Fringe Benefits Tax (FBT) Guidelines

December, 2014

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Fringe Benefits Tax (FBT) Guidelines

Responsible Officer
Manager Taxation Services

Approved by
Chief Financial Officer

Approved and commenced
December, 2014

Review by
December, 2017

Relevant Policy or Procedure the Guideline supports
Fringe Benefits Tax Policy

Responsible Organisational Unit
Financial Services
1 Executive Summary

The purpose of these Fringe Benefits Tax Guidelines to provide information and guidance to staff on the processing and recording of Fringe Benefits Tax (FBT) transactions. This helps to assist staff in the administration of the FBT liabilities for the University. This guideline aims to provide staff with a better understanding of FBT, in order for the University to comply with the legislative obligations and better manage its FBT risks.

Fringe benefits tax applies to employees and their associates. For FBT purposes the definition of 'employee' includes current, former and future employees and may include visiting scholars, fellows and occupational trainees who are considered to be volunteers by the university, but are deemed employees for taxation purposes. It does not extend to a deceased person. FBT does not apply to students or clients.

2 More information

For further information, contact the Manager Taxation Services.

Email: Carol.Connors@utas.edu.au

3 Fringe Benefits Overview

3.1 Introduction

Fringe Benefits Tax (FBT) is paid by the University of Tasmania (the University) on benefits that are provided in place of, or in addition to, the salary or wages of employees.

A fringe benefit is a benefit that is provided to an employee or an associate of the employee (such as a family member) in respect of the employee's employment. As such, benefits provided to spouses and children may be subject to FBT.

Benefits can be provided by an employer, an associate of the employer or by a third party under an arrangement with the employer.

3.2 FBT Year

The FBT year is for the period 1 April to 31 March Each Year.

3.3 FBT Rate

The FBT rate is 47% for year ended March 2015, and will increase to 49% for the period 1 April 2015 to 31 March 2017. This is subject to legislative change.

GST gross- up rate of taxable value of fringe benefits provided in FBT year 2014/2015 is:

- Taxable fringe benefits – (Type 1) 2.0802
- GST-Free fringe benefits – (Type 2) 1.8868

GST gross-up rate will increase 1 April 2015, however, the gross-up rate has yet to be provided by the Australian Taxation Office (ATO).
4 Fringe Benefits Categories

FBT law identifies various categories of fringe benefits and there are specific valuation rules for determining the amount of FBT payable for each category. Set out below is an overview of the main types of fringe benefits to which FBT may apply.

4.1 Car Fringe Benefits

A car fringe benefit generally arises when a car which is owned or leased by the University is either used privately by or made available for the private use of an employee. A car is taken to be made available for private use by an employee on any day that:

- It is actually used for private purposes by the employee; or
- The car is not at the employer’s premises, and the employee is allowed to use it for private purposes; or
- The car is garaged at an employee’s home, regardless of whether or not the employee has permission to use it privately.

4.1.1 University Vehicles

In accordance with the University's Vehicle Policy, all university vehicles (including those on long term allocation to a budget centre) are provided exclusively for University business purposes and no private usage, other than incidental usage is allowed. An example of incidental usage includes home to work/work to home where cross campus travel is required.

For FBT purposes, a logbook is required to be completed for all fleet vehicles on a continuing basis throughout the year to substantiate that there is no private usage. The logbook must be retained by the relevant budget centre for audit purposes.

Where logbooks are not maintained correctly or are not available for review, kilometrage will be deemed private usage and FBT will be charged to the relevant Budget Centre.

4.1.2 Vehicle provided under remuneration packaging arrangement

Any vehicles provided to senior University staff in accordance with remuneration packaging arrangements (includes Novated Leasing) are able to be used for private purposes.

The provision of vehicles under these arrangements is subject to FBT.

4.2 Provision of Entertainment and Hospitality

The University is an income tax exempt organisation. As such, a tax-exempt body entertainment fringe benefit may arise when the University provides an employee with entertainment by way of food, drink or recreation. Accommodation or travel provided in connection with such entertainment is also deemed to be entertainment.

Examples include:

- Social functions
• Christmas functions
• Fund raising dinners
• Award dinners
• Conference dinners for which the cost is not included in registration fees
• Business lunches off business premises (and while not travelling overnight)
• Tickets for theatrical and sporting events
• Sight-seeing

4.2.1 FBT and the Hospitality Policy

Some general guides regarding FBT and various entertainment categories are listed below at Appendix A. Further information regarding hospitality is contained in the Hospitality Policy.

4.2.2 Individuals Subject to FBT

Individuals and their category for FBT purposes are defined as follows:

• Employees (Current, past and known future) and associates
• Spouses, partners or other family members are considered to be associates.
• FBT is not applicable to students or other third parties.

4.2.3 Definition of Entertainment Expenditure

The definition of entertainment for the purposes of FBT is basically expenditure in respect of entertainment by way of food, drink or recreation. It also includes accommodation and travel that arise when providing such entertainment.

This does not mean that entertainment occurs every time food or drink is provided, but only when the food and drink provides entertainment. The major factors to be considered are:

• Why is the food or drink being provided? For example, food or drink provided for refreshments or sustenance would not typically be classed as entertainment. However, food or drink provided at a social function or a fundraising dinner would be.
• What food or drink is being provided? Light meals, morning and afternoon teas are generally not considered to be entertainment. As meals become more elaborate they tend to take on more characteristics of entertainment.
• Where is the food or drink being provided? A light working lunch provided on business premises would not generally be considered entertainment. A business lunch or dinner at a restaurant off business premises would be.

4.2.4 Guiding Principles

Factors that would generally indicate that food or drink is the provision of entertainment:

• Alcohol
• Substantial meal
• Social occasion, including award dinners and fundraising dinners
• High cost per head
• Minor business purpose
Factors that would generally indicate that the food or drink is not the provision of entertainment:

- Clear business activity
- No alcohol
- Refreshments or light meal only
- On business premises
- Agenda and outcomes
- Low cost per head
- Eligible seminar or exempt training seminar (details below)

4.2.5 Eligible Seminars

To qualify as an eligible seminar, the seminar must:

- Be a conference, convention, lecture, training session or speech, and
- Have a duration of at least four hours (excluding breaks).
- Food or drink merely incidental to the seminar and provided as refreshments and light meals only. An exemption is allowed for those away from home and travelling overnight.

The following are not eligible seminars:

- Business discussions in the normal course of business, unless it is an exempt training seminar.
- Seminars with the sole or dominant purpose of the promotion or advertising of the business.
- Seminars with the sole or dominant purpose of the provision of entertainment.

4.3 Expense, Property or Residual Benefits

Where the University reimburses an employee or pays a third party for an expense incurred by an employee an expense benefit may arise. Where the University provides an employee with free or discounted property a property benefit may arise. A residual benefit includes a benefit provided to an employee which does not specifically fit any of the other categories of fringe benefits. Some benefits are exempted from FBT by legislation.

4.3.1 Gifts and Awards

Flowers, gifts, gift vouchers and awards provided to employees will be subject to FBT where financial thresholds are exceeded. Examples would include retirement gifts, farewell gifts, the birth of a child, awards, etc. See below for exemption for LSL awards and minor benefits.

4.3.2 Clothing/Uniforms

Fringe Benefits Tax (FBT) may apply to the purchase of any clothing for employees unless strict guidelines set out by the Australian Taxation Office (ATO) are followed.

For further information refer to the Miscellaneous Staff Payment Guidelines.
4.3.3 HELP (Formerly HECS)

The reimbursement or payment of employee HELP charges is subject to FBT. The University’s Staff Development Scheme (HECS Scholarships) will be subject to FBT where financial thresholds are exceeded for individual staff members.

4.3.4 Spouse or Family Travel

Travel costs for an employee's associates, other than travel relating to relocation, will be subject to FBT.

4.3.5 Private Travel

Staff travel for six nights or more without a travel diary or No Private Travel declaration will be deemed personal travel and will be subject to FBT.

Non-incidental private travel for which the required contribution is not made by a staff member will be subject to FBT.

Where University business travel does not include any private travel a No Private Travel declaration may be submitted in lieu of a travel diary for travel six nights or more.

For further information refer to the Travel Policy and Travel Procedures.

4.3.6 Health Insurance

The reimbursement or payment of employee or associates health insurance will be subject to FBT.

4.3.7 Visas, Passports and Permanent Residency Costs.

Passports are deemed private in nature and will be subject to FBT.

Extensions to entry into Australia type visas, permanent residency costs including health checks are subject to FBT.

Exemptions related to relocation costs and minor travel visas are provided below.

4.3.8 Memberships and Subscriptions

Professional memberships and subscriptions that are not ‘otherwise deductible’ will be subject to FBT. For further information refer to Miscellaneous Staff Purchasing Guidelines.

4.4 FBT Reductions or Exemptions for Expense, Property or Residual benefits

4.4.1 Minor Benefits (excluding entertainment)

A minor benefit is a benefit which has a GST inclusive value of less than $300. Certain factors, including any similar or associated benefits must be considered when applying the minor benefits exemptions, these include:

- The frequency and irregularity with which associated benefits are provided. The more frequent and regular, the less likely it will be a minor benefit.
• The taxable value of the minor benefit and identical or similar benefits. The greater the total value of the minor benefit and identical or similar benefits, the less likely it will be a minor benefit.

4.4.2 Laptops

Laptops provided or salary-sacrificed (one per year) primarily for use in University staff employment will be exempt from FBT. For further information refer to Human Resources Salary Sacrificing web page.

4.4.3 Car-parking

Car-parking costs that are salary-sacrificed are exempt from FBT due to specific exemptions in the FBT legislation for Public Educational Institutions.

4.4.4 Education Expenses

Payment of self-education expenses is a fringe benefit. However, if the self-education expenses are work-related, the taxable value can be reduced by the ‘otherwise deductible’ rule (refer Otherwise Deductible Rule below). An Education Expense Declaration is required to be completed by the employee for this benefit.

4.4.5 Home Phones, Mobiles and Home Internet Charges

Provision of a mobile phone will be exempt from FBT where it is has been established that the mobile phone is primarily for work use. Expense Payment Benefit Declaration must be completed for the exemption to apply.

Home phones, mobiles and home internet charges paid for or reimbursed by the University will be subject to FBT. However, if all or part of the benefit is work related the employee can complete the Expense Payment Benefit Declaration, showing the business use percentage. Staff will be required to reimburse to the University any costs in relation to private usage.

4.4.6 Relocation of Employee Benefits

Where staff move from one location to another in the course of employment or in order to commence employment, a number of relocation costs may be paid or reimbursed. Exemptions from FBT include:

• Initial entry visa into Australia including health checks required for issue of initial entry visa
• Travel costs and transport
• Removal and storage of household effects
• Temporary accommodation for specified periods at the current or new location

4.4.7 Travel Visas

Visa costs paid or reimbursed will be exempt from FBT where required for University business travel overseas as they are usually minor in nature.

4.4.8 Airline Club Memberships

Airline Club Memberships paid by the University or salary-sacrificed are exempt from FBT. For further information refer to Human Resources Salary Sacrificing web page.
4.4.9 Long Service Awards

Long services awards granted in recognition of 15 years or more service are exempt from FBT if within a specified maximum amount. The specified maximum value is $1,000 for 15 years’ service plus $100 for each additional year.

4.4.10 Personal Protective Clothing and Equipment

The provision of protective clothing and equipment will be exempt from FBT. For further information refer to the Miscellaneous Staff Payment Guidelines.

4.4.11 Unigym Membership

As the University Unigym is located on University premises and managed by the University, salary sacrificing of gym membership will be exempt from FBT. For further information refer to Human Resources Salary Sacrificing web page.

4.5 Other Fringe Benefits

4.5.1 Loan Fringe Benefits

A loan fringe benefit may arise if the University gives a loan or advance to an employee interest free, or at an interest rate that is less than the statutory interest rate.

The Australian Taxation Office also considers where an employee repays an amount relating to a salary overpayment over a period of time, and interest is not charged, that this is a Loan Fringe Benefit. Any FBT payable will be charged on the deemed interest to the relevant Budget Centre.

4.5.2 Debt Waiver Fringe Benefits

If an employee owes a debt to the University, and the University releases the employee from the obligation to repay the debt, the unpaid amount may be a debt waiver fringe benefit.

4.5.3 Living Away from Home Allowance (LAFHA)

A Living Away From Home Allowance (LAFHA) is an allowance the University pays to an employee to compensate for additional expenses incurred and any disadvantages suffered, because the employee is required to live away from their usual place of residence in order to perform their employment-related duties.

The term ‘additional expenses’ does not include expenses the employee would be entitled to claim as an income tax deduction. Additional expenses would ordinarily only include accommodation and food.

Strict criteria applies to the provision of an FBT exempt LAFHA and exemption is determined on a case-by-case basis. For a determination by the Manager Taxation Services the following information is required:

- Current and proposed work location
- Period of time required to live away from home
- Whether family will accompany the staff member
- Whether staff member intends to lease out current accommodation
• Whether staff member intends to return to current residence
• Accommodation amount to be paid
• Food amount to be paid

Visiting Scholars, Fellows or Occupational Trainees who are be considered to be volunteers by the university, may be deemed to be employees for taxation purposes, therefore, FBT liabilities may apply on a case-by-case basis.

5 Otherwise Deductible Rule

The otherwise deductible rule reduces the taxable value of a fringe benefit by the amount the employee would have been entitled to claim an income tax deduction for if they had incurred the expense. The effect is only the employee’s private usage of the fringe benefit is taxed.

6 Salary Sacrifice

A salary sacrifice arrangement means an arrangement under which an employee agrees to forego part of his or her future entitlement to salary or wages in return for the employer or someone associated with the employer providing benefits of a similar value. The main assumption made by the parties is that the employee is then taxed under the income tax laws only on the reduced salary or wages and that the employer is liable to pay FBT, if any, on the benefits provided.

7 Fringe Benefits Tax Administration

FBT is tracked and recorded using a number of methods.

7.1 FBT Declaration

Any time expenditure occurs on meals or entertainment, self-education costs or other expenditure deemed to be personal and where there is the possibility that it may be subject to FBT, the relevant declaration should be submitted and attached in TechOne to the invoice.

Financial Services will assess whether FBT is applicable and calculate the amount for inclusion in any returns.

7.2 TechOne

Financial Services will monitor expenditure against particular account categories and investigate any expenses that may be subject to FBT.

7.3 BCMS

Expenditure to certain merchants or in particular categories will trigger the FBT wizard in BCMS. This must be completed in order to ensure that any FBT is accurately recorded for inclusion in the return.

7.4 HRMS and Payroll Services

Financial Services monitor staff related expenses that are processed through payroll and include these in the return.
7.5 **FBT Charges to Budget Centres**

FBT is generally charged to Budget Centres when a relevant transaction is processed through TechOne, BCMS or HRMS. In addition, quarterly reviews are undertaken in preparing the University's FBT return. Any FBT and subsequent Payroll Tax identified will be charged to the Budget Centre as soon as practicable after the completion of the FBT return.

7.6 **FBT Yearly Return and Reconciliation**

The FBT year runs from 1 April to 31 March each year. FBT is reconciled by Taxation Services and a return submitted to the Australian taxation office by 21 May.

8 **Employee Reportable Fringe Benefits**

If the University provides fringe benefits to an employee with a total taxable value of more than $2000 for an FBT year (1 April to 31 March), the grossed-up taxable value of the benefits must be recorded on the employee's payment summary for the corresponding income year (1 July to 30 June). This must also include any fringe benefits provided to associates of the employee, such as a spouse or child.

Even though a reportable fringe benefits amount is included in a payment summary and is shown in a tax return, it is not included in assessable or taxable income. It is, however, included in a number of income tests for:

- Medicare levy surcharge
- mature age worker tax offset
- deduction for personal super contributions
- tax offset for eligible spouse superannuation contributions
- super co-contributions
- Higher Education Loan Programme (HELP) and Student Financial Supplement Scheme (SFSS) repayments.
- Child support obligations
- Entitlement to certain income-tested government benefits

9 **Records Management**

Records and information that support these activities will be created, managed and retained in accordance with University Records Management Policy, Procedures and Guidelines.

10 **Relevant Documents**

10.1 **Policy**

Fringe Benefits Tax Policy

10.2 **Other Related Policy and Practice Documents**

- General Purchasing Policy
- Hospitality Policy
- Records Management Policy
- Travel Policy
- Vehicle Salary Packaging Policy
10.3 Procedures and Guides

- General Purchasing Guidelines
- Invoice Payment Guidelines
- Miscellaneous Staff Payments Guidelines
- Records Management Procedures and Guidelines
- Travel Guidelines

11 Glossary

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATO</td>
<td>Australian Taxation Office</td>
</tr>
<tr>
<td>Associate</td>
<td>Generally a family member or relation to an employee</td>
</tr>
<tr>
<td>Employee</td>
<td>For FBT purposes this includes past, current and future employees</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>Personal benefit received by employees and associates that is not remuneration</td>
</tr>
<tr>
<td>Fringe Benefits Tax (FBT)</td>
<td>Taxation liability to be paid by an employer in providing fringe benefits to employees and associates</td>
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12 Versioning

<table>
<thead>
<tr>
<th>Former Version</th>
<th>Current Version</th>
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<tr>
<td>Version 1</td>
<td>Guidelines, Approved Chief Financial Officer, December 2011</td>
</tr>
<tr>
<td>Version 2</td>
<td>Guidelines (current document) ; Approved Chief Financial Officer, December 2014</td>
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### Appendix A: FBT Status by Entertainment Type

<table>
<thead>
<tr>
<th>Description*</th>
<th>Subject to FBT for Employees?</th>
<th>Subject to FBT for Associates?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consumed by employees (&amp; associates) on business premises:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- At a social function</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- Morning &amp; afternoon teas and light lunches</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>- Light meals during staff meetings, training sessions, overtime and working lunches</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Consumed by employees (&amp; associates) off business premises:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- At a social function or business lunch/dinner (includes all costs in relation to Christmas parties, award nights, fundraising dinners, cocktail parties)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- At an overnight planning retreat / conference / seminar</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meals at a conference/retreat</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Meals with entertainment</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Paid recreational activity</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consumed by employees (&amp; associates) while travelling for business purposes overnight:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Meals with minimal alcohol</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>- Meals with more than minimal alcohol and or entertainment (eg cabaret)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- Conference gala dinners paid in addition to registration costs (ie not part of registration fee)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consumed while attending an eligible seminar:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Training session etc, food or drink incidental, more than four hours (excl breaks) – for additional criteria refer details above</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>- Retreats that meet the criteria</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consumed while attending an exempt training seminar:</strong></td>
<td></td>
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<tr>
<td>- Food or drink incidental, more than four hours (excl breaks), off business premises at a venue available for such purposes, general policy discussions are allowable – for additional criteria refer details above</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>- Retreats that meet the criteria</td>
<td>No</td>
<td>Yes</td>
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Consumed at home:

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<tr>
<th>Item</th>
<th>Yes</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Entertainment at private residence</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Sporting or theatrical events or tours:

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Boxes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theatre Tickets</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tours while on conferences or travel overnight</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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</tr>
</tbody>
</table>

Consumed at events opened to the general public

<table>
<thead>
<tr>
<th>Item</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduations, show openings, refreshments and cocktail food</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Consumed at events closed to the general public

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showing openings, book launches.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Accommodation and/or travel provided in conjunction with provision of Entertainment subject to FBT

<table>
<thead>
<tr>
<th>Item</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
</table>

*Refer to Hospitality Policy for more details.