



LAW 553

Taxation

S1 External 2015

Dept of Law

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Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

General Information

Unit convenor and teaching staff

Convenor

Malcolm Voyce

malcolm.voyce@mq.edu.au

Contact via malcolm.voyce@mq.edu.au

Room W3A 617

2.00pm to 4.00pm on Thursdays

Credit points

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or (39cp including BUSL250 and BUSL301)

Corequisites

Co-badged status

Unit description

This unit covers an examination of the Australian taxation system. The unit covers the examination of what is income, the taxation of capital gains, deductions, capital allowances, and tax avoidance issues. The unit covers the administration of the taxation system and the taxation of companies, trusts and partnerships. The unit also covers a treatment of the social security system and the legal availability of welfare benefits. The unit is significant as it provides a basic knowledge of the taxation system and is a good background for all law students whether or not they practice in the taxation area.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.

Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.

Develop a suitable set of tax management strategies for individuals and business at various stages.

Use, present and evaluate numerical or statistical information related to taxation.

Work collaboratively to solve legal problems related to taxation.

Undertake independent research on taxation issues through using electronic information retrieval systems.

General Assessment Information

Extensions and penalties.

Assessments or assignments uploaded after the cut-off time on the dates given above will not be accepted for marking (that is, a zero mark will be awarded), except for cases of serious and recognised disruption to study (see below).

When a student suffers a disruption to study which is 'serious and unavoidable' they may apply for special consideration. In order to do so the student must meet the criteria under the Macquarie University "Disruption to Studies" policy and be approved by the Unit Convenor. Applications are made online at ask.mq.edu.au. Outcomes for recognized serious and unavoidable disruptions to studies are as set out in the University schedule - http://www.mq.edu.au/policy/docs/disruption_studies/schedule_outcomes.html

When a disruption to study is not serious or unavoidable, the approach to special consideration and the impact on your assessment will be as follows:

1. **Marked Attendance** - tutorials: In general no special consideration is given. However **for tutorials missed because of illness a medical certificate can be presented at the next tutorial attended. If compulsory excursions or trips are required by other subjects enrolled in, documentary evidence of this will be accepted**
2. **Marked Attendance** - On-Campus Session for External Students: No special consideration, ***attendance is compulsory.***
3. **Graded Participation - tutorial:** In general no special consideration is given. However for tutorials missed because of illness a medical certificate can be presented at the next tutorial attended. If compulsory excursions or trips are required by other subjects enrolled in, documentary evidence of this will be accepted
4. **Final Examination – no or late submission: no special consideration; a grade of zero**

Tutorials Procedures

Students are provided on iLearn with a weekly document containing readings for the topic being covered and up to 4 questions. Every week each student prepares a brief written attempt at answering all of the week's questions, maximum total 2 A4 sheet sides.

Students photocopy their answers for their own records or keep an electronic copy.

Answers **must be submitted via Turtitin only**. **Answers will not be received in the tutorial under any circumstances**.

At the start of the semester the tutor will assign students to permanent groups. The tutorial questions are discussed based on presentations by individual students. The week before a tutorial a student is assigned to each of the tutorial questions for that week. During the week leading up to the tutorial the assigned presenter's group assists them in preparing a presentation of the answer for their assigned question. A presentation should be of about 10 minute's duration and should be accompanied by appropriate slides. The Tutor (and students not in that group) question the spokesperson (and other members of their group if the spokesperson cannot answer) until the correct answer for the question is arrived at and understood by all. Students take notes on their photocopy of their answers where they were wrong.

Each student has to give at least one presentation during the semester.

Marks are assigned as below:

1. There are 12 tutorials. One mark is assigned for a hand-in which is a satisfactory attempt at answering all the questions for that week, that is showing evidence of study and understanding of the topic, but not necessarily fully correct. A maximum of 10 marks total for the semester can be earned in this way – i.e. 10 satisfactory hand-ins. Answers can only be handed in at the relevant tutorial, or if absent through illness then at the following tutorial if a medical certificate is supplied.
2. There are another 10 marks for tutorial participation. Up to 5 of these marks are for a student's presentation(s.) The answer should be presented logically and succinctly, keeping the attention of the audience and explaining any difficulties overcome. Answers to questions from the Tutor and other students should show that the student has good knowledge of the subject and is not just parroting information provided by others in the group. Should students give more than one presentation the higher mark is used if the marks should differ. Up to 5 more marks are awarded for general tutorial participation in the way of asking questions and taking part knowledgeably in discussions.
3. Students are expected to attend and participate in at least 10 out of the 12 tutorial classes during the semester. Failure to do so will result in a penalty of 0.5 marks for each tutorial less than 10 attended. These marks will be deducted from the overall tutorial participation mark that would have otherwise been allocated.

Policies and procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Assessment Policy <http://www.mq.edu.au/policy/docs/assessment/policy.html>
- Grade Appeal Policy <http://www.mq.edu.au/policy/docs/gradeappeal/policy.html>
- Special Consideration Policy http://www.mq.edu.au/policy/docs/special_consideration/policy.html

In addition, a number of other policies can be found in the Learning and Teaching Category of Policy Central.

Academic Honesty

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

Grades

Macquarie University uses the following grades in coursework units of study:

HD - High Distinction

D - Distinction

CR - Credit

P - Pass

F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:

<http://www.mq.edu.au/policy/docs/grading/policy.html>

Special Consideration Policy

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy

exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. The policy is available at:

http://www.mq.edu.au/policy/docs/special_consideration/policy.html

Student Support

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: <http://students.mq.edu.au/support/>

Macquarie Law School Assessment Policy.

Word limits in Macquarie Law School assessments are strictly applied. The word limit does not include footnotes or bibliographies where they are required. Unless explicitly indicated otherwise, referencing must comply with the current version of the Australian Guide to Legal Citation. In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. All written assessments (excluding online quizzes) will require submission through Turnitin.

Assessment Tasks

Name	Weighting	Due
<u>Weekly Coursework</u>	20%	Weekly
<u>Research Essay</u>	40%	by 5pm, 11th April, 2015
<u>Final Assignment</u>	40%	Exam Period

Weekly Coursework

Due: **Weekly**

Weighting: **20%**

Weekly tutorial problems (answers to be handed in weekly) plus presentations and participation

Weekly coursework:

- **Internal students** – hand in at tutorials. Up to 2 A4 pages, handwritten. Answers to problems must be submitted weekly on ilearn. No submissions will be received in class.
- **External students** – first 6 week's work as above to be handed in at the start of the on-campus session during the mid-semester break.

On successful completion you will be able to:

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- Develop a suitable set of tax management strategies for individuals and business at various stages.

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- Undertake independent research on taxation issues through using electronic information retrieval systems.

Research Essay

Due: **by 5pm, 11th April, 2015**

Weighting: **40%**

Research Essay Question

What is international tax avoidance? What are the problems of tax avoidance worldwide? Write a critique of Australia's response to this issue.

Length 3,000 words in size 14 font.

Your name and student number **must** be on the front of your essay.

Note this is a **research essay** and so it is expected that students will research outside of the materials. A bibliography must be attached to the essay. The words in the bibliography will not be counted in the word limit. Footnotes will be considered as part of the word limit.

Essays must be submitted to turnitin and the same time sent to

malcolm.voyce1@gmail.com (note please the EXACT address for this email where work is to be submitted, with the number '1' after the name Voyce)

On successful completion you will be able to:

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
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Final Assignment

Due: **Exam Period**

Weighting: **40%**

Take Home Comprehensive case-study type questions

The Final assignment paper will be made available on iLearn, 23 May, 2015 at 5pm. Answers are to be submitted as a Microsoft word document, 14 point double spaced via Turnitin in the

iLearn unit by 10pm on 12 June 2015. Each question will indicate the maximum number of words for that answer.

On successful completion you will be able to:

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Delivery and Resources

Prescribed Texts

Coleman *Australian Tax Analysis* 9th Edition 2012

NOTE: Out-of-date editions of the text will not contain the latest changes in Taxation Law and may result in students learning incorrect material. Therefore you are strongly advised not to purchase second-hand older editions of the text.

Reference materials

While references to the prescribed weekly readings for this Unit are mainly from the prescribed text, references will also be made during the lectures to reported cases, rulings and other pronouncements issued by the Australian Taxation Office.

(a) Commentaries: Both CCH and Thomson Reuters provide an on-line service covering a commentary on the relevant legislation, rulings and reports and other pronouncements of the Australian Taxation Office. These on-line tax services are also available in multi-volume loose-leaf formats. The on-line service of CCH can be accessed from the University Library's database.

(b) Useful Internet sites: Internet resources are a very valuable source of information relating to current developments on taxation issues. Some useful sites include:

(i) ATO website: The Australian Taxation Office Internet site www.ato.gov.au. This site offers access to:

- all ATO rulings and other pronouncements
- current ATO publications
- legislation

- Australian and selected overseas tax case law
- all ATO forms

(ii) Access to other internet sites which are relevant to tax issues can be located at:

- Australian Treasury: <http://www.treasury.gov.au>. This site contains Treasury press releases and consultation documents.
- CPA Australia: <http://www.cpaaustralia.com.au>. This site contains relevant information including submissions canvassing tax reform.
- Institute of Chartered Accountants in Australia: <http://www.icaa.org.au>. This site contains relevant information including submissions canvassing tax reform.
- Deloitte: <http://www.deloitte.com.au> Click on “tax central” to access information on proposed tax reforms.
- Ernst & Young: <http://www.ey.com/global/gcr.nsf/austaralia/home>. Good for keeping up to date on tax reforms.
- KPMG: <http://www.kpmg.com.au>. Very useful, especially for its “Daily Tax News”.
- Board of Taxation: <http://www.taxboard.gov.au>. Contains information on proposed tax changes.

(iii) Cases, rulings, and legislation can also be accessed from the following sites:

Cases: Scaleplus site <http://scaleplus.law.gov.au>

Cases: Australian Legal Information Institute site <http://www.austlii.edu.au>

Cases and Taxation rulings: Australian Taxation Office; <http://www.ato.gov.au>

Unit Schedule

Lectures (Recorded on iLearn) and refer to your Study Guide for your schedule.

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Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy

applies to all who connect to the MQ network including students.

Graduate Capabilities

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
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Assessment tasks

- Weekly Coursework
- Research Essay
- Final Assignment

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.

- Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.
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- Final Assignment

Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.
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- Work collaboratively to solve legal problems related to taxation.
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- Weekly Coursework

- Research Essay
- Final Assignment

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.
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Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

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- Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.
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Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
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- Develop a suitable set of tax management strategies for individuals and business at various stages.
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retrieval systems.

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Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
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- Final Assignment

Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Identify tax issues and be able to apply the Income Tax, Fringe Benefits Tax, GST and the Taxation Administration Act provisions to simulated real life situations for the purposes of giving professional advice.
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- Final Assignment

Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

Learning outcomes

- Demonstrate a sound knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
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Changes since First Published

Date	Description
18/02/2015	Essay Question change