



ACCG3020

Taxation Law and Practice

Session 3, Weekday attendance, North Ryde 2020

Department of Accounting & Corporate Governance

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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.

Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

General Information

Unit convenor and teaching staff

Unit Convenor

Daisy Chen

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Contact via accg3020@mq.edu.au

Please see iLearn

Moderator

Rahat Munir

rahat.munir@mq.edu.au

Credit points

10

Prerequisites

(20cp at 2000 level or above including (BUSL250 or BUSL251 or ACCG2051)) or 40cp in LAW units at 2000 level

Corequisites

Co-badged status

Unit description

This unit introduces students to the tax framework operating in Australia. It looks at the regulatory environment and the impact of the conceptual framework on key areas of taxation including income tax; goods and services tax; and fringe benefits tax. After completing this unit, students will be able to recognise, describe and analyse taxation issues and apply tax concepts to problems encountered in a contemporary setting.

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:

ULO1: Identify tax issues and apply the provisions of relevant tax legislation to real-life situations

ULO2: Develop a suitable set of tax management strategies for a variety of taxpayers

ULO3: Present, evaluate and use numerical and statistical information related to taxation

ULO4: Apply research skills to source and interrogate tax law materials and interpret complex legal information

ULO5: Produce professionally written tax advice which presents a clear and well supported justification of guidance given

General Assessment Information

Late Submissions:

Late assessments (for the Case Study) must also be submitted through Turn-it-in. No extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission incurs a 20% penalty).

Late submissions will not be accepted after solutions have been discussed and/or made available.

This penalty does not apply for cases in which an application for **Special Consideration** is made and approved.

Note: applications for **Special Consideration** must be made within 5 (five) business days of the due date and time.

Assessment Tasks

| Name | Weighting | Hurdle | Due |
|----------------------------|-----------|--------|-------------------------------|
| <u>Assessed Coursework</u> | 10% | No | Twice Weekly |
| <u>Online Quiz</u> | 10% | No | Friday, 18 December 2020 |
| <u>Case study</u> | 20% | No | Monday, 11 January 2020 |
| <u>Final Examination</u> | 60% | No | University Examination Period |

Assessed Coursework

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 15 hours

Due: **Twice Weekly**

Weighting: **10%**

During the session, weekly tutorial questions will be assessed. Students are expected to make a reasonable attempt at completing the weekly assigned tutorial questions.

On successful completion you will be able to:

- Identify tax issues and apply the provisions of relevant tax legislation to real-life situations
- Develop a suitable set of tax management strategies for a variety of taxpayers
- Present, evaluate and use numerical and statistical information related to taxation
- Apply research skills to source and interrogate tax law materials and interpret complex legal information

Online Quiz

Assessment Type ¹: Quiz/Test

Indicative Time on Task ²: 10 hours

Due: **Friday, 18 December 2020**

Weighting: **10%**

The Online Quiz will consolidate students' knowledge, skills, and capabilities in relation to the foundation principles of tax law and practice.

On successful completion you will be able to:

- Identify tax issues and apply the provisions of relevant tax legislation to real-life situations
- Present, evaluate and use numerical and statistical information related to taxation

Case study

Assessment Type ¹: Case study/analysis

Indicative Time on Task ²: 30 hours

Due: **Monday, 11 January 2020**

Weighting: **20%**

Students will be presented with a set of facts which will require them to identify the main tax issue(s), provide a detailed analysis of the tax issues, and apply relevant taxation laws to arrive at a conclusion in the form of a piece of advice. Students are required to communicate their professional tax advice via a 1,500-word report.

On successful completion you will be able to:

- Identify tax issues and apply the provisions of relevant tax legislation to real-life

situations

- Develop a suitable set of tax management strategies for a variety of taxpayers
- Present, evaluate and use numerical and statistical information related to taxation
- Apply research skills to source and interrogate tax law materials and interpret complex legal information
- Produce professionally written tax advice which presents a clear and well supported justification of guidance given

Final Examination

Assessment Type ¹: Examination

Indicative Time on Task ²: 30 hours

Due: **University Examination Period**

Weighting: **60%**

A three-hour open book exam will be held during the University Examination Period.

On successful completion you will be able to:

- Identify tax issues and apply the provisions of relevant tax legislation to real-life situations
- Develop a suitable set of tax management strategies for a variety of taxpayers
- Present, evaluate and use numerical and statistical information related to taxation
- Apply research skills to source and interrogate tax law materials and interpret complex legal information

¹ If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

² Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

| | |
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| Required Text: | <p>There are a number of general texts covering the content of this unit. Students are advised to acquire each of the texts appearing under the heading "PRESCRIBED TEXTS".</p> <p>PRESCRIBED TEXTS (Students must have access to these books AT ALL TIMES).</p> <ol style="list-style-type: none">1. Textbook: Woellner, Barkoczy, Murphy, Evans and Pinto, <i>Australian Taxation Law</i> (30th edn, Oxford University Press 2020) - cited throughout this Unit Guide as Woellner'2. Workbook: LJ Nethercott, L. Gonzaga and K Devos, <i>Australian Taxation Study Manual, Questions and Suggested Solutions</i> (30th edn, Oxford University Press, 2020)3. Casebook: Sadiq, <i>Australian Taxation Law Cases</i> (Thomson Reuters, 2020)4. Legislation: Barkoczy, <i>2020 Core Tax Legislation and Study Guide</i>, (23rd edition, Oxford University Press 2020) |
| Unit Web Page: | <p>The ACCG3020 homepage is at: ilearn.mq.edu.au.</p> <p>You can directly access the Unit Guide, and the Assessment Guide, the current lecture outlines, Echo 360 recordings, announcements related to the unit, library and other useful websites via the ACCG3020's i-Learn site.</p> |
| Technology Used and Required: | <p>Students will need access to the internet as lecture handouts and notices will be available from the unit's web page.</p> |

**Delivery
Format and
Other Details:**

Lectures and Tutorials

The main means of presentation is by way of 10 two-hour lectures and 9 weekly tutorials of one hour duration. Lectures cover the basic material as outlined in the listed topics, as well as noting where each topic fits into the overall framework of the tax regime. The Lectures will be recorded on Echo 360 on a weekly basis.

Each lecture outlines (PowerPoint slides) will also be posted on i-Learn prior to the formal lecture. They are not intended to be a substitute for lecture attendance. These outlines are only core notes and they are **NOT** intended to be treated as stand alone resources nor in place of lecture attendance. They are provided for your convenience. You cannot rely on these outlines to the exclusion of the allocated reading tasks for each week. *You are expected to prepare your own notes from the prescribed reading set out in this unit's **Assessment Guide** to supplement the material set out in the lecture outlines.*

The Tutorial sessions will be run online via Zoom mode. The Tutorial questions for each class are also to be found in the unit's **Assessment Guide**. The tutorial questions have been designed to provide a practical application of the principles discussed in lectures. Tutorials will involve an analysis and discussion of preset questions based on the previous week's lecture. They therefore complement and consolidate the topics covered in lectures. **It is essential that adequate preparation be undertaken BEFORE each tutorial in order for the full benefit to be gained.**

Attendance and participation in Tutorials are compulsory. Students - (including those enrolled in the i-Lecture stream) - will therefore be expected to attend and to participate in tutorials through, contributions to class discussions, formal presentations during tutorials, and showing an interest in other learning activities conducted by the Tutor.

Classes

- The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>
- Students can only change their allocated lecture or tutorial class by 4 December 2020 through the e-Student system and only when there is a vacancy in that class.
- If a student changes classes by 4 December 2020, it is their responsibility to inform both their old tutor and their new Tutor. Failure to inform Tutors about the change in class allocation may result in a student not obtaining all the class marks for which all students are eligible.
- You must attend your official tutorial class. Tutors will keep attendance records and you can only attend class or sit for the class presentation in your registered tutorial. Please ensure that you know your Tutor's name and your tutorial class number .
- **Students enrolled in the i-Lecture stream are expected to attend the weekly tutorials and to participate in completing the "Assessed Coursework" components of this unit.**
- In cases where classes have been missed because of illness or misadventure, it is up to the student to provide relevant documentation - (such as medical certificates or other reports) - explaining the reasons for their absence. The documentation must be lodged with BESS in accordance with the special consideration application procedure.
- Students are expected to arrive on time and not to leave until the class ends.
- If you have a recurring problem that makes you late, or compels you to leave early, have the courtesy to discuss this with your lecturer/tutor.
- Students who disturb or disrupt in lectures and tutorial class will be asked to leave.

Recommended Readings:

RECOMMENDED TEXTBOOKS

The acquisitions of the following are OPTIONAL. Students should consult the lecturer before making a purchase from books in this category.

Any of the following books may also be of use:

- Sadiq (Gen. Ed.), Coleman, Hanegbi, Hart, Jogarajan, Krever, McLaren, Obst, Ting, *Principles of Taxation Law*, (Thomson Reuters, 2020).
- S Barkoczy, *Australian Tax Casebook* (14th edn, Oxford University Press, 2018).
- Hodgson, Mortimer, and Butler, *Tax Questions & Answers 2020* (Thomson Reuters, 2020).

Note: It is pointless having an out of date edition of the textbook.

REFERENCE MATERIALS

While references to the prescribed weekly readings for this Unit are set from standard textbooks on taxation, 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 policy submissions canvassing tax reform.
- Chartered Accountants Australia and New Zealand: <https://www.charteredaccountantsanz.com/>. This site contains relevant information including policy submissions canvassing tax reform.
- Taxation Institute of Australia: www.taxinstitute.com.au. This site provides useful resources and professional development activities in tax.
- 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>

(c) Professional Reference Texts

- 2020 *Australian Master Tax Guide* (CCH)
- 2020 *Australian Tax Handbook* (Thomson Reuters)

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| | <ul style="list-style-type: none"> • 2020 <i>Australian Master GST Guide</i> (CCH) • 2020 <i>Australian GST Handbook</i> (Thomson Reuters) <p>(d) Journals</p> <p>Articles in legal and accounting journals are invaluable aids in keeping up to date with developments in tax law and practice. These include:</p> <ul style="list-style-type: none"> • Australian Tax Review • Australian Tax Forum, a journal of taxation policy, law and reform • Taxation in Australia • The Tax Specialist • The Australian Accountant • The Journal of Australian Taxation • The Chartered Accountant in Australia • The Australian Law Journal, it contains a section called "Revenue Notes" which features articles on important decisions. <p>(e) Update on Tax Developments</p> <p>For a weekly update on tax developments, students are advised to consult either CCH Tax Week or the Thomson Reuters Weekly Tax Bulletin; the former can be accessed from the University Library's database</p> |
| Other Course Materials: | |

Consultations

- Staff teaching in the unit will be available for individual consultation with students. A timetable of when staff will be available will be posted on the unit's iLearn site.
- Students experiencing significant difficulties with any topic in the unit must seek assistance immediately. You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours.

Unit Schedule

| Week | Topic |
|------|---|
| 1 | <p><u>Operating Framework of the Australian Tax System:</u></p> <ul style="list-style-type: none"> • Constitutional basis of taxation - relationship between the Commonwealth and the States; • Sources of income tax law; • Structure of the income tax legislation and how the parts fit together <p><u>Tax Administration:</u></p> <ul style="list-style-type: none"> • operation and enforcement of the Act and ancillary legislation • the assessment process; appeal procedures; • rights and remedies of the Commissioner and taxpayer; • tax agents. |

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| <p>2</p> | <p><u>The concept of income:</u></p> <ul style="list-style-type: none"> • distinction between "income" and "capital"; • exempt income; <p><u>Calculation of Tax Payable:</u></p> <ul style="list-style-type: none"> • Formulas, Rates & Offsets <p><u>Tax collection mechanisms</u></p> |
| <p>3</p> | <p><u>The Income Concept: Incidental Issues</u></p> <ul style="list-style-type: none"> • residence and source; • derivation of income |
| <p>4</p> | <p><u>Assessable Income:</u></p> <ul style="list-style-type: none"> • Income according to ordinary concepts • statutory extensions to the concept of income |
| <p>5</p> | <p><u>Assessable Income:</u></p> <ul style="list-style-type: none"> • Income according to ordinary concepts • statutory extensions to the concept of income <p>Online Quiz:</p> <p>Opens: Thursday 17 December 2020, at 5:00pm</p> <p>Closes: Friday 18 December 2020, at 11pm</p> |
| <p>6</p> | <p><u>Statutory Income:</u></p> <ul style="list-style-type: none"> • Taxation of capital gains and losses; • calculation of capital gains and losses; • inter-relationship with the income taxing provisions • Revision: How Topics 1-6 fit together |
| <p>Mid-session break: 23 December 2020 - 3 January 2021</p> <p>Important Notice: The Take-home Assignment will be posted on iLearn at 14:00am Monday, 4 January 2021. The written responses must be submitted at 15:00 on Monday, 11 January 2021 via Turn-it-in on iLearn.</p> | |
| <p>7</p> | <p><u>Allowable Deductions</u></p> <ul style="list-style-type: none"> • The general provision s.8-1 • Substantiation of expenses. • Specific provision relating to deductions |
| <p>8</p> | <p><u>Goods and Services Tax</u></p> <p><u>Taxation of Partnerships.</u></p> |

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| 9 | <p><u>Trust Estates and Beneficiaries, minors</u></p> <p><u>Companies:</u></p> <ul style="list-style-type: none">• Issues related to corporate taxation• Dividends and shares, imputation system |
| 10 | <p><u>Fringe Benefits Tax</u></p> <ul style="list-style-type: none">• The tax and its applications in practice <p><u>Anti-Avoidance Legislation</u></p> <ul style="list-style-type: none">• Alienation of Personal Services Income;• Basic techniques of tax planning;• Ethical issues in tax practice; <p>Revision</p> |
| <p>FINAL EXAMINATION PERIOD: 16 January - 24 January 2021.</p> | |

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway \(https://students.mq.edu.au/support/study/student-policy-gateway\)](https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](#) or if you are a Global MBA student contact globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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](#)

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.