

9 March 2018

Mr Jonno Colman
Project Manager – GST at Settlement
Government, Law Assurance & Not for Profit Branch
Indirect Tax
Australian Taxation Office
21 Genge Street
CANBERRA ACT 2600

Dear Mr Colman

**IMPROVING THE INTEGRITY OF GST ON PROPERTY TRANSACTIONS'
MEASURES – DRAFT NOTIFICATIONS**

Thank you for your email dated 6 February 2018 to the Law Society of Western Australia requesting comments on the draft notifications relating to the new legislation providing for GST on property transactions currently being considered by the Federal Parliament.

The Law Society submits the following comments for consideration:

1. GST withholding notification

Part 2

This Part requires the purchaser to include a number of details about the developer/seller that the purchase will not know. It refers to information about the seller that the seller is not obliged to provide under the legislation. It also puts the purchaser in a difficult position if the seller doesn't provide the information required under the legislation.

The Law Society submits that this part should be limited to the name of the developer/seller and ABN. That is items that the purchaser can confirm from the sale contract and the ABN lookup website.

This Part 2 also requires contact details for the developer and the developer agrees that by providing an email address they authorise the ATO to respond by email. However the purchaser is the one who is completing the form and therefore there is a question as to how the purchaser can provide this authority on behalf of the developer.

The Law Society submits that this should be deleted and, as above, this part should be limited to the name of the developer/seller and it's ABN.

Part 6 – declaration

"What happens next" refers to *"Your obligations are not complete until the payment of the withholding amount has been made after the Settlement Advice*

notification has been lodged. General interest charge may be imposed on amounts paid after the due date."

The Law Society submits that this is not correct as the purchaser has the option to provide a bank cheque to the seller for the GST amount payable to the ATO and by doing so the purchaser has complied with its obligations under the legislation.

2. GST settlement advice notification

Part 2

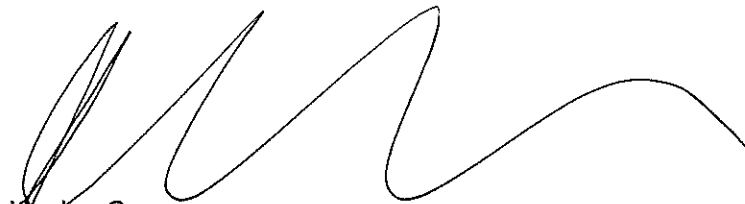
The purchaser will not know, and cannot confirm, whether the developer's details have changed.

The Law Society submits that this part should be deleted.

I would also like to take this opportunity to acknowledge your request for the Law Society's assistance in rolling out communication for this measure and we look forward to providing this in due course.

If you require any other information please contact Mary Woodford, General Manager Advocacy at mwoodford@lawsocietywa.asn.au.

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above the name and title.

Hayley Cormann
President