

GOODS AND SERVICES TAX

TAXABLE SUPPLY (Defined in s 9-5)

- A **SUPPLY**
- Made for **CONSIDERATION**
- In the course of furtherance of an **ENTERPRISE**
- Where the supply is connected with **AUSTRALIA**
- By a person **REGISTERED** / should be registered for GST
- And is **NOT** input-taxed / GST-free

SUPPLY

'any form of supply whatsoever' **s 9-10(1)**

Includes : **s 9-10(2)**

- **Supply of goods & services**
- Provision of advice / information
- Grant, assignment / surrender of real property / an interest in real property
- Creation, grant, transfer, assignment / surrender of any right
- A financial supply
- Entry into / release from, an obligation 'to do anything, or to refrain from an act, or to tolerate an act / situation'

Illegality of supply is **irrelevant** : **s 9-10(3)**

Don't care how you make the money

Does not include a supply of money unless consideration for a supply that is the supply of money : **s 9-10(4)**

CONSIDERATION

- ❖ Any **payment** / act / forbearance in connection with the supply / for the inducement of the supply **s 9-15(1)**
 - Payment = **Cash** / 'in kind' (exchange of goods & services)
- ❖ Does not matter whether the payment was **voluntary** / whether it was by the recipient of the supply **s 9-15(2)**

ENTERPRISE

- Any activity conducted in the **form of a business** (for income tax purposes) **s 9-20(1)(a)**
- Isolated commercial activities in the form of an adventure / concern in the nature of trade : **s 9-20(1)(b)**
- Leasing property on a regular/continuous basis : **s 9-20(1)(c)**
- Activities carried out by trustees, charities, religious institutions & government bodies : **s 9-20(1)(d)-(g)**

NOT

- The provision of labour as an employee; or
- Private, recreational pursuits / hobbies : **s 9-20(2)**

IN CONNECTION WITH AUSTRALIA (s 9-25)

- ✧ Goods are **delivered** / made available to the recipient in Australia
- ✧ The supply involved those goods being **removed from Australia**
- ✧ Goods are **imported into Australia** / installation/assembly of goods is in Australia
- ✧ The **supply** is of Australian land

*if not real goods/property, the **services** is done in Australia / the supply is made **through an enterprise** carried on in Australia

REGISTERED

- ▲ Any entity can register for GST if carrying on an enterprise : **s 23-10**
- ▲ **MUST** register for GST if 'annual turnover' > 'registration turnover threshold' :
ss23-5; 23-15; Regulation 23-15.01 & 23-15.02
 - Non-profit TPs > \$150,000
 - Other TPs > \$75,000
 - Annual turnover : **s 188-15; GSTR 2001/17**

EXEMPTIONS

GST-free supplies (**Division 38**)

- Cars for use by disabled people
- Childcare
- Education
- **Exports** & other supplies for consumption outside Australia
- Farm land
- **Food** : **s 38-2; 38-3; Schedule 1**
- Grants of land by governments
- Health
- **International mail**
- Non-commercial activities of charitable institutions
- Precious metals
- Raffles & bingo conducted by charitable institutions
- Religious services
- Supplies of going concerns (sell sth for the business to continue)
- Supplies through inward duty free shops
- Transport & related matters