

# ***IT 2096 - Income tax : clothing - expenditure incurred by a bank employee in providing and maintaining clothing worn in the course of employment***

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TAXATION RULING NO. IT 2096

INCOME TAX : CLOTHING - EXPENDITURE INCURRED BY A BANK  
EMPLOYEE IN PROVIDING AND MAINTAINING CLOTHING WORN IN  
THE COURSE OF EMPLOYMENT

F.O.I. EMBARGO: May be released

REF H.O. REF: J35/952 P 4 f 113 DATE OF EFFECT: Immediate  
83/6104

B.O. REF: DATE ORIG. MEMO ISSUED: 18 July 84

F.O.I. INDEX DETAIL

REFERENCE NO: SUBJECT REFS: LEGISLAT. REFS:

I 1117368 CLOTHING - UNIFORMS  
WORN BY BANK OFFICERS 51(1)

PREAMBLE No appeal has been lodged against a recent decision of  
Taxation Board of Review No.2, reported as Case R55 84 ATC 411,  
and Case 109 27 CTBR(NS) 867 allowing a deduction for the  
purchase and maintenance of special clothing worn in the course  
of employment.

FACTS 2. The taxpayer, a female bank officer, had been employed  
with a Bank for some eleven years. From the time the taxpayer  
commenced employment until May 1982, she was obliged to wear a  
monogrammed uniform. In May 1982 a new style of attire,  
manufactured in distinctive corporate colours, was introduced  
for female staff. The clothing, comprising a number of items,  
was of a conventional nature and was made exclusively for the  
Bank by a particular manufacturer.

3. The Bank provided two of the items of clothing to each  
female employee and required the staff to purchase other items  
at their own expense. The wearing of the uniform in question  
was obligatory while on duty and the employees were not  
permitted to wear the attire outside hours of duty except while  
travelling to and from work. A pin on name tag with the Bank's  
logo was also required to be worn.

4. The taxpayer claimed a deduction for expenditure  
incurred in purchasing various items of the clothing. Also  
claimed was a deduction for the maintenance of both the  
superseded and the new uniform. Immediately prior to the  
hearing the Commissioner conceded the full deduction claimed in  
respect of maintaining the old uniform.

5. The Board accepted the general view that the clothing  
in question possessed that level of uniqueness and  
distinctiveness to fall within the ordinary meaning of the word  
uniform. This was supported by having regard to the durability  
of the clothing in matters pertaining to wear and tear, the  
maintaining of the same style and fashion for a period of some  
five years, and the elaborateness of the procedures that were

required to be observed by the various manufacturers, the Bank and its employees, in the manufacture and supply of the garments involved.

6. Whilst the clothing satisfied the taxpayer's private needs, its essential character was directly related to the need to provide the occupational character of clothing that was clearly appropriate to, or adapted to, or truly incidental to, her income producing activities.

7. Consequently, as the taxpayer was required, as a condition of her employment to wear the uniform, the expenditure incurred in connection with the uniform purchase and maintenance was not of a private or domestic nature. Nor did the Board consider the purchase of the items of clothing to be capital in nature because they were in substance replacements of an obsolete uniform.

RULING

8. Where a taxpayer is required, as a condition of employment, to wear distinctive and unique clothing that could be said to constitute a uniform in ordinary parlance, expenditure incurred in connection with the uniform replacement and maintenance is deductible. As to whether the clothing constitutes a uniform is a question of fact and must be determined in the light of the facts of each case.

COMMISSIONER OF TAXATION  
10 AUGUST 1984<