

To:  
The Manager, Philanthropy and Exemptions Unit  
Indirect Tax Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

From:  
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Sydney, 27 May 2012

Dear Treasury,

This letter is in reference to the proposed changes the Government announced to the fringe benefit tax (FBT) treatment of living-away-from-home benefits. After reading this exposure draft I do have serious concerns regarding these changes and it's adverse for me and my family. My case does not stand alone and I am speaking also about the total number of 457 visa holders of approximately 72.000 (May 2011) that will be affected when this legislation becomes valid.

Two years ago I relocated from the Netherlands for at least four years as a skilled worker. The eligibility to receive LAFHA and the potential savings in order to build up a certain financial security for the future as well as to overcome the higher costs of living contributed to sign my contract. Also it would make the immigration for longer term more supportable. By accident I found out that the LAFHA will be ceased for temporary residents. I would have expected a written notification from the moment this proposal was lodged. Hence, all 457 visa holders could potentially been advised by a letter or an e-mail to give them at least some time to either change their life style or to renegotiate contracts. When LAFHA will be ceased it will put me (and many others) in a disadvantage compared to Australian residents. For instance Australian Residents get child benefit and don't have to pay for school. If this proposal will be adopted we should at least be entitled for free schooling. In other words pay the same tax and **get the same benefits**. In line with this I am referring to the following convention:

**Convention on the Rights of the Child**  
**Adopted and opened for signature, ratification and accession by General Assembly**  
**resolution 44/25 of 20 November 1989**  
**entry into force 2 September 1990, in accordance with article 49**

in where **Article 28** states :

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available **free to all**;

It seems that the Australian Government infringes this Convention in the first place!

In my case we have two children going to a primary school, since 2010. The balance of unlawful paid school fees is therefore:

2010 : AUD 4610

2011 : AUD 4610 + AUD 4500 (2<sup>nd</sup> child attended too)

2012 : AUD 4610 + AUD 4500

Total paid school fees up till now: **AUD 22830,-**

I look forward to settling this matter amicably and that an arrangement will be confirmed to reimburse this money. Also I anticipate a written exemption letter to pay any further education fees. If, however, the matter is not satisfactorily resolved by two weeks after date shown above I consider taking further legal action.

Looking forward to your answer by returning mail.

Sincerely,

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