



# **Fringe Benefits Tax Act 1986**

**No. 40, 1986 as amended**

**Compilation start date:** 25 June 2014

**Includes amendments up to:** Act No. 42, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### **This compilation**

This is a compilation of the *Fringe Benefits Tax Act 1986* as in force on 25 June 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 2 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

---

## Contents

1	Short title.....	1
2	Commencement.....	1
3	Incorporation .....	1
4	Act to bind Crown .....	1
5	Imposition of tax .....	1
6	Rate of tax .....	1
6A	Temporary budget repair levy .....	1
7	Severability.....	2

<b>Endnotes</b>	3
<b>Endnote 1—About the endnotes</b>	3
<b>Endnote 2—Abbreviation key</b>	5
<b>Endnote 3—Legislation history</b>	6
<b>Endnote 4—Amendment history</b>	7
<b>Endnote 5—Uncommenced amendments [none]</b>	8
<b>Endnote 6—Modifications [none]</b>	8
<b>Endnote 7—Misdescribed amendments [none]</b>	8
<b>Endnote 8—Miscellaneous [none]</b>	8



# **An Act to impose a tax in respect of the value of certain fringe benefits provided in respect of the employment of employees**

## **1 Short title**

This Act may be cited as the *Fringe Benefits Tax Act 1986*.

## **2 Commencement**

This Act shall come into operation on the day on which the *Fringe Benefits Tax Assessment Act 1986* comes into operation.

## **3 Incorporation**

The *Fringe Benefits Tax Assessment Act 1986* is incorporated and shall be read as one with this Act.

## **4 Act to bind Crown**

This Act binds the Crown in right of each of the States, of the Northern Territory and of Norfolk Island.

## **5 Imposition of tax**

Tax is imposed in respect of the fringe benefits taxable amount of an employer of a year of tax.

## **6 Rate of tax**

The rate of tax in respect of the fringe benefits taxable amount of an employer of a year of tax is 47%.

## **6A Temporary budget repair levy**

- (1) This section applies to the temporary budget repair levy years for FBT.

## Section 7

---

- (2) Increase the rate of tax mentioned in section 6 by 2 percentage points.
- (3) In this section, each of the following is a ***temporary budget repair levy year for FBT***:
  - (a) the year of tax starting on 1 April 2015;
  - (b) the year of tax starting on 1 April 2016.

### **7 Severability**

It is the intention of the Parliament that if, but for this section, section 5 of this Act would impose a tax on property of any kind belonging to a State within the meaning of section 114 of the Constitution, section 5 of this Act shall have effect as if it did not impose that tax.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

## Endnotes

Endnote 1—About the endnotes

---

### **Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

### **Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

### **Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.



**Endnote 2—Abbreviation key**

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnotes

### Endnote 3—Legislation history

---

#### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Fringe Benefits Tax Act 1986	40, 1986	24 June 1986	24 June 1986 ( <i>see s. 2</i> )	
Taxation Laws Amendment (Rates and Rebates) Act 1989	70, 1989	21 June 1989	21 June 1989	s. 4
Fringe Benefits Tax Amendment Act 1991	213, 1991	24 Dec 1991	24 Dec 1991	s. 4
Taxation (Deficit Reduction) Act (No. 2) 1993	55, 1993	27 Oct 1993	ss. 3–6: Royal Assent ( <i>a</i> )	s. 6
Fringe Benefits Tax Amendment Act 1995	55, 1995	28 June 1995	Schedule 2: 1 Apr 1996 Remainder: Royal Assent	Sch. 1 (item 2) and Sch. 2 (item 2)
Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) Act 2006	55, 2006	19 June 2006	Schedule 2: Royal Assent	Sch. 2 (item 2)
Fringe Benefits Tax Amendment (Disability Care Australia) Act 2013	39, 2013	28 May 2013	Schedule 1: 28 May 2013 ( <i>see s. 2(1)</i> ) Remainder: Royal Assent	Sch. 1 (item 2)
Fringe Benefits Tax Amendment (Temporary Budget Repair Levy) Act 2014	42, 2014	25 June 2014	Sch 1: 25 June 2014 ( <i>see s 2(1)</i> ) Remainder: Royal Assent	—

## Endnote 4—Amendment history

**Endnote 4—Amendment history**

---

<b>Provision affected</b>	<b>How affected</b>
s. 6 .....	rs. No. 70, 1989 am. No. 213, 1991; No. 55, 1993; No. 55, 1995; No. 55, 2006; No. 39, 2013
s 6A .....	ad No 42, 2014

---

**Endnotes**

Endnote 5—Uncommenced amendments [none]

---

**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**