this Subdivision, of goods the supply of which was a taxable supply is a kind of acquisition.

Note: Part of a person's eligibility for the tourist refund scheme involves making an acquisition:

(a) the supply of which is a taxable supply; and
(b) that is of a kind specified in the regulations.

#### 168-5.02 Goods to which Subdivision 168-1 applies

This Subdivision applies to goods the supply of which is a taxable supply, except any of the following goods:

(a) tobacco;
(b) tobacco products;
(c) alcoholic beverages, except wine on which wine tax has been borne;
(d) goods that have been partly consumed at the time at which the acquirer leaves the indirect tax zone.

#### 168-5.03 Registered entity

The goods must have been acquired from a registered entity.

#### 168-5.04 Purchase price

(1) If 1 item has been acquired from a registered entity, the purchase price paid by the acquirer must be at least $300.

(2) If 2 or more items have been acquired from the same registered entity, the total purchase price paid by the acquirer for the items must be at least $300.

#### 168-5.05 Tax invoice

(1) The acquisition may consist of one or more acquisitions from the same registered entity for which the acquirer holds one or more tax invoices.

(2) Each acquisition must be accompanied by a tax invoice.



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## Subdivision 168-2—Departure from the indirect tax zone

### 168-5.06 Departure

For paragraphs 168-5(1)(c) and (1A)(e) of the Act, an acquirer may leave the indirect tax zone in any circumstances, except leaving the indirect tax zone in the course of the acquirer's employment as:

(a) the person in charge or command of an aircraft or ship; or

(b) a member of the crew of an aircraft or ship.

Note: Part of a person's eligibility for the tourist refund scheme involves leaving the indirect tax zone in circumstances specified in the regulations.

### 168-5.07 Place of departure

The acquirer must leave the indirect tax zone at an airport, or seaport, that has a TRS verification facility.

## Subdivision 168-3—Export as accompanied baggage

### 168-5.08 Accompanied baggage

For paragraph 168-5 (1)(c) of the Act, an acquirer must export goods from the indirect tax zone as accompanied baggage in the circumstances set out in this Subdivision.

Note: Part of a person's eligibility for the tourist refund scheme involves exporting goods from the indirect tax zone as accompanied baggage in circumstances specified in the regulations.

### 168-5.09 Time of export

The goods must be exported within 60 days after the day on which they were acquired.

### 168-5.10 Verification of export

(1) The acquirer must present to an officer of Customs, on request, at a TRS verification facility:

(a) the tax invoice relating to the goods; and

(b) as many of the following as are requested:

(i) the goods;

(ii) the acquirer's passport;

(iii) documents that confirm the acquirer's entitlement to leave the indirect tax zone on an aircraft or ship (for example, the acquirer's boarding pass or ticket).

(2) However, if a TRS verification facility enables an acquirer to lodge a claim for payment, the acquirer may instead:

(a) complete a claim for payment; and



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(b) include the acquirer's tax invoice with the claim; and
(c) lodge the claim for payment at the TRS verification facility.

Note: A TRS verification facility may enable an acquirer to lodge a claim for payment, for example, by placing the claim in a drop box facility.

(3) The acquirer must comply with subregulation (1) or (2):
(a) if the acquirer is leaving the indirect tax zone on an aircraft—at least 30 minutes before the aircraft's scheduled departure time; or
(b) if the acquirer is leaving the indirect tax zone on a ship—at least 60 minutes before the ship's scheduled departure time.

Note: The scheduled departure time of an aircraft or ship may change, for example, because of a delay.

(4) If the acquirer is unable to present goods to an officer of Customs on request, because the acquirer has checked in the goods as accompanied baggage, the tax invoice must be endorsed, in accordance with arrangements that have been agreed to by the Comptroller-General of Customs, with a statement to the effect that the goods have been checked in.

## Subdivision 168-3A—Export by resident of an external Territory as unaccompanied baggage

### 168-5.10A Export of goods to an external Territory

For paragraph 168-5(1A)(e) of the Act, this Subdivision sets out the circumstances in which an acquirer must export goods to an external Territory, as unaccompanied baggage, for the purposes of being paid a refund of GST.

### 168-5.10B Time of export

The goods must be exported within 60 days after the day on which they were acquired.

### 168-5.10C Verification of export

(1) The acquirer must present to an officer of Customs, on request, at a TRS verification facility:
(a) the tax invoice relating to the goods; and
(b) documentary evidence that the acquirer is an individual to whom paragraph 168-5(1A)(c) of the Act applies; and
(c) documentary evidence that:
(i) the goods have been exported to an external Territory; or
(ii) arrangements have been made for the exportation of the goods to an external Territory within 60 days after the day on which the goods were acquired.

(2) However, if a TRS verification facility enables an acquirer to lodge a claim for payment, the acquirer may instead:



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(a) complete a claim for payment; and
(b) include the following documents with the claim:
(i) the acquirer's tax invoice;
(ii) documentary evidence referred to in paragraph (1)(b);
(iii) documentary evidence referred to in subparagraph (1)(c)(i) or (ii); and
(c) lodge the claim for payment at the TRS verification facility.

Note: A TRS verification facility may enable an acquirer to lodge a claim for payment, for example, by placing the claim in a drop box facility.

(2A) The acquirer must comply with subregulation (1) or (2):
(a) if the acquirer is leaving the indirect tax zone on an aircraft—at least 30 minutes before the aircraft's scheduled departure time; or
(b) if the acquirer is leaving the indirect tax zone on a ship—at least 60 minutes before the ship's scheduled departure time.

Note: The scheduled departure time of an aircraft or ship may change, for example, because of a delay.

(3) If the acquirer presents the evidence mentioned in subparagraph (1)(c)(ii), documentary evidence that the goods have been exported to an external Territory as described in that subparagraph must be given to the Comptroller-General of Customs within 90 days after the day on which the goods were acquired.

## Subdivision 168-4—Proportion of amount of GST for payment in cash

### 168-5.11 Cash payment

(1) For paragraphs 168-5(1)(e) and (1A)(g) of the Act, this regulation applies if:
(a) an amount of GST on a taxable supply is to be paid to an acquirer in cash; and
(b) the amount of GST is not an exact multiple of 5 cents.

(2) If the amount of GST (the ***base amount***) ends with an amount that is more than an exact multiple of 5 cents but less than 2.5 cents, or more than an exact multiple of 5 cents but less than 7.5 cents:
(a) the base amount is to be rounded down to the nearest exact multiple of 5 cents; and
(b) the result is the proportion of the base amount that is to be paid to the acquirer.

(3) If the amount of GST (the ***base amount***) ends with an amount that is 2.5 cents or more, but less than an exact multiple of 5 cents, or 7.5 cents or more, but less than an exact multiple of 5 cents:
(a) the base amount is to be rounded up to the nearest exact multiple of 5 cents; and
(b) the result is the proportion of the base amount that is to be paid to the acquirer.



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## Subdivision 168-5—Documentation relating to entitlement to payment

### 168-5.12 Payment authority

(1) This regulation applies if:
  (a) an acquirer complies with subregulations 168-5.10(1) and (3) or subregulations 168-5.10C(1) and (2A) at the request of an officer of Customs; and
  (b) the officer is satisfied that the acquirer is entitled to be paid an amount under section 168-5 of the Act.

(2) The officer must give the acquirer a payment authority that includes:
  (a) information identifying the acquirer; and
  (b) the amount to which the acquirer is entitled.

## Subdivision 168-6—Period and manner of payment

### 168-5.14 Processing payment authority given to officer of Customs at airport

(1) For subsection 168-5(2) of the Act, this regulation applies if:
  (a) an acquirer gives a payment authority to an officer of Customs at a TRS verification facility:
    (i) that is located at an airport; and
    (ii) at which facilities exist for making cash payments; and
  (b) the amount to be paid to the acquirer (including any amount payable to the acquirer, in relation to the acquisition, under section 25-5 of the *A New Tax System (Wine Equalisation Tax) Act 1999*) is $200 or less.

Note: Facilities for making cash payments to acquirers will only be available at some airports, and will not be available at seaports.

(2) If it is practicable to pay cash to the acquirer, the amount must be paid to the acquirer, in Australian currency, before the acquirer leaves the indirect tax zone.

(3) If it is not practicable to pay cash to the acquirer, an officer of Customs must make arrangements for the acquirer to lodge the payment authority at a TRS verification facility before leaving the indirect tax zone.

Examples:

1 A shortage of cash at the TRS verification facility.

2 Passenger congestion that would make it unreasonable to pay cash to each acquirer within the time available.

### 168-5.15 Processing payment authority lodged at a TRS verification facility

(1) For subsection 168-5(2) of the Act, this regulation applies if an acquirer:
  (a) lodges a payment authority at a TRS verification facility when the acquirer is leaving the indirect tax zone; and



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(b) includes with the authority instructions for paying an amount to the acquirer by:

(i) crediting the amount to a credit card account or an Australian bank account; or

(ii) posting a cheque for the amount to a nominated address.

(2) The acquirer must be paid the amount in accordance with the instructions given with the authority.

(3) The payment must be made within 60 days after the payment authority is lodged.

## 168-5.16 Processing payment authority given to Comptroller-General of Customs

(1) For subsection 168-5 (2) of the Act, this regulation applies if:

(a) an acquirer posts a payment authority, from a place outside the indirect tax zone, to the Comptroller-General of Customs; and

(b) the acquirer includes with the authority instructions for paying an amount to the acquirer by:

(i) crediting the amount to a credit card account or an Australian bank account; or

(ii) posting a cheque for the amount to a nominated address; and

(c) the Comptroller-General of Customs receives the authority not later than 30 days after the day on which the payment authority was given to the acquirer.

(2) The acquirer must be paid the amount in accordance with the instructions given with the authority.

(3) The payment must be made within 60 days after the Comptroller-General of Customs receives the payment authority.

## 168-5.17 Processing claim for payment

(1) For subsection 168-5 (2) of the Act, this regulation applies if:

(a) an acquirer lodges a claim for payment in accordance with subregulations 168-5.10(2) and (3) or subregulations 168-5.10C(2) and (2A); and

(b) the acquirer includes with the claim instructions for paying an amount to the acquirer by:

(i) crediting the amount to a credit card account or an Australian bank account; or

(ii) posting a cheque for the amount to a nominated address; and

(c) the Comptroller-General of Customs, or a person authorised by the Comptroller-General of Customs, is satisfied that the acquirer is entitled to be paid an amount under section 168-5 of the Act.

(2) The acquirer must be paid the amount in accordance with the instructions given with the claim.



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## Regulation 168-5.17

(3) The payment must be made within 60 days after whichever is the later of the following:

(a) the day the Comptroller-General of Customs receives the claim;

(b) if the Comptroller-General of Customs asks the acquirer to give information relating to the claim for payment—the day the Comptroller-General receives the information.



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# Part 6-3—Regulations relating to the Dictionary in the Act

## Division 195—Dictionary

### 195-1.01 Compulsory third party schemes

For paragraph (b) of the definition of ***compulsory third party scheme*** in section 195-1 of the Act, each scheme or arrangement mentioned in Schedule 11 is specified.

### 195-1.02 First aid or life saving course

(1) For subparagraph (b)(vi) of the definition of ***first aid or life saving course*** in section 195-1 of the Act, the qualification specified is a qualification that:

(a) is provided by a registered training organisation under the National Training Framework; and

(b) certifies the attainment of all the competencies mentioned in column 2 of the table in Schedule 12, with the unit codes mentioned in column 3 of Schedule 12.

(2) It is not necessary for a person to obtain certification of attainment of all the competencies mentioned in column 2 of the table in Schedule 12 from the same registered training organisation.



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# Part 6-4—Transitional arrangements

## 200-0.00 Operation of Schedule 15

Schedule 15 makes transitional arrangements in relation to amendments of these Regulations.



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# Schedule 3—Medical aids and appliances

(regulation 38-45.01)

| Item | Category | Medical aids or appliances |
|---|---|---|
| 1 | Advanced wound care | alginate |
| 2 | | hydro colloids |
| 3 | | hydro gel |
| 4 | | polyurethane film |
| 5 | | polyurethane foam |
| 6 | Communication aids for people with disabilities | tracheostomy appliances and accessories |
| 7 | | laryngotomy appliances and accessories |
| 8 | Continence | skin bond |
| 9 | Daily living for people with disabilities | artificial ears |
| 10 | | nose prostheses |
| 11 | Hearing/speech | hearing loops |
| 12 | Infusion systems for the delivery of a measured dose of a medication | infusion sets |
| 13 | | infusion pumps |
| 14 | Mobility of people with disabilities—physical: orthoses | compression garments |
| 15 | Mobility of people with disabilities—physical: prostheses | supplements and aids associated with mammary prostheses |
| 16 | Mobility of people with disabilities—physical: seating aids | postural support seating |
| 17 | Mobility of people with disabilities—physical: walking aids | accessories associated with walking frames or specialised ambulatory ortheses |
| 18 | Personal hygiene for people with disabilities | customised modifications and accessories for the aids or appliances mentioned in items 111 to 121 of Schedule 3 to the Act |
| 19 | Respiratory appliances | tilt tables |
| 20 | Stoma | stoma products including all bags and related equipment for patients with urostomies |



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# Schedule 5—Rules for the supply of goods to a relevant traveller

(regulation 38-185.01)

## 1 Definitions and interpretation

(1) In this Schedule, unless the contrary intention appears:

***barrier copy***, in relation to an invoice, means the copy of the invoice that is attached to the sealed package in which the goods to which the invoice relates are enclosed when the goods are passed into the possession of the purchaser.

***CB declaration*** means an approved form of declaration that, under CB rule 2 in this Schedule, may be required by the Commissioner to be made by a relevant traveller purchasing goods under Table 2 of these Rules.

***goods*** means goods purchased by a relevant traveller that will be exported with him or her on the intended flight or voyage.

***SB declaration*** means an approved form of declaration that, under SB rule 2 in this Schedule, must be made by a relevant traveller purchasing goods under Table 1 of these Rules.

***specified departure date***, in relation to a purchaser of goods, means the date on which the purchaser will depart the indirect tax zone, according to the purchaser's travel ticket or other approved document shown at the time he or she takes possession of the goods.

(2) In this Schedule:

(a) ***seller*** includes an employee or agent of a seller; and

(b) a requirement placed on a seller is satisfied by action of an employee or agent of the seller in meeting the requirement.

## 2 Sealed bag arrangements for liquids, aerosols, gels, creams and pastes

(1) This clause applies if:

(a) a person purchases a liquid, aerosol, gel, cream or paste (a ***LAG product***) as a GST-free item; and

(b) in relation to dealing with the LAG product, the person is required to comply with the requirements of any of the following rules of Table 1 in this Schedule:

(i) SB Rule 2;

(ii) SB Rules 7 to 10; and

(c) the person deals with the LAG product in accordance with an arrangement (known as a "sealed bag arrangement") that:



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(i) is administered by the Australian Taxation Office and the Department administered by the Minister administering the *Migration Act 1958*; and

(ii) is consistent with the requirements of Subdivision 4.1.1A of the *Aviation Transport Security Regulations 2005*.

(2) The supply of the LAG product to the person is taken to have complied with the rules in Table 1 in this Schedule.



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# Table 1—Sealed Bag Rules

Goods taken possession of on the indirect tax zone side of the customs barrier and accompanying the traveller

| [1] Rule number | [2] Summary of rule | [3] Details of rule | [4] What the Commissioner may approve | [5] Time when the requirements of the rule must be satisfied |
|---|---|---|---|---|
| SB Rule 1 | Seller to sight travel documents | The seller of the goods must sight:<br>(a) the purchaser's ticket for travel from the indirect tax zone to a foreign country; or<br>(b) if appropriate, a document relating to the purchaser that is an approved document | A document of a kind that provides evidence that a purchaser is to travel from the indirect tax zone to a foreign country | Before the purchaser takes possession of the goods |
| SB Rule 2 | Purchaser to sign an SB declaration | The purchaser must sign, and retain a copy of, a declaration (***SB declaration***) setting out, in the approved form:<br>(a) details of the purchaser, the goods purchased and the proposed journey; and<br>(b) if the following matters are true, a statement that the purchaser: | The form of the SB declaration, including additional information and statements to be included in the SB declaration | Before the purchaser takes possession of the goods |



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| [1] Rule number | [2] Summary of rule | [3] Details of rule | [4] What the Commissioner may approve | [5] Time when the requirements of the rule must be satisfied |
|---|---|---|---|---|
| | | (i) intends departing the indirect tax zone with the goods within 60 days of taking possession;<br>(ii) will not interfere with the goods, the sealed package containing the goods or the copies of the invoice relating to the goods before submitting the sealed package to the seller in accordance with SB rule 7 or 8;<br>(iii) will, in accordance with SB rule 7 or 8, submit the sealed package to the seller for removal of the barrier copy of the invoice;<br>(iv) is aware of the penalty for making a false or misleading statement; and<br>(c) any other information or statement required by the approved form | | |



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| [1]<br>**Rule number** | [2]<br>**Summary of rule** | [3]<br>**Details of rule** | [4]<br>**What the Commissioner may approve** | [5]<br>**Time when the requirements of the rule must be satisfied** |
|---|---|---|---|---|
| SB<br>Rule 3 | Seller to make an invoice | The seller must make an invoice:<br>(a) at the time of the sale; and<br>(b) in an approved form; and<br>(c) in triplicate; and<br>(d) containing a full description of the goods | (a) forms of invoice that render obvious an alteration to, or deletion from, the contents of the invoice; and<br>(b) the information to be included in an invoice | Before the purchaser takes possession of the goods |
| SB<br>Rule 4 | Seller to retain copies of certain documents | The seller must retain:<br>(a) the signed SB declaration; and<br>(b) a copy of the invoice | | |
| SB<br>Rule 5 | Time is limited within which the purchaser may take possession of the goods | The seller must not pass possession of the goods to the purchaser earlier than the commencement of the 60th calendar day before the specified departure date | | |
| SB<br>Rule 6 | Purchaser may only take possession of goods in a sealed package | The seller must not pass possession of the goods to the purchaser unless:<br>(a) the goods are enclosed in a package that is:<br>(i) of an approved kind; and<br>(ii) sealed by an approved method so that the goods cannot be removed from the package without the seal being broken; and<br>(b) the barrier copy of the invoice is attached to the exterior of the package by an approved method; and | (a) the kind of package; and<br>(b) the method of sealing the package; and<br>(c) the method of attaching the barrier copy of the invoice to the package | Before the purchaser takes possession of the goods |



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| [1] Rule number | [2] Summary of rule | [3] Details of rule | [4] What the Commissioner may approve | [5] Time when the requirements of the rule must be satisfied |
|---|---|---|---|---|
| | | (c) the customer copy of the invoice is placed inside the package by a method that, if possible, enables the invoice to be read without need to break the seal of the package | | |
| SB Rule 7 | Invoice to be retrieved at the point of surrender of goods before the customs barrier | If, before the purchaser presents himself or herself to an officer of Customs as departing the indirect tax zone, the purchaser surrenders the sealed package to the carrier with whom the purchaser is to travel, the seller must retrieve the barrier copy of the invoice at the point of surrender of the package | | At the time when the purchaser surrenders the sealed package |
| SB Rule 8 | Invoice to be retrieved when beyond the customs barrier | If the sealed package is carried beyond the customs barrier by the purchaser in his or her own possession, the purchaser must then surrender the sealed package to the seller and the seller must retrieve the barrier copy of the invoice | | After the purchaser presents himself or herself to an officer of Customs as departing the indirect tax zone and before departing on the flight or voyage |
| SB Rule 9 | Sealed package to be examined | The seller must examine the sealed package when dealing with it under SB rule 7 or 8 to ascertain whether it:<br>(a) remains sealed; or<br>(b) has been tampered with | | Immediately before the barrier copy of the invoice is retrieved under SB rule 7 or 8 |



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| [1]<br>**Rule number** | [2]<br>**Summary of rule** | [3]<br>**Details of rule** | [4]<br>**What the Commissioner may approve** | [5]<br>**Time when the requirements of the rule must be satisfied** |
|---|---|---|---|---|
| SB<br>Rule 10 | Tampering or other discrepancy in respect of sealed package is to be notified | The seller must notify the commissioner as soon as is practicable, in the approved form, if the seller becomes aware that:<br>(a) a package is no longer sealed, or has otherwise been tampered with; or<br>(b) the goods enclosed in the package are not the goods described in the customer copy of the invoice or the barrier copy of the invoice, as the case may be | The form in which notification is to be given | |
| SB<br>Rule 11 | Retrieved invoices must be validated | The seller must validate a retrieved barrier copy of an invoice:<br>(a) as soon as is practicable; and<br>(b) by the approved method | The method by which a retrieved barrier copy of an invoice is to be validated | |
| SB<br>Rule 12 | Invoices must be matched | The seller must reconcile the retrieved barrier copy of an invoice against the seller's copy of the invoice, by an approved method | Methods of reconciling a retrieved barrier copy of an invoice against the seller's copy of the invoice | |



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# Table 2—Customs Barrier Rules

Goods taken possession of on the outward departure side of the customs barrier and accompanying the traveller

| [1] Rule number | [2] Summary of rule | [3] Details of rule | [4] What the Commissioner may approve | [5] Time when the requirements of the rule must be satisfied |
|---|---|---|---|---|
| CB Rule 1 | Seller to sight travel documents | The seller of the goods must sight:<br>(a) the purchaser's boarding pass or ticket for travel from the indirect tax zone to a foreign country; or<br>(b) if appropriate, a document relating to the purchaser that is an approved document | (a) a document of a kind that provides evidence that the purchaser is to travel from the indirect tax zone to a foreign country; and<br>(b) a document of a kind that provides evidence that the purchaser was beyond the customs barrier when taking possession of the goods | Before the purchaser takes possession of the goods |



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| [1]<br>**Rule number** | [2]<br>**Summary of rule** | [3]<br>**Details of rule** | [4]<br>**What the Commissioner may approve** | [5]<br>**Time when the requirements of the rule must be satisfied** |
|---|---|---|---|---|
| CB<br>Rule 2 | Purchaser may have to sign a CB declaration | If the purchaser pays for the goods on the indirect tax zone side of the customs barrier and will not take possession of the goods until he or she has passed through the customs barrier, he or she must sign, and retain a copy of, a declaration (***CB declaration***) setting out, in the approved form:<br>(a) details of the purchaser, the goods purchased and the proposed journey; and<br>(b) a declaration that he or she is aware of the penalty for making a false or misleading statement; and<br>(c) any other information or statement required by the approved form | The form of the CB declaration and additional information and statements to be included in the CB declaration | Before the purchaser takes possession of the goods |
| CB<br>Rule 3 | Seller to make an invoice | The seller must make an invoice or receipt:<br>(a) at the time of the sale; and<br>(b) in an approved form; and<br>(c) in duplicate; and<br>(d) containing a full description of the goods | (a) forms of invoice that render obvious an alteration to, or deletion from, the contents of the invoice; and<br>(b) the information to be included in an invoice | Before the purchaser takes possession of the goods |



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| [1] Rule number | [2] Summary of rule | [3] Details of rule | [4] What the Commissioner may approve | [5] Time when the requirements of the rule must be satisfied |
|---|---|---|---|---|
| CB Rule 4 | Seller to retain copies of certain documents | The seller must retain:<br>(a) a copy of the invoice; and<br>(b) the signed CB declaration (if any); and<br>(c) if the goods are paid for on the indirect tax zone side of the customs barrier and pass into the possession of the purchaser only after the purchaser has passed through the customs barrier, an approved document giving evidence of that fact | A document of a kind that provides evidence that the goods have been passed into the possession of the purchaser after he or she has passed through the customs barrier | Before the purchaser takes possession of the goods |



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# Schedule 7—Examples of financial supply

(regulation 40-5.11)

Note 1: The examples are not to be taken as exhaustive.

Note 2: If an example is inconsistent with the description of the financial supply in the item in the table in regulation 40-5.09 to which the example relates, the description prevails.

See s 15AD of the *Acts Interpretation Act 1901*.

## Part 1—Examples for item 1 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | Opening, keeping, operating, maintaining and closing of cheque, debit card, deposit and savings accounts for account holders |
| 2 | Cash collection, handling and sorting for account holders by account providers |
| 3 | ATM, electronic and telephone operation of accounts |
| 4 | Supply of standard cheque and deposit books for account holders |
| 5 | Supply of debit and smart cards |
| 6 | Cashing cheques and payment orders |
| 7 | Preparation, reconciliation and replacement of account statements |
| 8 | Notification of dishonoured transactions and unpaid fees |
| 9 | Stopping payment of cheques |
| 10 | Operation of authorised overdraft facilities |
| 11 | Unauthorised usage of overdraft facilities |
| 12 | Retention and storage of vouchers |
| 13 | Making information about accounts available |
| 14 | Garnishee of accounts |
| 15 | Recovery of Commonwealth, State and Territory fees, duties and taxes |
| 16 | Audit confirmation of accounts |
| 17 | Electronic funds transfer |
| 18 | Money transfer for account holders |
| 19 | Making disbursements for account holders |



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# Part 2—Examples for item 2 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | Borrowing and lending, including establishing, maintaining and discharging loans |
| 2 | Opening, keeping, operating, maintaining and closing charge and credit card facilities |
| 3 | Supply of credit cards |
| 4 | Establishing, operating and terminating letters of credit |
| 5 | Right to an income stream under a securitisation arrangement |
| 6 | Recovery of Commonwealth, State and Territory fees, duties and taxes |
| 7 | Recovery of lenders mortgage insurance fees |



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# Part 3—Examples for item 3 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | A mortgage over land or premises |
| 2 | A mortgage over a chattel |
| 3 | A charge over the assets of a company |
| 4 | Documentation or valuation of the collateral or security for a credit or an advance |
| 5 | A mortgage over a share or bond |



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# Part 4—Examples for item 6 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | A contract of insurance that provides for the payment of money on the death of a person or on the happening of a contingency dependent on the termination or continuance of human life |
| 2 | A contract of insurance that is subject to payment of premiums for a term dependent on the termination or continuance of human life |
| 3 | A contract of insurance for a term dependent on the termination or continuance of human life that provides for the payment of an annuity |
| 4 | A contract that provides for the payment of an annuity for a term not dependent on the continuance of a human life |
| 5 | A continuous disability policy within the meaning of section 9A of the *Life Insurance Act 1995* |
| 6 | A contract (whether or not a contract of insurance) that constitutes an investment account contract, or an investment-linked contract, within the meaning of section 14 of the *Life Insurance Act 1995* |



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# Part 5—Examples for item 7 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | A surety bond that is a guarantee |
| 2 | A performance bond |



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# Part 5A—Example for item 7A in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | An indemnity that is not a contract of insurance |



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# Part 6—Example for item 8 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | The amount of interest, and associated fees and charges, in respect of the credit component under a hire purchase agreement entered into before 1 July 2012 |



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# Part 7—Examples for item 9 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | Foreign currency in cash form |
| 2 | Foreign currency drafts |
| 3 | Travellers cheques |
| 4 | International cheques |
| 5 | Collection, negotiation and endorsement of instruments (including cheques) for payment in foreign currency, including message services |
| 6 | Forward contracts for transactions to buy or sell foreign currency |
| 7 | Options to buy or sell foreign currency |
| 8 | Conversion of Australian currency into foreign currency and conversion of foreign currency into Australian currency |



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# Part 8—Examples for item 10 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | Bonds, stocks or debentures issued, or proposed to be issued, by a government entity |
| 2 | Shares in, or debentures or convertible notes of, a body |
| 3 | Subordinated notes |
| 4 | Structured notes |
| 5 | Units in a unit trust |
| 6 | Dealings in floating rate notes, commercial bills, commercial paper, extendable bill investments and other financial instruments |
| 7 | Interests in a partnership |
| 8 | Promissory notes and bills of exchange |
| 9 | Bank cheques |
| 10 | Warrants |
| 11 | Securities lending |



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# Part 9—Examples for item 11 in the table in regulation 40-5.09

| Item | Example |
|---|---|
| 1 | Forward contracts, futures contracts, swap contracts and options contracts the value of which depends on, or is derived from:<br>(a) the price of debt securities or debt securities index values or interest rates; or<br>(b) foreign exchange or currency values or currency index values; or<br>(c) share or stock prices or equity index values; or<br>(d) credit spreads or credit events, including:<br>(i) default; and<br>(ii) other forms of financial distress; and<br>(iii) credit index values; or<br>(e) macroeconomic indicators or variables; or<br>(f) climatic events or indexes |
| 2 | Commodity derivatives that involve no option, right or obligation to delivery of the commodity, such as electricity derivatives |
| 3 | Reciprocal repurchase agreements |
| 4 | Options over input taxed supply of precious metals |
| 5 | Securities lending agreements |
| 6 | Initial and variation margins in respect of exchange traded futures contracts |
| 7 | Cash settlement of a derivative over the counter or on the exchange rather than the physical delivery of the underlying taxable assets |



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# Schedule 8—Examples of supply that is not financial supply

(regulation 40-5.13)

Note 1: The examples are not to be taken as exhaustive.

Note 2: If an example is inconsistent with the description of the financial supply in the table in regulation 40-5.12 to which the example relates, the description in the table prevails.

See s 15AD of the *Acts Interpretation Act 1901*.

## Part 1—Examples for item 3 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Advice by a legal practitioner in the course of professional practice |
| 2 | Advice by an accountant in the course of professional practice |
| 3 | Taxation advice, including preparation of tax returns |
| 4 | Actuarial advice |
| 5 | Rating services for securitisation vehicles |



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# Part 2—Examples for item 4 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Supply of services by a payment system operator to a participant in the system for which the following fees are charged by the operator:<br>(a) membership fees;<br>(b) processing fees;<br>(c) service fees;<br>(d) marketing fees;<br>(e) risk management fees;<br>(f) multi-currency fees |
| 2 | Access to a payment system, and supply of other related services by a participant in the system to a third party |
| 3 | Supply of a service by one participant in a payment system to another participant in the system in relation to charge, credit and debit card transactions |
| 4 | Processing, settling, clearing and switching transactions of the following kinds:<br>(a) direct credit and debit;<br>(b) other debit and credit transactions;<br>(c) charge, credit and debit card transactions;<br>(d) cheque;<br>(e) electronic funds transfer;<br>(f) ATM;<br>(g) B-pay;<br>(h) Internet banking;<br>(i) GiroPost;<br>(j) SWIFT (Society for Worldwide Interbank Financial Telecommunications) Payment Delivery System;<br>(k) an approved RTGS (real time gross settlement) system;<br>(l) Austraclear |
| 5 | Supply to a participant in a payment system by the operator of the system of the following services:<br>(a) processing of account data;<br>(b) electronic payment services |



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# Part 3—Examples for item 7 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Deliverable wool futures and forward contracts |
| 2 | Deliverable wheat futures and forward contracts |
| 3 | Options over a contract mentioned in item 1 or 2 |



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# Part 4—Example for item 10 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Health insurance provided as part of a health insurance business (as defined in subsection 67 (4) of the *National Health Act 1953*) |



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# Part 5—Examples for item 12 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Managing the assets or liabilities of an entity |
| 2 | Acting as the trustee of an entity |
| 3 | Investment portfolio administration, including:<br>(a) maintaining account holder records and associated accounting; and<br>(b) processing of contributions and returns; and<br>(c) storage and retrieval of archives; and<br>(d) statement processing and bulk mailing |



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# Part 6—Examples for item 15 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | Acting as a trustee of a trust or other entity |
| 2 | Acting as a trustee under a will or settlement |

# Part 7—Example for item 20 in the table in regulation 40-5.12

| Item | Example |
|---|---|
| 1 | The credit component under a hire purchase agreement entered into on or after 1 July 2012 where the consideration is the amount of interest and associated fees and charges |

# Schedule 10—Statutory compensation schemes

(regulation 78-105.01)

| Item | Scheme or arrangement | Australian law |
|---|---|---|
| 1 | Commonwealth government employees workers' compensation insurance scheme | *Safety, Rehabilitation and Compensation Act 1988* (Cth) |
| 2 | ACT government employees workers' compensation insurance scheme | *Safety, Rehabilitation and Compensation Act 1988* (Cth) |
| 2A | Military rehabilitation and compensation scheme | *Military Rehabilitation and Compensation Act 2004* (Cth) |
| 3 | NSW Treasury Managed Fund | *Government Insurance Office (Privatisation) Act 1991* (NSW) |
| 4 | Sporting injuries insurance scheme | *Sporting Injuries Insurance Act 1978* (NSW)<br>*Motor Accidents Compensation Act 1999* (NSW) |
| 6 | WorkCover scheme | *Workers Compensation Act 1987* (NSW)<br>*Workplace Injury Management and Workers' Compensation Act 1998* (NSW) |
| 8 | General insurance schemes provided by the Victorian Managed Insurance Authority | **Victorian Managed Insurance Authority Act 1996** (Vic) |
| 9 | Workers' compensation insurance scheme | **Accident Compensation Act 1985** (Vic)<br>**Accident Compensation (WorkCover Insurance) Act 1993** (Vic)<br>**Workers Compensation Act 1958** (Vic) |
| 10 | Statutory insurance scheme | *Queensland Building and Construction Commission Act 1991* (Qld) |
| 11 | Workers' compensation scheme | *WorkCover Queensland Act 1996* (Qld) |
| 13 | Workers' compensation scheme | *Workers' Compensation and Rehabilitation Act 1981* (WA) |
| 14 | RiskCover Fund | *Insurance Commission of Western Australia Act 1986* (WA) |
| 16 | Workers' rehabilitation and compensation scheme | *Workers Rehabilitation and Compensation Act 1986* (SA) |
| 18 | WorkCover scheme | *Workers' Compensation Act 1951* (ACT)<br>*Workers' Compensation Supplementation Fund Act 1980* (ACT) |
| 19 | Workers' compensation insurance scheme | *Workers' Compensation Act 1951* (ACT) |
| 22 | Workers' compensation insurance scheme | *Workers Rehabilitation and Compensation Act 1988* (Tas) |



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# Schedule 11—Compulsory third party schemes

(regulation 195-1.01)

| Item | Scheme or arrangement | Australian law |
|---|---|---|
| 1 | Compensation scheme for victims of motor accidents | *Motor Accidents Act 1988* (NSW)<br>Motor Accidents Compensation Act 1999 (NSW) |
| 2 | Compulsory third party transport accident compensation scheme | **Transport Accident Act 1986** (Vic) |
| 3 | Statutory insurance scheme | *Motor Accident Insurance Act 1994* (Qld) |
| 4 | Compulsory third party insurance scheme | *Motor Vehicle (Third Party Insurance) Act 1943* (WA) |
| 5 | Third party insurance scheme | *Motor Vehicles Act 1959* (SA) |
| 6 | Compulsory third party insurance scheme | *Road Transport (Third-Party Insurance) Act 2008* (ACT) |
| 7 | Motor accidents compensation scheme | *Motor Accidents (Compensation) Act* (NT) |
| 8 | Motor accidents insurance scheme | *Motor Accidents (Liabilities and Compensation) Act 1973* (Tas) |



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# Schedule 12—First aid or life saving course

(regulation 195-1.02)

| Item | Competency | Competency unit code within the National Training Framework |
|---|---|---|
| 1 | Respond to aquatic emergency using basic water rescue techniques | (a) SRC AQU 003A; or<br>(b) SRC AQU 003B |
| 2 | Apply the principles of movement in water to aquatic activities | (a) SRC AQU 008A; or<br>(b) SRC AQU 008B |
| 3 | Instruct water familiarisation, buoyancy and mobility skills | (a) SRC AQU 009A; or<br>(b) SRC AQU 009B |
| 4 | Instruct water safety and survival skills | (a) SRC AQU 010A; or<br>(b) SRC AQU 010B |
| 5 | Instruct the strokes of swimming | (a) SRC AQU 011A; or<br>(b) SRC AQU 011B |
| 6 | Operate in accordance with accepted instructional practices, styles and legal and ethical responsibilities | (a) SRC CRO 007A; or<br>(b) SRC CRO 007B |

# Schedule 15—Transitional arrangements

Note: See regulation 200-0.00.

## Part 1—Amendments made by A New Tax System (Goods and Services Tax) Amendment Regulation 2013 (No. 1)

### 101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *A New Tax System (Goods and Services Tax) Amendment Regulation 2013 (No. 1)* apply in relation to an acquisition of goods that occurs 60 days or more after the day those regulations commence.



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# Part 2—Amendments made by the Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015

## 102 Verification of export

(1) Arrangements agreed to by the Chief Executive Officer of Customs as mentioned in subregulation 168-5.10(4) of these Regulations and in force immediately before 1 July 2015 continue in force on and after that day as if they had been arrangements agreed to by the Comptroller-General of Customs.

(2) Documentary evidence given to the Chief Executive Officer of Customs under subregulation 168-5.10C(3) of these Regulations before 1 July 2015 is taken on and after that day to have been documentary evidence given to the Comptroller-General of Customs.

## 103 Processing payment authority given to Chief Executive Officer of Customs

(1) A payment authority mentioned in paragraph 168-5.16(1)(a) of these Regulations that was posted to the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been posted to the Comptroller-General of Customs.

(2) A payment authority mentioned in paragraph 168-5.16(1)(a) of these Regulations that was received by the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been received by the Comptroller-General of Customs.

## 104 Processing claim for payment

(1) If, before 1 July 2015, the Chief Executive Officer of Customs was satisfied of the matter mentioned in paragraph 168-5.17(1)(c) of these Regulations, then on and after that day the Comptroller-General of Customs is taken to be satisfied of the matter.

(2) An authorisation in force under paragraph 168-5.17(1)(c) of these Regulations immediately before 1 July 2015 is taken on and after that day to be an authorisation by the Comptroller-General of Customs in force under that paragraph.

(3) A claim mentioned in subregulation 168-5.17(3) of these Regulations that was received by the Chief Executive Officer of Customs before 1 July 2015 is taken on and after that day to have been received by the Comptroller-General of Customs.



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Clause 105

## 105 Sealed bag arrangements for liquids, aerosols, gels, creams and pastes

The repeal and substitution of clause 2 of Schedule 5 made by the *Customs and Other Legislation Amendment (Australian Border Force) Regulation 2015* applies in relation to purchases on or after 1 July 2015.



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# Part 3—Amendments made by the Tax and Superannuation Laws Amendment (2016 Measures No. 1) Regulation 2016

## 106 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Tax and Superannuation Laws Amendment (2016 Measures No. 1) Regulation 2016* apply in relation to working out net amounts for tax periods starting on or after 1 July 2017.



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# Part 5—Amendments made by the Treasury Laws Amendment (2017 Measures No. 2) Regulations 2017

## 107 Claim for payment

(1) The amendments made by Schedule 2 to the *Treasury Laws Amendment (2017 Measures No. 2) Regulations 2017* apply on and after the start day in relation to a claim for payment under Division 168:

(a) made on or after that start day; or

(b) made, but not finally dealt with, before that start day.

(2) In this clause:

***Division 168*** means Division 168 of these Regulations and includes that Division as affected by Division 25 of the *A New Tax System (Wine Equalisation Tax) Regulations 2000*.

***start day*** means the first day of the month following the day that Schedule 2 to the *Treasury Laws Amendment (2017 Measures No. 2) Regulations 2017* commences.



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# Part 6—Amendments made by the Treasury Laws Amendment (2017 Measures No. 3) Regulations 2017

## 108 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Treasury Laws Amendment (2017 Measures No. 3) Regulations 2017* apply in relation to supplies or payments made on or after 1 July 2017.



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# Dictionary

(regulation 3)

***account***:

(a) means an account mentioned in item 1 in the table in regulation 40-5.09; and

(b) includes an account in relation to which the account holder (the ***customer***) has the right:

(i) to have the account maintained by the account provider (the ***provider***); and

(ii) to repayment of the amount credited to the account by the provider; and

(iii) to require the provider to act on directions by the customer that are in accordance with the arrangements, or any agreement, between the provider and the customer in relation to operation of the account.

***acquirer*** means a person who acquires goods the supply of which is a taxable supply.

***acquisition***, in relation to the provision or disposal of an interest—see regulation 40-5.05.

***Act*** means *A New Tax System (Goods and Services Tax) Act 1999*.

***Approved entity*** means an entity with an approval under regulation 33-15.03 to make deferred payments of assessed GST on taxable importations.

***APRA*** means the Australian Prudential Regulation Authority.

***Australian ADI*** has the meaning given by section 9 of the *Corporations Act 2001*.

***charge card*** means an article, commonly known as a charge card, for use in obtaining cash, goods or services by incurring a debt with the issuer of the card.

***Comptroller-General of Customs*** means the person who is the Comptroller-General of Customs in accordance with subsection 11(3) or 14(2) of the *Australian Border Force Act 2015*.

***credit card***:

(a) means an article commonly known as a credit card and any similar article for use in obtaining cash, goods or services on credit; and

(b) includes an article commonly issued by persons conducting business to their customers, or prospective customers, for use in obtaining goods or services from the business on credit.

***credit union*** means:

(a) an Australian ADI listed on the APRA website as a credit union; or



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(b) an Australian ADI listed on the APRA website as an Australian-owned bank that:

(i) on or before 1 July 2011 was listed on the APRA website as a credit union; and

(ii) retains mutuality; and

(iii) was listed on the APRA website as a credit union at all times in the period between 1 July 2011 and the time it was listed on the APRA website as an Australian-owned bank; or

(c) the Cairns Penny Savings & Loans Limited (ACN 087 933 757).

Note: APRA publishes a list of Australian ADIs on its website at www.apra.gov.au.

***Debit card*** means an article intended for use by an entity in obtaining access to an account held by the entity for the purpose of withdrawing or depositing cash or obtaining goods or services.

***derivative*** means an agreement or instrument the value of which depends on, or is derived from, the value of assets or liabilities, an index or a rate.

***disposal***—see regulation 40-5.04.

***electronic payment*** see the Dictionary in Part 6-3 of the Act.

***enter goods for home consumption*** has the meaning given in the *Customs Act 1901*.

***entity*** see section 184-1 of the Act.

***financial supply facilitator***—see regulation 40-5.07.

***financial supply provider***—see regulation 40-5.06.

***incidental financial supply***—see regulation 40-5.10.

***interest***—see regulation 40-5.02.

***National Training Framework*** means a nationally recognised system of training packages, training qualifications and registered training organisations.

***officer of Customs*** has the meaning given by subsection 4(1) of the *Customs Act 1901*.

***Outstanding tax-related liability*** has the meaning given in the Dictionary in section 995-1 of the *Income Tax Assessment Act 1997*.

***participant***, in a payment system, means a person who is a participant in the system in accordance with the rules governing the operations of the system.

***payment system*** means a funds transfer system that facilitates the circulation of money or digital currency, including any procedures that relate to the system.

***provision***—see regulation 40-5.03.



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***registered training organisation*** means a training organisation registered under the National Training Framework.

***relevant traveller*** see the Dictionary in Part 6-3 of the Act.

***securities*** has the meaning given by subsection 92(1) of the *Corporations Act 2001*.

***smart card*** means an article, commonly known as a smart card, that has the capacity to keep a record of financial transactions using the article.

***tourist refund scheme*** means the arrangements set out in section 168-5 of the Act.

***transaction card*** means a debit card, charge card, credit card or smart card.

***TRS verification facility***, in relation to an acquirer who is leaving the indirect tax zone from an airport, or seaport, at which the tourist refund scheme is administered means the place, at the airport or seaport, at which the scheme is administered.

Note: The tourist refund scheme will not be administered at every airport and seaport in Australia.



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# Endnotes

## Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

**Abbreviation key—Endnote 2**
The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

## Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
|---|---|---|---|
| 245, 1999 | 21 Oct 1999 | 1 July 2000 (r 2) | |
| 49, 2000 | 19 Apr 2000 | 19 Apr 2000 (r 2) | — |
| 77, 2000 | 26 May 2000 | 26 May 2000 (r 2) | — |
| 89, 2000 | 1 June 2000 | 1 June 2000 (r 2) | — |
| 110, 2000 | 15 June 2000 | Sch 1: 15 June 2000 (r 2(a))<br>Remainder: 16 June 2000 (r 2(b)) | — |
| 268, 2000 | 28 Sept 2000 | 28 Sept 2000 (r 2) | — |
| 363, 2000 | 20 Dec 2000 | 20 Dec 2000 (r 2) | — |
| 48, 2001 | 16 Mar 2001 | 1 July 2000 (r 2) | — |
| 126, 2001 | 6 June 2001 | 1 Dec 2001 (r 2) | — |
| 88, 2002 | 9 May 2002 | 1 July 2000 (r 2) | — |
| 37, 2003 | 27 Mar 2003 | 1 Apr 2003 (r 2) | — |
| 73, 2003 | 28 Apr 2003 | 1 May 2003 (r 2) | — |
| 190, 2003 | 24 July 2003 | 1 July 2000 (r 2) | — |
| 218, 2004 | 15 July 2004 | 15 July 2004 (r 2) | — |
| 276, 2004 | 26 Aug 2004 | 1 July 2004 (r 2) | — |
| 175, 2007 | 26 June 2007 (F2007L01756) | 1 July 2007 (r 2) | — |
| 206, 2007 | 29 June 2007 (F2007L01975) | 1 July 2007 (r 2) | — |
| 258, 2007 | 27 Aug 2007 (F2007L02640) | 28 Aug 2007 (r 2) | — |
| 29, 2009 | 27 Feb 2009 (F2009L00679) | 3 Mar 2009 (r 2) | — |
| 385, 2009 | 16 Dec 2009 (F2009L04488) | 1 July 2010 (r 2) | — |
| 206, 2010 | 12 July 2010 (F2010L01945) | 1 July 2010 (r 2) | r 3 |
| 207, 2010 | 12 July 2010 (F2010L01951) | 1 July 2010 (r 2) | — |
| 108, 2011 | 20 June 2011 (F2011L01077) | 21 June 2011 (r 2) | — |
| 127, 2011 | 30 June 2011 (F2011L01361) | 1 July 2011 (r 2) | — |
| 87, 2012 | 29 May 2012 (F2012L01102) | 1 July 2012 (r 2) | — |



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## Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
|---|---|---|---|
| 148, 2012 | 28 June 2012 (F2012L01405) | 1 July 2012 (r 2) | — |
| 149, 2012 | 2 July 2012 (F2012L01482) | 3 July 2012 (r 2) | — |
| 215, 2012 | 3 Sept 2012 (F2012L01826) | 1 July 2011 (r 2) | — |
| 6, 2013 | 15 Feb 2013 (F2013L00200) | 16 Feb 2013 (r 2) | — |
| 7, 2013 | 15 Feb 2013 (F2013L00202) | 16 Feb 2013 (s 2) | — |
| 126, 2013 | 17 June 2013 (F2013L01020) | Sch 1 (items 1–4): 16 Feb 2013 (s 2 item 2)<br>Sch 2 (items 1, 2): 18 June 2013 (s 2 item 3) | — |
| 279, 2013 | 16 Dec 2013 (F2013L02123) | Sch 1 (item 23): 17 Dec 2013 (s 2) | — |
| 39, 2015 | 30 Mar 2015 (F2015L00367) | Sch 1 (items 84–110): 31 Mar 2015 (s 2 item 3) | — |
| 90, 2015 | 19 June 2015 (F2015L00854) | Sch 2 (items 1–21): 1 July 2015 (s 2(1) item 2) | — |

| Name | Registration | Commencement | Application, saving and transitional provisions |
|---|---|---|---|
| Tax and Superannuation Laws Amendment (2016 Measures No. 1) Regulation 2016 | 15 Apr 2016 (F2016L00518) | Sch 1: 1 July 2016 (s 2(1) item 2) | — |
| Treasury Laws Amendment (2016 Measures No. 3) Regulation 2016 | 17 Oct 2016 (F2016L01625) | Sch 1: 28 Oct 2016 (s 2(1) item 2) | — |
| Corporations and Other Legislation Amendment (Insolvency Law Reform) Regulation 2016 | 13 Dec 2016 (F2016L01926) | Sch 1 (items 3, 4): 1 Mar 2017 (s 2(1) item 2) | — |
| Treasury Laws Amendment (2017 Measures No. 2) Regulations 2017 | 17 Nov 2017 (F2017L01491) | Sch 2: 18 Nov 2017 (s 2(1) item 1) | — |
| Treasury Laws Amendment (2017 Measures No. 3) Regulations 2017 | 4 Dec 2017 (F2017L01568) | Sch 1: 1 July 2017 (s 2(1) item 2) | — |



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# Endnote 4—Amendment history

| Provision affected | How affected |
|---|---|
| **Part 1** | |
| r 2 | rep LA s 48D |
| r 3 | am 2000 No 77 |
| **Part 2-5** | |
| Part 2-5 | ad 2007 No 206 |
| **Division 23** | |
| r 23-15.01 | ad 2007 No 206 |
| r 23-15.02 | ad 2007 No 206 |
| **Part 2-6** | |
| Part 2-6 | rs 2000 No 77 |
| r 29-70 | rep 2000 No 77 |
| r 29-71 | rep 2000 No 77 |
| **Division 29** | |
| Division 29 | ad 2000 No 77 |
| **Subdivision 29-C** | |
| Subdivision 29-C | ad 2000 No 77 |
| r 29-70.01 | ad 2000 No 77 |
| | rep 2010 No 206 |
| r 29-70.02 | ad 2000 No 77 |
| | rep 2010 No 206 |
| r 29-80.01 | ad 2007 No 175 |
| r 29-80.02 | ad 2009 No 385 |
| **Part 2-7** | |
| Part 2-7 | ad 2000 No 89 |
| **Division 33** | |
| Division 33 | ad 2000 No 89 |
| r 33-15.01 | ad 2000 No 89 |
| | am 2000 No 268; No 279, 2013 |
| r 33-15.02 | ad 2000 No 89 |
| | am No 279, 2013 |
| r 33-15.03 | ad 2000 No 89 |
| | am F2016L01926 |
| r 33-15.04 | ad 2000 No 89 |
| | am No 279, 2013 |
| r 33-15.05 | ad 2000 No 89 |
| r 33-15.06 | ad 2000 No 89 |
| | am 2000 No 268; No 279, 2013; No 90, 2015 |



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## Endnote 4—Amendment history

| Provision affected | How affected |
|---|---|
| r 33-15.07 | ad 2000 No 89 |
| | am No 279, 2013 |
| r 33-15.08 | ad 2000 No 89 |
| r 33-15.09 | ad 2000 No 89 |
| **Part 3-1** | |
| **Division 38** | |
| Division 38 | ad 2000 No 110 |
| **Subdivision 38-A** | |
| Subdivision 38-A | ad 2000 No 110 |
| r 38-3.01 | ad 2000 No 110 |
| r 38-3.02 | ad 2001 No 126 |
| **Subdivision 38-B** | |
| Subdivision 38-B | ad 2000 No 110 |
| r 38-45.01 | ad 2000 No 110 |
| **Subdivision 38-E** | |
| Subdivision 38-E heading | rs No 39, 2015 |
| Subdivision 38-E | ad 2000 No 110 |
| r 38-185.01 | ad 2000 No 110 |
| Part 3-1 | rep 2000 No 77 |
| r 40-5 to 40-17 | rep 2000 No 77 |
| Part 3-1 | ad 2000 No 77 |
| **Division 40** | |
| Division 40 | ad 2000 No 77 |
| **Subdivision 40-A** | |
| Subdivision 40-A | ad 2000 No 77 |
| r 40-5.01 | ad 2000 No 77 |
| r 40-5.02 | ad 2000 No 77 |
| r 40-5.03 | ad 2000 No 77 |
| r 40-5.04 | ad 2000 No 77 |
| r 40-5.05 | ad 2000 No 77 |
| r 40-5.06 | ad 2000 No 77 |
| r 40-5.07 | ad 2000 No 77 |
| r 40-5.08 | ad 2000 No 77 |
| r 40-5.09 | ad 2000 No 77 |
| | am 2000 No 363; 2004 No 218; 2009 No 29; 2011 No 108; 2012 No 87; No 39, 2015; F2016L00518; F2017L01568 |
| r 40-5.10 | ad 2000 No 77 |
| r 40-5.11 | ad 2000 No 77 |
| | am 2000 No 110 |



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| Provision affected | How affected |
|---|---|
| r 40-5.12 | ad 2000 No 77 |
| | am 2012 No 87; F2017L01568 |
| r 40-5.13 | ad 2000 No 77 |
| | am 2000 No 110 |
| **Part 4-1** | |
| Part 4-1 | ad 2000 No 49 |
| **Division 48** | |
| Division 48 | ad 2000 No 49 |
| **Subdivision 48-A** | |
| Subdivision 48-A | ad 2000 No 49 |
| r 48-10.01 | ad 2000 No 49 |
| | am 2003 No 37 |
| r 48-10.01A | ad 2003 No 37 |
| r 48-10.02 | ad 2000 No 49 |
| | am 2003 No 37 |
| r 48-10.03 | ad 2000 No 49 |
| | am 2000 No 268; 2003 No 37 |
| r 48-10.03A | ad 2003 No 37 |
| r 48-10.04 | ad 2000 No 268 |
| | am 2003 No 37 |
| **Division 51** | |
| Division 51 | ad 2000 No 77 |
| r 51-5.01 | ad 2000 No 77 |
| | am 2003 No 73 |
| **Part 4-2** | |
| Part 4-2 | rep 2000 No 77 |
| r 70-1 to 70-3 | rep 2000 No 77 |
| Part 4-2 | ad 2000 No 77 |
| **Division 70** | |
| Division 70 | ad 2000 No 77 |
| r 70-5.01 | ad 2000 No 77 |
| r 70-5.01A | ad 2001 No 48 |
| r 70-5.02 | ad 2000 No 77 |
| | am 2001 No 48; 2012 No 87; F2017L01568 |
| r 70-5.02A | ad 2001 No 48 |
| | am No 39, 2015 |
| r 70-5.02B | ad 2001 No 48 |
| r 70-5.02C | ad 2001 No 48 |
| | am No 39, 2015 |
| r 70-5.02D | ad 2001 No 48 |

## Endnote 4—Amendment history

| Provision affected | How affected |
|---|---|
| r 70-5.03 | ad 2000 No 77 |
| | rs 2012 No 87 |
| **Division 78** | |
| Division 78 | ad 2000 No 77 |
| r 78-105.01 | ad 2000 No 77 |
| **Division 79** | |
| Division 79 | ad 2003 No 190 |
| r 79-35.01 | ad 2003 No 190 |
| **Division 81** | |
| Division 81 | ad 2011 No 127 |
| r 81-10.01 | ad 2011 No 127 |
| | am 2012 No 148 |
| r 81-15.01 | ad 2012 No 148 |
| r 81-15.02 | ad 2012 No 148 |
| **Part 4-7** | |
| Part 4-7 | ad 2000 No 110 |
| **Division 168** | |
| Division 168 | ad 2000 No 110 |
| **Subdivision 168-1** | |
| Subdivision 168-1 | ad 2000 No 110 |
| r 168-5.01 | ad 2000 No 110 |
| | am 2010 No 207 |
| r 168-5.02 | ad 2000 No 110 |
| | am No 39, 2015 |
| r 168-5.03 | ad 2000 No 110 |
| r 168-5.04 | ad 2000 No 110 |
| r 168-5.05 | ad 2000 No 110 |
| | rs 2013 No 6 |
| **Subdivision 168-2** | |
| Subdivision 168-2 heading | rs No 39, 2015 |
| Subdivision 168-2 | ad 2000 No 110 |
| r 168-5.06 | ad 2000 No 110 |
| | am 2010 No 207; No 39, 2015 |
| r 168-5.07 | ad 2000 No 110 |
| | am No 39, 2015 |
| **Subdivision 168-3** | |
| Subdivision 168-3 | ad 2000 No 110 |
| r 168-5.08 | ad 2000 No 110 |
| | am No 39, 2015 |
| r 168-5.09 | ad 2000 No 110 |



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| Provision affected | How affected |
|---|---|
| | am 2013 No 6 |
| r 168-5.10 | ad 2000 No 110 |
| | am No 39, 2015; No 90, 2015; F2017L01491 |
| **Subdivision 168-3A** | |
| Subdivision 168-3A | ad 2010 No 207 |
| r 168-5.10A | ad 2010 No 207 |
| r 168-5.10B | ad 2010 No 207 |
| r 168-5.10C | ad 2010 No 207 |
| | am No 90, 2015; F2017L01491 |
| **Subdivision 168-4** | |
| Subdivision 168-4 | ad 2000 No 110 |
| r 168-5.11 | ad 2000 No 110 |
| | am 2010 No 207 |
| | ed C34 |
| **Subdivision 168-5** | |
| Subdivision 168-5 | ad 2000 No 110 |
| r 168-5.12 | ad 2000 No 110 |
| | am F2017L01491 |
| r 168-5.13 | ad 2000 No 110 |
| | am No 39, 2015 |
| | rep F2017L01491 |
| **Subdivision 168-6** | |
| Subdivision 168-6 | ad 2000 No 110 |
| r 168-5.14 | ad 2000 No 110 |
| | am No 39, 2015 |
| r 168-5.15 | ad 2000 No 110 |
| | am No 39, 2015 |
| r 168-5.16 | ad 2000 No 110 |
| | am No 39, 2015; No 90, 2015 |
| r 168-5.17 | ad 2000 No 110 |
| | am No 90, 2015; F2017L01491 |
| **Part 6-3** | |
| Part 6-3 | ad 2003 No 190 |
| **Division 195** | |
| Division 195 | ad 2003 No 190 |
| r 195-1.01 | ad 2003 No 190 |
| r 195-1.02 | ad 2007 No 258 |
| **Part 6-4** | |
| Part 6-4 | ad 2013 No 6 |
| r 200–0.00 (prev r 120–0.00) | ad 2013 No 6 |

## Endnote 4—Amendment history

| Provision affected | How affected |
|---|---|
| | renum 126, 2013 |
| **Schedule 3** | |
| Schedule 3 | ad 2000 No 110 |
| **Schedule 5** | |
| Schedule 5 | ad 2000 No 110 |
| | am No 6 and 126, 2013; No 39, 2015; No 90, 2015 |
| **Schedule 7** | |
| Schedule 1 heading | rs 2000 No 77 |
| Schedule 7 (prev Schedule 1) | am 2000 No 77 |
| | renum 2000 No 110 |
| | am 2012 No 87; 2013 No 7 |
| **Schedule 8** | |
| Schedule 2 heading | rs 2000 No 77 |
| Schedule 8 (prev Schedule 2) | am 2000 No 77 |
| | renum 2000 No 110 |
| | am 2012 No 87 |
| | ed C33 |
| **Schedule 10** | |
| Schedule 10 | ad 2000 No 77 |
| | am 2002 No 88; 2003 No 190; 2004 No 276; F2016L01625 |
| **Schedule 11** | |
| Schedule 11 | ad 2003 No 190 |
| | am 2012 No 149 |
| **Schedule 12** | |
| Schedule 12 | ad 2007 No 258 |
| **Schedule 15** | |
| Schedule 15 heading | rs No 126, 2013 |
| Schedule 15 | ad No 6, 2013 |
| | am No 126, 2013; No 90, 2015; F2016L00518; F2017L01491; F2017L01568 |
| **Dictionary** | |
| Dictionary | am No 49, 2000; No 77, 2000; No 89, 2000; No 110, 2000; No 48, 2001; No 258, 2007; No 108, 2011; No 215, 2012; No 279, 2013; No 39, 2015; No 90, 2015; F2016L01926; F2017L01568 |



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