

Fringe Benefits Tax Assessment (Adequate Alternative Records – Private Use of Vehicles Other Than Cars) Determination 2024

I, Ben Kelly, Deputy Commissioner of Taxation, make the following determination.

Dated 28 February 2024

Ben Kelly

Deputy Commissioner of Taxation

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1 Name

 This instrument is the *Fringe Benefits Tax Assessment (Adequate Alternative Records* – *Private Use of Vehicles Other Than Cars) Determination 2024.*

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 April 2024. | 1 April 2024. |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under section 123AA of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 136 of the Act, including the following:

1. car;

(b) motor vehicle;

(c) residual fringe benefit.

 In this instrument:

***Act*** means the *Fringe Benefits Tax Assessment Act 1986*.

***business use kilometre*** means a kilometre travelled by a motor vehicle (other than a car) in the course of a business journey.

5 Specified matters

 (1) For the purposes of subsection 123AA(2) of the Act, the following matters are specified:

 (a) the FBT year ending 31 March 2025 and all subsequent FBT years;

 (b) the statutory evidentiary document consisting of the declaration referred to in paragraph 52(1)(c) of the Act for a residual fringe benefit;

 (c) the class of persons described in subsection 5(2); and

 (d) the alternative records described in section 6.

 (2) The class of persons described for the purposes of paragraph 5(1)(c) are employers reducing the taxable value of a benefit described in section 52 of the Act, in circumstances where:

 (a) the employer provided an employee with a residual fringe benefit in respect of the private use of a motor vehicle other than a car;

 (b) the employee used the vehicle for business use;

 (c) the taxable value of the fringe benefit can be reduced if a once-only deduction would have been allowable to the recipient for that business use under the *Income Tax Assessment Act 1997* or the *Income Tax Assessment Act 1936* had they incurred the expenditure;

 (d) the employer chooses to ascertain the amount by which the taxable value can be reduced by reference to the amount of business use and/or private use kilometres travelled in the vehicle;

 (e) the employer was not given a declaration that satisfies the requirements of paragraph 52(1)(c) of the Act; and

 (f) the employer relies on the adequate alternative records provision contained in subsection 123AA(1) of the Act.

6 Adequate alternative records

 (1) Records are adequate alternative records for the purposes of paragraph 5(1)(d) if they are written in English and contain the following information:

 (a) the name of the employee who received the benefit;

 (b) the details of the vehicle;

 (c) the date or dates (inclusive) on which the vehicle was provided during the FBT year;

 (d) the total number of whole kilometres travelled in the vehicle during that period;

 (e) the total number of whole business use kilometres travelled in the vehicle during that period; and

 (f) the percentage of operating costs for the vehicle for which the employee would have been entitled to claim an income tax deduction, had they incurred those costs.

 (2) The information specified in subsection 6(1) may be contained in:

 (a) any type of record; and

 (b) any number of records.

Note: The number of kilometres identified in paragraph 6(1)(e) will be used either:

(a) to determine the reduction in taxable value under the ‘otherwise deducible rule’ in section 52 of the Act, using the number of business use kilometres travelled in the vehicle as a proportion of the total number of kilometres travelled; or

(b) to determine the final taxable value of the residual fringe benefit net of a reduction due to the ‘otherwise deductible rule’ in section 52 of the Act, using the number of private use kilometres travelled in the vehicle as a proportion of the total number of kilometres travelled.