TD 2003/14 - 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 2003?

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This document has changed over time. This is a consolidated version of the ruling which was published on *21 May 2003*

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 2003?

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. 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.*

1. The car parking threshold for the FBT year commencing on 1 April 2003 is $6.16. This replaces the amount of $5.96 that applied in the previous year.

2. The car parking threshold set in this Determination has been ascertained by adjusting the previous year amount ($5.96) by a factor equivalent to the movement in the All Groups Consumer Price Index (3.4 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. Two of these conditions are, that 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.

5. 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 2003 is $5.50, $6.00 and $7.00, the condition is satisfied because the lowest fee charged by one of the operators on 1 April 2003 is more than the car parking threshold.

Date of effect

6. This Determination applies to FBT year commencing on 1 April 2003.

Commissioner of Taxation
21 May 2003

Previous draft:
Not previously issued in draft form

Related Rulings/Determinations:
TR 92/1; TR 97/16; TD 96/23; TD 97/17; TD 98/8; TD 1999/28; TD 2000/26; TD 2001/11; TD 2002/14

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 1986 39A
- TAA 1953 Part IVAAA

ATO references
NO: 2003/005386
ISSN: 1038-8982