



# LAWS5053

## Taxation

Session 1, Weekday attendance, North Ryde 2020

*Macquarie Law School*

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### Disclaimer

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## General Information

Unit convenor and teaching staff

Law Professor

Malcolm Voyce

[malcolm.voyce@mq.edu.au](mailto:malcolm.voyce@mq.edu.au)

Contact via 98507089

6 First Walk, ROOM 617

Monday 4-5pm

Lise Barry

[lise.barry@mq.edu.au](mailto:lise.barry@mq.edu.au)

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including (BUSL250 and BUSL301) or (BUSL251 or ACCG2051))

Corequisites

Co-badged status

Unit description

This unit is an examination of the Australian taxation system from a legal perspective. Students will study a range of topics including taxation of capital gains, deductions, capital allowances, and tax avoidance issues, as well as the administration of the taxation system and the taxation of companies, trusts and partnerships. The unit includes an examination of how the law regulates income distribution through the social security system and the legal availability of welfare benefits. The unit provides a basic knowledge of the taxation system and is a good background for all law students whether or not they intend to 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:

**ULO1:** Explain and analyse the principal rules that relate to taxation in Australia in their

historical, social and legal context

**ULO2:** Identify tax law 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.

**ULO3:** Develop a suitable set of tax management strategies for individuals and business at various stages.

**ULO4:** Analyse the way that taxation laws impact social welfare and the distribution of wealth in Australia

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## General Assessment Information

### Extensions and penalties.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due time – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

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](http://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](http://www.mq.edu.au/policy/docs/disruption_studies/schedule_outcomes.html)

### 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 should keep a copy of their answers for their records

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.

3. Students are expected to attend and participate in at least 10 out of the 12 tutorial classes during the semester.

## **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.

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

## **Delivery and Resources**

### **Coronavirus (COVID-19) Update**

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

## **Assessment Tasks**

### **Final Assignment**

Due: **3rd June 5pm** Weighting: **40%**

### **Take Home Comprehensive case-study type questions**

The Final assignment paper will be made available on iLearn, 13 May, 2020 at 5pm. Answers are to be submitted as a Microsoft word document, 14 point double spaced via Turnitin in the iLearn unit by 5pm on 3rd June 2020. Each question will indicate the maximum number of words

for that answer.

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

### **Research Essay**

Due: **10th April, 2020, 5pm** Weighting: **40%**

### **Research Essay**

**Length 2,000 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.

On successful completion you will be able to:

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

### **Class participation**

Due: **weekly** Weighting: **20%**

Students will be allocated problem questions each week to discuss in class. Answers should be pre-prepared and students will be required to submit their answers in class.

Students will be assessed on their understanding of the lecture and reading materials and their ability to critically engage in discussion of the law and theory of taxation.

Full instructions and marking criteria will be available on iLearn

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.
- 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.

## **Delivery and Resources**

### **Prescribed Texts**

The prescribed book is *Principles of Taxation law* (ed.) by K. Sadiq, Thomson Reuters, 2020.

When this book is purchased, you will also get Coleman *Australian Tax Analysis*. 9th Edition, Law Book, 2013. This will be available in an electronic form. The Sadiq book has a number in it, which will allow you to access the Coleman text.

To help ensure students can purchase their textbooks in time, Thomson Reuters have set up a student page on their website collecting relevant textbooks together in one place. Students can receive 15% discount and free shipping if they sign up for the student Promo Code.

The site is: <https://legal.thomsonreuters.com.au/student/> and the Promo Code is: **UNIS15**

They have also created a page specific to the texts being used at Macquarie University: <https://legal.thomsonreuters.com.au/student/university/macquarie/>

- **Online Resellers:**

We have a large range of our textbooks in stock with both Zookal and Booktopia, both online bookshop sites offer discounted prices on our texts and good delivery options:

**Zookal:** <https://www.zookal.com/>

**Booktopia:** <https://www.booktopia.com.au/>

**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](http://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.cpaustralia.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>

## 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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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](http://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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.