I know that GST might not naturally spring to your mind as a priority, but based on some positive outcomes that I've helped clients with recently, are you aware that:

PROPERTY ISSUES

The Commissioner can give you permission to retrospectively elect to use the margin scheme for some property purchases, even going further back than the normal 4 year time limit. That is most relevant when you want to reduce your GST costs by using the margin scheme when selling your development. (However, that extension of time is not available for GST Free Going Concern elections).

Many sales incentives are being offered to move new residential premises. I've recently come across a developer offering to pay the stamp duty for the purchaser. A far better GST outcome would be to sell the property including a cash card equal to the stamp duty (the developer saves GST of 1/11th of the value of the cash card). There are similar GST opportunities for manufacturer's or importer's rebates to consumers.

If you are carrying on an enterprise, and you have lost or forfeited a deposit or instalment by deciding to not proceed with a deal, you can normally claim a GST refund of 1/11th of that lost deposit- that softens the blow a bit. The GST treatment can be different for options, rights of refusal, rights to put or call, etc.

The GST Free Farmland provision applies on the factual merits of the circumstances, and you cannot choose to use it or choose not to use it? Hence, even if the GST Free Farmland exemption was not referred to in the Contract of Sale, it might still apply, and might be an opportunitywhere a GST Free Going Concern election fails.

The new 'reporting at settlement' rules for residential premses, applying from 1 July 2018, covers ALL sales of residential premises, whether old or new, whether you are reigstered for GST or not, and whether sold under a contract signed before or after 1 July 2018. Even if GST is not payable and there is no GST withholding obligation, the vendor must still make the required notification to the purchaser to prevent a 'strict liability' (ie automatic) to a criminal offense.

There is a 'arrangement' being promoted around the traps that purports to completely wipe out all GST payable on high rise apartments that will be used as serviced apartments, or under a 'build to rent' model. Is it too good to be true? Normally yes. One I have seen recently simply doesn't work, and the ATO is actively trying to chase down all participants.,

INTEREST PAYABLE BY THE ATO

In a recent Federal Court decision, the ATO was required to pay significantly more interest to a taxpayer who received a refund of GST, if the refund relates to a tax period prior to 1 July 2012. That is, back to the time when the original BAS was lodged, rather than the date the date the refund was applied for. That could go back as far as July 2000. This decision was very strongly ruled in favour of the taxpayer, and has been appealed by the ATO, so keep that in mind as an opportunity when the appeal decision is handed down. One commentator estimates there could be $300 million at issue.

STRUCTURING

The majority of structures that purport to be "Joint Ventures" are treated as Partnerships for tax purposes? This can arise even when there is a formal Joint Venture Agreement, with a clause that asserts that a Partnership is not created. Such can lead to the ATO disallowing all claims for input tax credits made by the Partners, and creates joint and several liabilities for the payment of GST that might have already been paid under an incorrect GST registration.

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FINANCE

Paying for services or intellectual property or services from overseas to use in a business of lending in Australia leads to a GST liability (called 'reverse charge'), but you can still claim the 75% RITCs in most cases.

Large captive or internal finance functions within a large group of entities could be denied GST input tax credits for costs of operations. The denial is not limited to banks; the denial applies to the making of financial supplies such as related entity loans or dealings in shares in subsidiaries or units in Trusts, and some M&A activity.

FOOD

We all know that some foods are taxable and some are not. Who can forget Hewson's attempt to classify a cake nearly 20 years ago? Sometimes GST Free status (very important to achieve competitive price points) can be achieved simply by using words like 'pourable' and 'kilos' (GST Free food) instead of 'drinkable' and litres' '(taxable beverages). Similarly, photos on packaging can lead to treatment as a taxable 'complete meal' (eg a photo of the product on a plate by itself) or a GST free 'ingredient for food' (eg a photo of the same product, but with vegies or a bun or rice next to it).

CHARITIES

Many Endorsed Charities and DGRs are still paying GST on 'subsidised' supplies when they don't have to? The concession (that was legislated on purpose, and is not a loophole at all) can apply to any type of supply, even supplies made in competition with the for-profit sector. Refunds for up to the past 4 years are potentially available, and prices can be maintained without reducing them when the GST stops being overpaid.

OTHER

Individuals who have given personal guarantees in respect of amounts due to creditors of companies that become insolvent, can limit their personal liabilities by ensuring that GST refunds claimed or claimable are correctly categorised as circulating or non-circulating assets?

TRIGGERING GST WITHIN GROUPS

Even within groups of entities that are consolidated for income tax (but not Grouped for GST), documenting accruals in financial statement as debtors and creditors can be enough to trigger GST liabilities without corresponding GST input tax credits for the related entity?

SUMMARY

I thought you might find it of interest to hear about some issues that pop up in GST from time to time. There are many other examples, but the above should give you a sense that GST 'only being just 10%) can still make a material impact on your results.