

EXPOSURE-DRAFT

1 Inserts for
2 **Tax Laws Amendment (2012 Measures**
3 **No. 3) Bill 2012: GST supplies by**
4 **representatives who are creditors**

5

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6

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1.		
2. Schedule ??	The day this Act receives the Royal Assent.	
3.		

7 **Schedule ??—GST supplies by**
8 **representatives who are creditors**
9

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

11 **1 At the end of section 58-1**

12 Add:

13 Note: This Division does not apply to a representative to the extent that
14 paragraph 105-5(1)(a) (which is about supplies by creditors in
15 satisfaction of debts) applies to its supplies. See section 58-95.

16 **2 At the end of Division 58**

17 Add:

18 **58-95 Division does not apply to the extent that the representative is**
19 **a creditor of the incapacitated entity**

20 This Division does not apply in relation to a *representative of an
21 entity to the extent that paragraph 105-5(1)(a) will apply to a
22 supply by the representative of the entity's property.

23 Note: For example, if the representative:

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1 (a) is a mortgagee in possession of the entity's property; and
2 (b) is not a representative of the entity for any other reason;
3 the representative need not register under section 58-20 if it will
4 supply that property in or towards the satisfaction of a debt owed to it
5 by the entity.

6 **3 At the end of section 105-1**

7 Add:

8 Note: This Division overrides Division 58 to the extent that the creditor is a
9 representative of the debtor and the debtor is an incapacitated entity
10 (see section 58-95).

11 **4 Application of amendments**

12 The amendments made by this Schedule apply in relation to supplies
13 made on or after the start of the first quarterly tax period starting on or
14 after the day this Act receives the Royal Assent.