



CR 2016/37 - Fringe benefits tax: clients of Plantcom Pty Ltd who use the Fleetgate Platform reports for car log book and odometer records

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 This document has changed over time. This is a consolidated version of the ruling which was published on *16 November 2016*



Class Ruling

Fringe benefits tax: clients of Plantcom Pty Ltd who use the Fleetgate Platform reports for car log book and odometer records

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1 This publication provides you with the following level of protection:

This publication (excluding appendixes) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

A public ruling is an expression of the Commissioner's opinion about the way in which a relevant provision applies, or would apply, to entities generally or to a class of entities in relation to a particular scheme or a class of schemes.

If you rely on this ruling, the Commissioner must apply the law to you in the way set out in the ruling (unless the Commissioner is satisfied that the ruling is incorrect and disadvantages you, in which case the law may be applied to you in a way that is more favourable for you – provided the Commissioner is not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

[Note: This is a consolidated version of this document. Refer to the Legal Database (<https://www.ato.gov.au/law>) to check its currency and to view the details of all changes.]

What this Ruling is about

1. This Ruling sets out the Commissioner's opinion on the way in which the relevant provision(s) identified below apply to the defined class of entities, who take part in the scheme to which this Ruling relates.

Relevant provision(s)

2. The relevant provisions dealt with in this Ruling are:

- section 10A of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA)
- section 10B of the FBTAA, and
- subsection 136(1) of the FBTAA.

All references in this Ruling are to the FBTAA unless otherwise stated.

Class of entities

3. The class of entities to which this Ruling applies is clients of Plantcom Pty Ltd who use the Fleetgate Platform *Detailed Report* for car log book and odometer record keeping requirements.

Qualifications

4. The Commissioner makes this Ruling based on the precise scheme identified in this Ruling.

5. The class of entities defined in this Ruling may rely on its contents provided the scheme actually carried out is carried out in accordance with the scheme described in paragraphs 8 to 28 of this Ruling.

6. If the scheme actually carried out is materially different from the scheme that is described in this Ruling, then:

- this Ruling has no binding effect on the Commissioner because the scheme entered into is not the scheme on which the Commissioner has ruled; and
- this Ruling may be withdrawn or modified.

Date of effect

7. This Ruling applies from 6 April 2016. However, this Ruling will 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 this Ruling (see paragraphs 75 and 76 of Taxation Ruling TR 2006/10).

Scheme

8. The following description of the scheme is based on information provided by the applicant.

9. Plantcom Pty Ltd ('Plantcom') has developed two In-Car Devices, to electronically record details of the journeys undertaken by a motor vehicle. The two devices are:

- the Eco Log, and
- the Eco Drive.

10. Plantcom has also developed an online platform called the 'Fleetgate Platform' which can be used to view the data recorded from the relevant In-Car Devices used to log details of journeys undertaken by a motor vehicle.

11. The information from the In-Car Devices is transferred to the Fleetgate Platform where it can be used to generate a number of reports, including a *Basic Summary Usage Report* and a *Detailed Report*.

Eco Log

12. The Eco Log device is a Global Positioning System (GPS) device that is able to monitor the position of the car so as to determine the car's journeys.

13. The Eco Log device contains a GPS module, movement sensors, on-board solid state memory, an internal Wi-Fi module, a battery and a power socket. It is powered by a connection to the car's 12 volt cigarette lighter attachment or On-Board Diagnostics port.

14. The Eco Log device commences recording data when the ignition is turned on and it senses movement in the car. The following data is recorded:

- time and date of each capture, and
- distance from when the car starts moving, to the point it stops moving and the ignition is turned off.

15. The recorded data is sent to the Fleetgate Platform when the device is in range of a Wi-Fi hotspot. In the case where no Wi-Fi hotspots are in range, the Eco Log device will store the recorded data on the device and send it once in range of a hotspot.

Eco Drive

16. The Eco Drive device is similar to the Eco Log device as it contains the same GPS receiver and logging software. However, in addition, the Eco Drive has an internal Subscriber Identity Module (SIM) card which enables the data to be transferred directly to the Fleetgate Platform, without the need to have a Wi-Fi hotspot in range.

The Fleetgate Platform

17. At the time the relevant In-Car Device is ordered, the employer or user provides information to set up the user account. This information includes the following:

- login and password details
- name of driver
- name of employer/supervisor
- car registration
- car make and model
- engine size, and

- carrying capacity.

18. The Fleetgate Platform receives the data uploaded from the relevant device and generates a trip log for the individual driver.

19. In addition to the information recorded by the device, the driver must use the Fleetgate Platform to record the purpose of each trip by classifying the trip as either business or personal using the available dropdown menu. If a business trip is selected via the dropdown menu, the driver must also enter a description of the trip purpose in the trip purpose section. The driver may also make necessary edits to the start and finish address and include additional comments.

20. If the driver has not yet classified a trip when a *Detailed Report* is generated, the *Detailed Report* will show an exception saying the report is invalid until all trips have been classified and a purpose given for business trips. All exceptions will be grouped and highlighted for follow up. At any given time the user will be able to view all unclassified trips on the Fleetgate Platform. The driver must validate and review the uploaded trip data as the purpose of the journey is not recorded until the user has validated and saved the record.

21. If the driver does not classify a trip within 24 hours, the driver will receive an electronic alert notification requesting that they login to the Fleetgate Platform to classify the outstanding trip logs. For individual driver vehicles this will be sent to the driver. For pooled fleet cars this will usually be sent to a fleet manager or administrator for follow up. An alert will be sent to a supervisor if the driver has not classified the trip within 48 hours.

Reports

22. The Fleetgate Platform produces a number of reports including the:

- *Basic Usage Summary Report*, and
- *Detailed Report*.

Basic Usage Summary Report

23. The *Basic Usage Summary report* provides the following details in relation to a specific motor vehicle for a specific period:

- user attributes (including name and car registration details)
- the start and end odometer reading
- business usage percentage (the percentage of the number of business kilometres travelled to the total number of kilometres travelled)

- number of unclassified trips
- last trip
- start date of log book
- end date of log book, and
- days remaining in the log book period.

Detailed Report

24. The *Detailed Report* provides the following details in relation to a specific motor vehicle for a specific period:

- period start and end date
- the actual start and end odometer reading
- the end odometer reading, as calculated by the GPS
- odometer variance
- total kilometres travelled
- total private kilometres travelled
- total business kilometres travelled
- private use percentage for the period, and
- business use percentage for the period.

The *Detailed Report* also includes the following details for each individual trip undertaken during the period:

- date of travel
- start and end time for each trip
- time duration of each trip, in hours
- total kilometres travelled during the trip, as calculated using the start and end odometer readings
- start and finish address for each trip, automatically populated from GPS data
- driver name
- classification of trip (business or personal), and
- purpose for each individual business trip.

25. All data entries logged in the Fleetgate Platform are recorded in English. All reports produced by the Fleetgate Platform are produced in English.

26. The odometer reading at the start of the period is entered manually according to the car's odometer. The start and end odometer readings for each individual journey is calculated using the manually entered odometer reading at the start of the period and data logged by the relevant device.

27. The calculated end odometer reading is compared to the actual ending odometer reading to ensure accuracy. The actual ending odometer reading is manually entered at the time the detailed report is generated. If the calculated reading is different to the actual reading entered, the Fleetgate Platform will calculate the variance.

28. If the variance between the total distance measured by the GPS and the car's odometer reading is greater than a pre-determined variance, the employer and user will be notified. Where it is deemed the variance is not acceptable, the user will have the option to continue the log book period or alternatively restart the log book.

Ruling

29. The Fleetgate Platform *Detailed Report* is a document that satisfies the definition of 'log book records' in subsection 136(1).

30. The Fleetgate Platform *Detailed Report* is a document that satisfies the definition of 'odometer records' in subsection 136(1).

31. An employer, in a log book year of tax, who uses the Fleetgate Platform system continuously:

- for the duration of the 'applicable log book period' as that term is defined in subsection 162H(1), and
- for the whole of the 'holding period' as that term is defined in subsection 162C,

meets the requirements in section 10A and is entitled to claim a reduction of operating costs.

32. An employer, in a log book year of tax, who uses the Fleetgate Platform system continuously:

- for the duration of the 'applicable log book period' as that term is defined in subsection 162H(1), and
- does not use the Fleetgate Platform system continuously for the whole of the 'holding period' as that term is defined in subsection 162C,

meets the requirements in section 10A and is entitled to claim a reduction of operating costs provided the employer:

- separately records the odometer readings for the beginning and end of the period of the year for which the car was held, and

- estimates the number of business kilometres travelled by the car during the period of the year for which the car was held using all relevant matters including the Detailed Report, odometer records and any variations in the pattern of use of the car, and
- specifies the business use percentage for the period of the year for which the car was held using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

33. An employer, in a non-log book year of tax, who does not use the Fleetgate Platform system in that year of tax or does not use it for the whole of the period that the car is held, but has used the system in one of the previous four FBT years, meets the requirements in section 10B and will be entitled to claim a reduction of operating costs of the car on account of business journeys undertaken in the car during the holding period, provided the employer:

- separately records odometer readings for the beginning and end of the period of the year for which the car is held, and
- estimates the number of business kilometres travelled by the car during the period of the year for which the car is held using all relevant matters including the *Detailed Report*, odometer records and any variations in pattern of use of the car, and
- specifies the business use percentage for the period of the year for which the car is held using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

Appendix 1 – Explanation

❶ *This Appendix is provided as information to help you understand how the Commissioner's view has been reached. It does not form part of the binding public ruling.*

What is the operating cost method for the purposes of the FBTA?

34. Section 10 allows employers to elect to calculate the taxable value of a car fringe benefit using the cost basis method (operating cost method).

35. The taxable value of the car fringe benefit using the cost basis method (operating cost method) is calculated according to the following formula in subsection 10(2):

$$[C * (100\% - BP)] - R$$

Where:

C is the operating cost of the car during the holding period;

BP is either:

- (i) nil if, under sections 10A or 10B, the employer is not entitled to a reduction in the operating cost of the car on account of business journeys undertaken in the car during the holding period; or
- (ii) the business use percentage applicable to the car for the holding period; and

R is the amount (if any) of the recipient's payment.

36. Therefore, an employer intending to claim a reduction in the operating costs of a car, on account of business journeys undertaken during the holding period, must meet the requirements of either section 10A (if the year is a log book year of tax) or section 10B (if the year is a non-log book year of tax).

37. Section 162G sets out various circumstances under which a particular year can be treated as a 'log book year of tax'. It is accepted for present purposes that all employers using the Fleetgate Platform GPS system will make an election under paragraph 162G(1)(b) to treat a relevant current year of tax as a 'log book year of tax'.

Does the *Detailed Report* produced by the Fleetgate Platform meet the requirements of section 10A in a log book year of tax?

38. Section 10A requires that in a log book year of tax:

- (a) Log book records are maintained for an applicable log book period;
- (b) odometer records are maintained for an applicable log book period;

- (c) odometer records are maintained for the period of the year in which the car was held (the holding period);
- (d) the employer estimates the number of business kilometres travelled during the holding period;
- (e) the employer specifies the business use percentage for the holding period.

(a) Does the Detailed Report provide log book records for an applicable log book period?

39. Subsection 136(1) defines 'log book records' as follows:

log book records, in relation to a car held by a person (in this definition called the ***holder***), in relation to a period, means a daily log book or similar document in which, in respect of each business journey:

- (a) that is undertaken in the car during the period; and
- (b) that the holder, or a person acting on behalf of the holder, chooses to record in the document for the purpose of demonstrating the pattern of use of the car during the period;

an entry setting out particulars of:

- (c) the date on which the journey began and the date on which it ended; and
- (d) the respective odometer readings of the car at the beginning and end of the journey; and
- (e) the number of kilometres travelled by the car in the course of the journey; and
- (f) the purpose or purposes of the journey;
- (g) (Omitted by No 145 of 1995)
- (h) (Omitted by No 145 of 1995)
- (i) (Omitted by No 145 of 1995)

is made in the English language at, or as soon as reasonably practicable after, the end of the journey.

40. In considering these conditions, the Plantcom In-Car Devices record data when the ignition is turned on and it senses movement in the car. Therefore, the Fleetgate Platform system will record all journeys (including all business journeys) undertaken in the car while the device is fitted.

The date on which the journey began and the date on which it ended

41. Paragraph (c) of the definition of 'log book records' requires each entry to detail the dates on which the business journeys began and ended. This requirement is met as the *Detailed Report* provides details of the date and time each journey commenced and was completed.

The respective odometer readings of the car at the beginning and end of the journey

42. Paragraph (d) of the definition of 'log book records' requires the respective odometer readings of the car at the beginning and at the end of the journey be entered into the relevant records.

43. The term 'odometer' is not defined in either the FBTAA or the *Income Tax Assessment Act 1997* but the Macquarie Dictionary, online edition, defines an odometer as being 'an instrument for measuring distance passed over, as by a motor vehicle'.

44. However, the definition of 'odometer records' in subsection 136(1) makes reference to 'odometer readings of the car'. In this regard, it is concluded that, whilst odometer readings must pertain to the car, it does not necessarily mean that they must also be attributable either wholly or in part to the rotation of the car's wheels, thereby mechanically moving the standard odometer fitted in the car by the manufacturer.

45. Provided the device used to determine the car's odometer readings is of sufficient integrity it can be accepted that a system other than the car's own odometer may meet the FBTAA legislative requirements.

46. Each time the car is driven, the start and end odometer readings for the journey are calculated from the GPS data recorded by the In-Car Devices. It is accepted that the opening and closing odometer readings calculated by the Fleetgate Platform are of sufficient integrity to be 'odometer readings of the car'.

47. Therefore, it is considered that the opening and closing odometer readings for each car journey in the *Detailed Report* will satisfy the requirements of paragraph (d) of the definition of 'log book records'.

The number of kilometres travelled by the car in the course of the journey

48. Paragraph (e) of the definition of 'log book records' requires the number of kilometres travelled by the car in the course of each business journey to be shown. This requirement is met as the *Detailed Report* shows the total number of kilometres travelled during each trip.

The purpose or purposes of the journey

49. Paragraph (f) of the definition of log book records requires the purpose or purposes of the business journey to be recorded. This requirement will be met when the driver uses the online Fleetgate Platform system to classify the journey and record a purpose for each business journey for inclusion in the *Detailed Report*. It is noted the *Detailed Report* will show an exception saying the report is invalid

until all trips have been classified and a purpose is recorded for each business trip.

Made in the English language at, or as soon as reasonably practicable after, the end of the journey

50. In addition, the definition of log book records requires each of the entries to be made in the English language at, or as soon as reasonable practical after, the end of the journey. The first of these requirements is met as the entries are recorded in English.

51. Generally, the second of the requirements will be met as the driver is required to use the Fleetgate Platform to login and classify each trip as either business or personal, and record a descriptive purpose for each business trip. The driver is required to validate and review the uploaded trip data as the purpose of the journey is not recorded until the user has validated and saved the record. If the driver does not classify a trip within 24 hours, the driver will receive an electronic alert notification requesting that they login to the Fleetgate Platform to classify the outstanding trip logs. An alert will be sent to a supervisor if the driver has not classified the trip within 48 hours. These notifications will aid in ensuring the trip data is reviewed in a timely manner. A review of log book records on at least a weekly basis would meet the requirements of the law.

52. Provided the trip log data is reviewed in a timely manner (at least weekly), it will be accepted that the entries were made as soon as practical after the end of the journey.

Conclusion

53. Therefore, the *Detailed Report* will satisfy the requirements of the definition of 'log book records' in subsection 136(1), provided the *Detailed Report* is completed for an 'applicable log book period'.

Applicable log book period

54. The term 'applicable log book period' is defined in subsection 162H(1) as follows:

162H(1) [Car fringe benefit]

For the purposes of the application of section 10 in relation to a car fringe benefit in relation to an employer in relation to a car while it was held by a particular person during a particular period (in this subsection called the '**holding period**') starting or ending in a year of tax, a reference to the applicable log book period is a reference to:

- (a) if the holding period is a period of less than 12 weeks – the holding period; or
- (b) in any other case – a continuous period of not less than 12 weeks that begins and ends during the holding period.

55. As the Fleetgate Platform provides a continuous record of the journeys undertaken, it is accepted, in the absence of evidence to the contrary in a particular case, that all employers using the *Detailed Report* in relation to any car fringe benefits they provide will maintain the necessary records for the duration of the 'applicable log book period' (as defined in subsection 162H(1)).

(b) Does the Detailed Report provide odometer records for an applicable log book period?

56. The term 'odometer records' is defined in subsection 136(1) as follows:

odometer records, in relation to a car, in relation to a period, means a document in which particulars of:

- (a) the odometer reading of the car at the commencement of the period; and
- (b) the odometer reading of the car at the end of the period; and
- (c) ...
- (d) (Omitted by No 145 of 1995)
- (e) (Omitted by No 145 of 1995)

are entered in the English language, at, or as soon as reasonably practicable after, the respective times to which those odometer readings relate.

57. The definition of 'odometer records' in subsection 136(1), requires that odometer readings be recorded in relation to both the 'commencement of the period' and at the 'end of the period'.

58. The *Detailed Report* provides the opening and closing odometer readings for each journey undertaken during the period for which the Fleetgate Platform is used. The odometer reading at the start and end of the log book period is entered manually according to the car's odometer. The calculated end odometer reading is compared to the actual ending odometer reading to ensure accuracy.

59. As stated previously (at paragraph 55 of this Ruling), it is accepted that in the absence of evidence to the contrary in a particular case, that all employers using the Fleetgate Platform *Detailed Report* will maintain the necessary records for the 'applicable log book period'.

60. It is considered that the *Detailed Report* satisfies all the relevant requirements of the definition of 'odometer records', as defined in subsection 136(1), for an applicable log book period.

(c) Does the Detailed Report provide odometer records for the holding period in a log book year of tax?

61. Paragraph 10A(b) requires odometer records to be maintained for the holding period.

62. The *Detailed Report* provides odometer records for the period of the year in which the system is used. Therefore, where the Fleetgate Platform system is used continuously for the whole of the period of the year for which the car is held, the *Detailed Report* will provide the odometer records for the holding period.

63. However, if the Fleetgate Platform system is not continuously used for the whole of the period of the year for which the car is held, the *Detailed Report* will not provide both the start and end odometer readings for the holding period. For example, if the car is held for the full year, but the Fleetgate Platform system is only used for the first 12 weeks of the year, the *Detailed Report* will only provide the odometer reading as at the start of the holding period. The *Detailed Report* will not provide the odometer reading for the end of the year (the end of the holding period). Therefore, in such a situation, the end odometer reading will need to be separately recorded for the *Detailed Report* to provide odometer records for the holding period.

(d) Does the Detailed Report enable the employer to estimate the number of business kilometres travelled during the holding period in a log book year of tax?

64. Paragraph 10A(d) requires the employer to estimate the number of business kilometres travelled by the car during the holding period. This estimate is used to calculate the business use percentage required by paragraph 10A(e).

65. The basis used to estimate the number of business kilometres is set out in section 162F which states:

For the purposes of this Act, the number of kilometres that represents a reasonable estimate of the number of business kilometres applicable to a car held by a person during a period in a year of tax shall be determined having regard to all relevant matters including, but without limiting the generality of the foregoing:

- (a) any log book records, odometer records or other records maintained by or on behalf of the person; and
- (b) any variations in the pattern of use of the car.

66. The Fleetgate Platform uses the calculations of the kilometres travelled on the journeys classified as being a business journey during the period for which the system is used to calculate the total number of business kilometres travelled during the period. Therefore, where the Fleetgate Platform is used continuously for the whole of the period of the year for which the car is held, the *Detailed Report* will enable the employer to estimate the number of business kilometres travelled during the holding period.

67. However, if the Fleetgate Platform is not continuously used for the whole of the period of the year for which the car is held, the number of business kilometres recorded in the *Detailed Report* will only be the business kilometres travelled during the period in which the Fleetgate Platform is used. In such a situation, the employer in

estimating the number of business kilometres travelled during the holding period, will need to take all relevant matters into account including the *Detailed Report*, odometer records and any variations in the pattern of use of the car.

(e) Does the Detailed Report enable the employer to specify the business use percentage for the holding period in a log book year of tax?

68. Subsection 136(1) defines 'business use percentage' to mean the percentage worked out using the formula:

*[Number of business kilometres travelled by the car during the holding period / Total number of kilometres travelled by the car during the holding period] * 100%*

69. Where the Fleetgate Platform is used continuously for the whole of the period of the year for which the car is held, it will calculate both the number of business kilometres and the total number of kilometres travelled by the car during the holding period. Using these calculations, the *Detailed Report* provides the business use percentage for the holding period.

70. However, where the Fleetgate Platform is not continuously used for the whole of the period of the year for which the car is held, the system will not record the number of business kilometres travelled during the holding period, nor the total number of kilometres travelled during the holding period. Therefore, in such a situation it will be necessary for the employer to separately determine the business use percentage using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

Conclusion: The Fleetgate Platform Detailed Report does meet the requirements of section 10A in a log book year of tax

71. Where the Fleetgate Platform system is used continuously for the whole of the period of the year for which the car is held, the *Detailed Report* will meet all the necessary requirements of section 10A.

72. Where the Fleetgate Platform system is not used continuously for the whole of the period of the year for which the car is held, the *Detailed Report* will not by itself satisfy the requirements of section 10A that are in respect of the holding period. To satisfy these requirements, an employer will need to:

- separately record the odometer readings for the beginning and end of the period of the year for which the car was held;
- estimate the number of business kilometres travelled by the car during the period of the year for which the car was held using all relevant matters including the

Detailed Report, odometer records and any variations in the pattern of use of the car;

- specify the business use percentage for the period of the year for which the car was held using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

Does the Fleetgate Platform system meet the requirements of section 10B in a non-log book year of tax?

73. The requirements that must be met for a reduction of the operating cost of the car to be claimed on account of the business journeys undertaken during the holding period in a non-log book year of tax are set out in section 10B.

74. Section 10B requires that in a non-log book year of tax:

- (a) odometer records are maintained for the holding period;
- (b) the employer estimates the number of business kilometres travelled during the holding period;
- (c) the employer specifies the business use percentage for the holding period.

(a) Does the Fleetgate Platform system provide odometer records for the holding period in a non-log book year of tax?

75. The requirement to keep odometer records for the holding period in a log book year of tax was discussed at paragraphs 61 to 63 of this Ruling. Where the Fleetgate Platform system is not continuously used for the whole of the period of the year for which the car is held, the employer will need to separately maintain the odometer readings for the holding period.

76. Therefore, in a non-log book year of tax when the Fleetgate Platform system is not used for the whole holding period in the year of tax, the employer will need to separately maintain the odometer records for the holding period.

(b) Does the Fleetgate Platform system enable the employer to estimate the number of business kilometres travelled during the holding period in a non-log book year of tax?

77. The estimation of the number of business kilometres travelled during the holding period in a log book year of tax was discussed at paragraphs 64 to 67 of this Ruling. Where the Fleetgate Platform system is not used for the whole of the period of the year for which the car is held, the employer in estimating the number of business kilometres travelled during the holding period will need to consider all

relevant matters including the *Detailed Report*, odometer records and any variations in the pattern of use of the car.

78. Therefore, in a non-log book year of tax when the Fleetgate Platform System is not used for the whole holding period in the year of tax, the employer will need to separately estimate the number of business kilometres travelled by the car during the holding period using all relevant matters including the *Detailed Report*, odometer records and any variations in the pattern of use of the car.

(c) Does the Fleetgate Platform system enable the employer to specify a percentage as the business use percentage for the holding period in a non-log book year of tax?

79. The requirement to specify a business use percentage in a log book year of tax was discussed at paragraphs 68 to 70 of this Ruling. Where the Fleetgate Platform system is not used for the whole of the period of the year for which the car is held, it will be necessary for the employer to separately determine the business use percentage using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

80. Therefore, in a non-log book year of tax when the Fleetgate Platform system is not used for the whole holding period in the year of tax, the employer will need to separately determine the business use percentage using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

Conclusion: the Fleetgate Platform Detailed Report does meet the requirements of section 10B in a non-log book year of tax

81. An employer, in a non-log book year of tax, who does not use the Fleetgate Platform system in that year of tax or does not use it for the whole of the period that the car is held, but has used the system in one of the previous four FBT years, meets the requirements in section 10B and will be entitled to claim a reduction of operating costs of the car on account of business journeys undertaken in the car during the holding period, provided the employer:

- separately records odometer readings for the beginning and end of the period of the year for which the car is held; and
- estimates the number of business kilometres travelled by the car during the period of the year for which the car is held using all relevant matters including the *Detailed Report*, odometer records and any variations in pattern of use of the car; and

- specifies the business use percentage for the period of the year for which the car is held using the estimated number of business kilometres and the odometer readings for the beginning and end of the holding period.

Appendix 2 – Detailed contents list

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References

Previous draft:

Not previously issued as a draft

Related Rulings/Determinations:

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Legislative references:

- FBTAA 1986
- FBTAA 1986 10
- FBTAA 1986 10A
- FBTAA 1986 10A(a)
- FBTAA 1986 10A(b)
- FBTAA 1986 10A(c)
- FBTAA 1986 10A(d)

- FBTAA 1986 10A(e)
- FBTAA 1986 10B
- FBTAA 1986 136(1)
- FBTAA 1986 162C
- FBTAA 1986 162F
- FBTAA 1986 162G
- FBTAA 1986 162G(1)(b)
- FBTAA 1986 162H(1)
- ITAA 1997
- TAA 1953

Other references:

- *The Macquarie Dictionary, [Online]*

ATO references

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