



Legislative Instrument

Goods and Services Tax: Waiver of Tax Invoice Requirement Determination (No. 40) 2016 – Government Undercover Agents

I, Deborah Jenkins, Acting Deputy Commissioner of Taxation, make this determination under subsection 29-10(3) of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act).

Deborah Jenkins

Acting Deputy Commissioner of Taxation

Dated: 13/09/2016

Name of determination

1. This determination is the *Goods and Services Tax: Waiver of Tax Invoice Requirement Determination (No. 40) 2016 – Government Undercover Agents*.

Commencement

2. This determination commences on the day after registration.

Repeal of previous determination

3. *Goods and Services Tax: Waiver of Tax Invoice Requirement- Government Undercover Agents Determination (No. 1) 2006 - F2006L03278*, registered on 29 September 2006, is repealed on the commencement of this determination.

Waiver of requirement to hold a tax invoice

4. The requirement to hold a tax invoice under subsection 29-10(3) of the GST Act is waived when a government law enforcement agency claims input tax credits for creditable acquisitions in the circumstances set out in this determination.

Circumstances where the requirement for a tax invoice is waived

5. At the time a government law enforcement agency gives its GST return for a tax period to the Commissioner, the government law enforcement agency is not required to hold a tax invoice to attribute an input tax credit for a creditable acquisition to that tax period if:
 - (a) it relates to a reimbursement of an expense to an employee or agent under Division 111 of the GST Act; and

- (b) the employee or agent was using an assumed name when he or she incurred the expense; and
- (c) the government law enforcement agency holds one of the following documents:
 - (i) a credit card statement that is issued in the assumed name of the employee or agent listing the reimbursed expense; or
 - (ii) an employee's or agent's statement that meets the information requirements set out in Clause 6 of this determination.

Information requirements for the employee's or agent's statement

6. The employee's or agent's statement must include:

- (a) the employee's or agent's name and/or assumed name;
- (b) for each expense that is reimbursed:
 - (i) the date the expense was incurred by the employee or agent;
 - (ii) the supplier's name;
 - (iii) a brief description of the expense;
 - (iv) the total amount paid;
 - (v) whether the amount included GST; and
 - (vi) where the GST isn't 1/11th of the amount paid, the amount of GST.

Definitions

7. The following expression is defined for the purposes of this determination:

government law enforcement agency means a government related entity whose responsibilities include law enforcement services for preventing criminal behaviour.

8. Other expressions in this determination have the same meaning as in the GST Act.