

# ***TD 92/D197 - Income tax: does the receipt of a site or height allowance entitle an employee to a deduction?***

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This document has been finalised by TD 93/49.

Draft Taxation Determinations (TDs) represent the preliminary, though considered, views of the ATO. Draft TDs may not be relied on; only final TDs are authoritative statements of the ATO.

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## Draft Taxation Determination

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### **Income tax: does the receipt of a site or height allowance entitle an employee to a deduction?**

1. No. An employee is entitled under subsection 51(1) of the *Income Tax Assessment Act 1936* to a deduction for expenditure incurred in gaining or producing assessable income other than expenditure of a capital, private or domestic nature. The mere receipt of an allowance does not entitle an employee to a deduction.
  
2. The amount of a site or height allowance is assessable income and no contra deduction is allowable.

*Example:*

*Z received a site allowance of \$1740 from his employer because of difficult working conditions and remoteness of job sites. The amount of \$1740 is included in assessable income. Z is not entitled to a deduction of \$1740.*

**Commissioner of Taxation**  
12/11/92