



# ***TD 2002/13 - Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax (FBT) year commencing on 1 April 2002?***

 This cover sheet is provided for information only. It does not form part of *TD 2002/13 - Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax (FBT) year commencing on 1 April 2002?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *29 May 2002*

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# Taxation Determination

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## **Fringe benefits tax: what is the benchmark interest rate to be used for the fringe benefits tax (FBT) year commencing on 1 April 2002?**

### *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. 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 benchmark interest rate for the FBT year commencing on 1 April 2002 is 6.05 per cent per annum. This rate replaces the rate of 7.55 per cent that has applied for the previous year.
2. The rate of 6.05 per cent is used to calculate the taxable value of:
  - a fringe benefit provided by way of a loan;
  - a car fringe benefit where an employer chooses to value the benefit using the operating cost method.

### *Example*

3. *On 1 April 2002 an employer lends an employee \$50,000 for five years at an interest rate of 5% per annum. Interest is charged and paid 6 monthly and no principal is repaid until the end of the loan. The actual interest payable by the employee for the current year is \$2,500 (50,000 x 5%). The notional interest, with a 6.05 per cent benchmark rate, is \$3,025. The taxable value is \$525 (\$3,025 - \$2,500).*

**Note:** FBT does not apply to a loan in relation to a shareholder in a private company, or an associate of such a shareholder, that causes (or will cause) the private company to be taken under Division 7A of Part III of the *Income Tax Assessment Act 1936* to pay the shareholder or associate a dividend.

## Commissioner of Taxation

29 May 2002

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*Previous draft:*

Not previously issued in draft form

*Related Rulings/Determinations:*

TR 92/1; TR 92/20; TR 97/16; TD 94/29; TD 95/20; TD 96/17; TD 97/8; TD 98/6; TD 98/22; TD 1999/2; TD2000/19; TD 2001/4

*Subject references:*

- car fringe benefits
- FBT benchmark interest rate
- fringe benefits tax
- loan fringe benefits

*Legislative references:*

- FBTA 1986 11(2)
- FBTA 1986 18
- FBTA 1986 19
- FBTA 1986 136(1)
- ITAA 1936 Part III Div 7A

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ATO references:

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