TD 97/9 - Fringe benefits tax: for the purposes of Division 7 of the Fringe Benefits Tax Assessment Act 1986 (FBTAA), what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax year commencing 1 April 1997?

This cover sheet is provided for information only. It does not form part of *TD 97/9 - Fringe benefits tax: for the purposes of Division 7 of the Fringe Benefits Tax Assessment Act 1986 (FBTAA), what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax year commencing 1 April 1997?*

This document has changed over time. This is a consolidated version of the ruling which was published on *16 April 1997*

Australian Taxation Office

Taxation Determination **TD 97/9**

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, this Determination applies to years commencing both before and after its date of issue. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

Taxation Determination

Fringe benefits tax: for the purposes of Division 7 of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA), what amount represents a reasonable food component of a living-away-from-home allowance for expatriate employees for the fringe benefits tax year commencing 1 April 1997?

1. The reasonable food component for the fringe benefits tax year commencing 1 April 1997, as shown below, is the result of indexation to reflect movements in the food sub-group of the Consumer Price Index:

	per week
One adult	$134
Two adults	$215
Three adults	$242
Two adults and one or two children	$242
Two adults and three children	$282
Three adults and one child	$282
Three adults and two children	$322
Four adults	$322

('Adults' for this purpose are persons aged 12 years or more).

2. In relation to larger family groupings, we accept a food component based on the above figures plus $80 for each additional adult and $40 for each additional child.

3. This Determination is intended to be read in conjunction with Taxation Ruling MT 2040. MT 2040 sets out the amounts that represent a reasonable food component of living-away-from-home allowances received by expatriate employees during their term of employment in Australia for the FBT years ended 31 March 1987 and 1988. Indexed amounts for subsequent years are provided in MT 2043, MT 2045, MT 2047, MT 2051, TD 93/41, TD 94/23, TD 95/55 and TD 96/25.

Example

Bill and his wife and four children are temporarily living in Australia while Bill is working on a project for his employer (an overseas company). Bill is in receipt of a living-away-from-home allowance. The amount that is considered to be a reasonable food component of the allowance for the year commencing 1 April 1997 is $322 per week (i.e., $282 plus $40).

Commissioner of Taxation
16 April 1997

FOI INDEX DETAIL: Reference No. I 1015324 Not previously issued in draft form
Related Determinations: TD 93/41; TD 94/23; TD 95/55; TD 96/25
Related Rulings: MT 2040; MT 2043; MT 2045; MT 2047; MT 2051
Subject Ref: fringe benefits tax; living-away-from-home allowance
Legislative Ref: FBTAA Div 7; FBTAA 136
Case Ref:
ATO Ref: NAT 95/6880-8; FBT 153
ISSN 1038 - 8982