

TD 2003/5 - 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 2003?

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 This document has changed over time. This is a consolidated version of the ruling which was published on 9 April 2003

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-from-home allowance for expatriate employees for the fringe benefits tax year commencing on 1 April 2003?

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.*

1. The amounts listed below are acceptable as a food component for the fringe benefits tax year commencing 1 April 2003. The amounts result from the indexation of the previous year's food component.

	per week
One adult	\$170
Two adults	\$272
Three adults	\$307
Two adults and one or two children	\$307
Two adults and three children	\$357
Three adults and one child	\$357
Three adults and two children	\$408
Four adults	\$408

(‘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 \$103 for each additional adult and \$51 for each additional child.

3. This Determination is intended to be read in conjunction with Miscellaneous 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

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their term of employment in Australia for the FBT years ended 31 March 1987 and 1988. Indexed amounts for subsequent years are 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, TD 98/7, TD 1999/3, TD 2000/21, TD 2001/5 and TD 2002/9.

4. While this Determination will apply to the majority of cases, it will be open to any individual expatriate employee to establish a higher level of spending by reference to receipts or detailed records maintained for such period, for example 12 weeks, as would be sufficient to reflect a long-term expenditure pattern.

Example

Bob and his wife and their 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 2003 is \$459 per week (that is \$357 plus \$102).

Date of effect

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

Commissioner of Taxation

9 April 2003

Previous draft:

Not previously released in draft form

Previous Rulings

MT 2030; TD 95/55

Related Rulings/Determinations:

TR 92/1; TR 92/20; TR 97/16; MT 2040; MT 2043; MT 2045;
MT 2047; MT 2051; TD 93/41; TD 93/230; TD 94/23; TD 96/25;
TD 97/9; TD 98/7; TD 1999/3; TD 2000/21; TD 2001/5; TD 2002/9;

Subject references:

- fringe benefits tax
- living-away-from-home allowance
- reasonable food component

Legislative references:

- TAA 1953 Pt IVA
- FBTAA 1986 Pt VIIA Div 7

ATO references

NO: T2000/7532
ISSN: 1038-8982