TD 2002/8 - Fringe benefits tax: for the purposes of Section 135C of the Fringe Benefits Tax Assessment Act 1986 (FBTAA) what is the exemption threshold for the fringe benefits tax (FBT) year commencing on 1 April 2002?

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Australian Taxation Office

Taxation Determination

TD 2002/8

Taxation Determination

Fringe benefits tax: for the purposes of Section 135C of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA) what is the exemption threshold for the fringe benefits tax (FBT) year commencing on 1 April 2002?

Preamble

The number, subject heading, date of effect and paragraph 1 of this Taxation Determination are a 'public ruling' for the purposes of Part IVAAA of the ***Taxation Administration Act 1953*** *and are legally binding on the Commissioner. The remainder of the Determination is administratively binding on the Commissioner. Taxation Rulings TR 92/1 and TR 97/16 together explain how a Determination is legally or administratively binding.*

Date of Effect

This determination applies for the FBT year commencing on 1 April 2002. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of settlement of a dispute agreed to before the date of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

1. The exemption threshold for the FBT year commencing on 1 April 2002 is $5,747. This replaces the amount of $5,505 that applied in the previous year.

2. Two conditions must be satisfied for the record keeping exemption arrangements to apply to an employer for an FBT year:

   (i) a base year needs to be established; and

   (ii) during the FBT year immediately before the current year the employer has not received a notice from the Commissioner requiring the employer to resume record keeping.

3. Section 135C sets out a number of conditions that must be met before an FBT year is a base year of an employer. One of the conditions is that the employer's aggregate fringe benefits amount in the base year does not exceed the exemption threshold.

4. The exemption threshold set in this Determination has been ascertained by applying an indexation factor of 1.044 (reflecting the movement in the All Groups Consumer Price Index for the eight capital cities for the year ending 31 December 2001) to the previous year's threshold.

Commissioner of Taxation
15 May 2002

Previous draft:
Not previously released in draft form

Related Rulings/Determinations:
TR 92/1; TR 92/20; TR 97/16; TD 1999/44; TD 2000/22; TD 2001/6

Subject references:
- FBT
- record keeping exemption arrangements
- RKEA
- exemption threshold
- fringe benefits tax
- base year
- record-keeping requirements

Legislative references:
- TAA 1953 Pt IVAAA
- FBTAA 1986 135C

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