



A New Tax System (Goods and Services Tax) Amendment Regulations 2011 (No.)¹

Select Legislative Instrument 2011 No.

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *A New Tax System (Goods and Services Tax) Act 1999*.

Dated 2011

Governor-General

By Her Excellency's Command

[DRAFT ONLY – NOT FOR SIGNATURE]

Treasurer

CONSULTATION DRAFT

1 Name of Regulations

These Regulations are the *A New Tax System (Goods and Services Tax) Amendment Regulations 2011 (No.)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *A New Tax System (Goods and Services Tax) Regulations 1999*

Schedule 1 amends the *A New Tax System (Goods and Services Tax) Regulations 1999*.

4 Application

The amendments made by Schedule 1 do not apply until the end of the period of 60 days after the day on which they are registered.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 168-5.05

substitute

168-5.05 Tax invoice

- (1) The acquisition may consist of 1 or more acquisitions from the same registered entity for which the acquirer holds 1 or more tax invoices.
- (2) Each acquisition must be accompanied by a tax invoice.

[2] **Regulation 168-5.09**

omit

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insert

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[3] **Schedule 5**

omit

Definitions and interpretation

insert

1 Interpretation

[4] **Schedule 5, subclause 1 (1), after definition of *CB declaration***

insert

checked baggage has the meaning given by regulation 1.03 of the *Aviation Transport Security Regulations 2005*.

[5] **Schedule 5, subclause 1 (1), after definition of *goods***

insert

LAG means liquid, aerosol, gel, cream or paste purchased as a tax free item at an off-airport duty free shop.

LAG declaration means a form of declaration that, in this Schedule:

- (a) must be provided by the seller to the relevant traveller at the time of the sale of goods that are LAGs; and
- (b) must be made by the relevant traveller after the LAGs are packed into checked baggage.

[6] Schedule 5, after clause 1

insert

2 Interim sealed bag arrangements for liquids, aerosols, gels, creams and pastes from 31 March 2007

- (1) This clause applies to a person:
- (a) in relation to the period starting on 31 March 2007 and ending on the day on which this clause applies; and
 - (b) in relation to SB Rule 2, and SB Rules 7 to 10, in Table 1 of this Schedule.
- (2) If, during the period:
- (a) the person purchased a liquid, aerosol, gel, cream or paste as a duty free item at an off-airport duty free shop; and
 - (b) the person was required to comply with 1 or more of those rules in relation to dealing with the liquid, aerosol, gel, cream or paste; and
 - (c) the person dealt with the liquid, aerosol, gel, cream or paste in accordance with an arrangement (a “interim sealed bag arrangement”) that:
 - (i) was implemented by the Australian Taxation Office and the Australian Customs Service or the Australian Customs and Border Protection Service on or after 31 March 2007; and
 - (ii) was consistent with the requirements of subdivision 4.1.1A of the Aviation Transport Security Regulations 2005 as in force when the person dealt with the liquid, aerosol, gel, cream or paste;
- the person is taken not to have breached the rule or rules.

[7] Schedule 5, table 1, SB rule 2, column 3, subparagraph (b) (i)

omit

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insert

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[8] Schedule 5, table 1, after SB rule 2

insert

SB Rule 2A	Purchaser to sign a LAG declaration	The purchaser must sign a declaration (<i>LAG declaration</i>) stating that, if the matter is true, the purchaser has packed a sealed package containing a LAG product into checked baggage	The form of the LAG declaration	After the purchaser packs the sealed package into checked baggage and before the purchaser would surrender the sealed package for inspection if it did not contain a LAG product
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**[9] Schedule 5, table 1, SB rule 2, column 3,
subparagraph (ii)**

omit

submitting the sealed package to the seller in accordance
with SB rule 7 or 8;

substitute

submitting the sealed package, or the LAG declaration, to
the seller in accordance with SB rule 7, 7A or 8;

[10] Schedule 5, table 1, SB rule 2, column 3, subparagraph (iii)

substitute

(iii) will, in accordance with SB rule 7, 7A or 8, either submit the sealed package to the seller for removal of the barrier copy of the invoice or, if the sealed package contains a LAG product, surrender the LAG declaration and the barrier copy of the invoice to the seller;

[11] Schedule 5, table 1, after SB rule 3

insert

SB Rule 3A	Seller to provide a LAG declaration	If a sealed package contains 1 or more LAGs, the seller must provide, and attach to the sealed package, a LAG declaration: (a) at the time of the sale; and (b) enabling the purchaser to declare, by signing the declaration, that the sealed package has been packed into checked baggage.	Before the purchaser takes possession of the goods
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[12] Schedule 5, table 1, SB rule 5, column 3

omit

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insert
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[13] Schedule 5, table 1, SB rule 6, column 3, after subparagraph (a)

insert

- (aa) if the goods are LAGs, the goods are contained in a package that does not contain goods that are not LAGs; and

[14] Schedule 5, table 1, after SB rule 7

insert

SB Rule 7A	LAG declaration and invoice to be surrendered before or beyond Customs barrier	If the sealed package contains 1 or more LAGs and has been packed by the purchaser in checked baggage, the purchaser must surrender the signed LAG declaration and accompanying copy of the invoice at the Customs barrier, or to the seller beyond the Customs barrier	At the Customs barrier or after the purchaser presents himself or herself to Customs as departing Australia and before departing on the flight or voyage
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[15] Schedule 5, table 1, after SB rule 11

insert

SB Rule 11A	Retrieved signed LAG declaration must be matched to invoice	The seller must match a retrieved signed LAG declaration as soon as practicable by reconciling the declaration against the seller's copy of the invoice relating to the same goods
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Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.