

Fringe Benefits Tax Assessment (Adequate Alternative Records – Travel Diaries) Determination 2024

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

Dated 29 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 – Travel Diaries) 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Note: This table relates only to the provisions of this instrument as originally made.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:

(a) expense payment fringe benefit;

(b) property fringe benefit;

(c) residual fringe benefit;

(d) travel diary.

In this instrument:

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

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 travel diary referred to in:

(i) paragraph 24(1)(d) of the Act for an expense payment fringe benefit;

(ii) paragraph 44(1)(d) of the Act for a property fringe benefit;

(iii) paragraph 52(1)(d) 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 that:

(a) provide an employee with one of the following benefits in respect of travel undertaken in an FBT year:

(i) an expense payment fringe benefit that is an extended travel expense payment benefit (other than an international aircrew expense payment benefit), where the employer is required to obtain a travel diary from the recipient of the benefit under paragraph 24(1)(d) of the Act;

(ii) a property fringe benefit that is an extended travel property benefit (other than an international aircrew property benefit), where the employer is required to obtain a travel diary from the recipient of the benefit under paragraph 44(1)(d) of the Act; or

(iii) a residual fringe benefit that is an extended travel residual benefit (other than an international aircrew residual benefit), where the employer is required to obtain a travel diary from the recipient of the benefit under paragraph 52(1)(d) of the Act;

(b) can reduce the taxable value of the fringe benefit under the otherwise deductible rule in section 24, 44 or 52 of the Act, as relevant; and

(c) choose not to obtain the relevant travel diary, and instead rely 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 recipient receiving the benefit;

(b) the duration of the travel;

(c) for each activity undertaken by the employee in the course of producing their assessable income while undertaking the travel, the:

(i) place where the activity was undertaken;

(ii) date and approximate time when the activity commenced;

(iii) duration of the activity; and

(iv) nature of the activity.

(2) The information specified in paragraph 6(1) must be recorded before, at the time of, or as soon as reasonably practicable after, the relevant activity took place.

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

(a) any type of record; and

(b) any number of records.