TD 1999/3 - 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 on 1 April 1999?

This cover sheet is provided for information only. It does not form part of TD 1999/3 - 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 on 1 April 1999?

This document has changed over time. This is a consolidated version of the ruling which was published on 28 April 1999

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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-fromhome allowance for expatriate employees for the fringe benefits tax year commencing on 1 April 1999?

Preamble

The number, subject heading, date of effect and paragraphs 1 and 2 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 when a Determination is a public ruling and how it is binding on the Commissioner.

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 issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

1. The reasonable food component for the fringe benefits tax year commencing on 1 April 1999, 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	\$141
Two adults	\$227
Three adults	\$255
Two adults and one or two children	\$255
Two adults and three children	\$297
Three adults and one child	\$297
Three adults and two children	\$339
Four adults	\$339
('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 \$84 for each additional adult and \$42 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

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provided in MT 2043, MT 2045, MT 2047, MT 2051, TD 93/41, TD 94/23, TD 95/55, TD 96/25, TD 97/9 and TD 98/7.

Example

Bob and his wife and five children (all under 12 years of age) are temporarily living in Australia while Bob is working on a project for his employer (an overseas company). Bob 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 1999 is \$381 per week (i.e., \$297 plus \$84).

Commissioner of Taxation

28 April 1999

Previous draft:

No draft issued

Related Rulings/Determinations:

MT 2030; MT 2040; MT 2043; MT 2045; MT 2047; MT 2051; TD 93/41; TD 93/230; TD 94/23; TD 95/55; TD 96/25; TD 97/9; TD 98/7

Subject references:

fringe benefits tax; living-away-from-home allowance

Legislative references:

FBTAA Pt VIIA Div 7; FBTAA 136

Case references:

ATO References:

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