



Principles of Taxation Law 2022

Answers to Questions

CHAPTER 7 – FRINGE BENEFITS TAX

Question 7.1

Determine whether the following benefits are fringe benefits or exempt fringe benefits and, where applicable, the relevant category of fringe benefit. Provide reasons for your answer:

- (a) Payment to employee for the estimated cost of the employee's home phone bill as the employee sometimes has to use the home phone for work purposes.
- (b) Provision of accommodation at the family home to a child who is over 21 and works in the family business.
- (c) Payment of employee's superannuation contribution by the employer to a complying superannuation fund.
- (d) Loan by Company X to one of its directors, Rupert, who is also a shareholder in the company. The company's rules do not permit loans to directors.
- (e) Payment of taxi fare by employer for employee to travel home after working late.
- (f) Flowers sent to a sick employee. The flowers cost \$75.
- (g) Provision of a car for an employee's private use, including payment of all fuel costs by the employer.
- (h) Provision of sandwiches at a lunchtime seminar held at the employer's premises.
- (i) Provision of an all-expenses-paid holiday to an employee who has had to work every weekend for the last six months.
- (j) Provision of two laptop computers to an employee who regularly attends clients' premises.

Answer

- (a) Not a fringe benefit. It is an allowance as the employee is paid a pre-determined amount for the expense: see [7.80].
- (b) Issue is whether it is provided "in respect of employment" or because of the family relationship. Further investigation is needed, such as finding out whether the child is otherwise properly remunerated for their work in the family business: see [7.70].
- (c) Not a fringe benefit. Excluded from the definition of "fringe benefit": see [7.80].
- (d) Not a fringe benefit. Loan provided due to the shareholder relationship not "in respect of employment": see [7.70].
- (e) Exempt fringe benefit: see [7.350].
- (f) Exempt fringe benefit: see [7.320].
- (g) Fringe benefit. It is a car fringe benefit. The payment of the fuel costs are not a separate fringe benefit and are part of the car fringe benefit: see [7.100].
- (h) Exempt fringe benefit. Not a meal entertainment fringe benefit because it is not related to "entertainment": see [7.230]. Not a property fringe benefit because it is exempt: see [7.260].
- (i) Fringe benefit. It is a residual fringe benefit: see [7.280].
- (j) One laptop is an exempt fringe benefit: see [7.330]. The second laptop is a property fringe benefit: see [7.250]. However, if the employer is a 'small business entity', both laptops can be treated as exempt benefits. See [7.330] and [3.210].

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M Lipman



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Business Tax Answer Book Terence M. Myers, Dorinda D. DeScherer, 2008 The Business Tax Answer Book covers an encyclopedia of information everything a business owner or advisor needs to know about tax and how to interpret and apply the tax rules The Business Tax Answer Book is an accessible practical plain language and comprehensive reference source for tax information for accountants attorneys business owners and other business advisors Whether a business is just starting up or has been in existence for years whether it is a sole proprietorship partnership corporation or limited liability company the Answer Book provides in simple no nonsense language answers to the key questions

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