TD 1999/28 - Fringe benefits tax: for the purposes of section 39A of the Fringe Benefits Tax Assessment Act 1986 (FBTAA) what is the car parking threshold for the fringe benefits tax (FBT) year commencing on 1 April 1999?

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Taxation Determination

Fringe benefits tax: for the purposes of section 39A of the *Fringe Benefits Tax Assessment Act 1986* (FBTAA) what is the car parking threshold for the fringe benefits tax (FBT) year commencing on 1 April 1999?

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. Taxation Rulings TR 92/1 and TR 97/16 together explain how a Determination is legally binding.

Date of effect

This Determination applies for the FBT year commencing on 1 April 1999. However, it 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 car parking threshold for the FBT year commencing on 1 April 1999 is $5.31. This replaces the amount of $5.25 that applied in the previous year.

2. The car parking threshold set in this Determination has been ascertained by adjusting the previous year amount ($5.25) by a factor equivalent to the movement in the All Groups Consumer Price Index (1.2 percent).

3. Section 39A of the FBTAA sets out a number of conditions that must be met before car parking facilities provided by an employer to an employee will be subject to FBT.

4. One of these conditions is that there is a commercial car parking station located within 1 kilometre of the employer provided car park and the lowest fee charged by the operator is more than the car parking threshold. Where there is more than one commercial parking station located within 1 kilometre, the condition is satisfied where the lowest fee charged by any of the operators is more than the threshold. For example, if there are 3 commercial parking stations located within 1 kilometre of the employer provided car park and the lowest fee charged by each of the operators on 1 April 1999 is $4.00, $4.50 and $5.50. The condition is satisfied because the lowest fee charged by one of the operators on 1 April 1999 is more than the car parking threshold.

Commissioner of Taxation
2 June 1999

Previous draft:
No draft issued

Related Rulings/Determinations:
TD 96/23; TD 97/17; TD 98/8

Subject references:
Car parking benefits; car parking fringe benefits; car parking threshold; FBT; FBT commercial parking station; FBT motor vehicle parking; fringe benefits tax

Legislative references:
FBTAA 39A

Case references:

ATO references:
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