



# LAWS8025

## Taxation Law

Session 1, Special circumstances, Other 2021

*Macquarie Law School*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	3
<a href="#"><u>Delivery and Resources</u></a>	5
<a href="#"><u>Policies and Procedures</u></a>	6
<a href="#"><u>Changes from Previous Offering</u></a>	7

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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 activities on campus, and most will keep an online version available to those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face 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

Convenor

Michael Nancarrow

Contact via ILearn communication dialogue

Off campus

Wednesday 6-7pm

Lecturer

Kalmen Datt

Contact via ILearn communication dialogue

Off campus

Available on ILearn

### Credit points

10

### Prerequisites

(Admission to JD and 80cp in LAW or LAWS units at 6000 level or above)

### Corequisites

### Co-badged status

### Unit description

This unit initially examines the way in which laws relating to taxation impact social and economic issues in Australia. Taxation of various kinds is the primary means by which wealth can be distributed: inequities and distortions can promote investment in specific economic activities, encourage or discourage savings and lead to exploitation and avoidance by the wealthy through the use of loopholes and complex business structures. Ultimately, this affects the government's ability to provide essential social services such as health, education and housing. The second part of the unit entails a sophisticated examination of the fundamental elements of the Australian taxation system including residency, income, deductions, capital gains tax and the taxation of trusts.

## 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:** Demonstrate advanced knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.

**ULO2:** Analyse 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.

**ULO3:** Develop tax management strategies for individuals and business at various stages.

**ULO4:** Critically apply, present and evaluate numerical or statistical information related to taxation.

**ULO5:** Examine and critique the socio-legal context of tax reform and social security.

## General Assessment Information

### Method of submission

Legal Brief: Submission will be via the Turnitin submission portal which you will find on the LAWS8025 ILearn site and which will be opened prior to the due date for submission.

Tutorial Assessment: Your tutor will advise of the requirements via ILearn.

Final assessment: Submission will be via the Turnitin submission portal which you will find on the LAWS8025 ILearn site and which will be opened prior to the due date for submission.

### Extensions and Late submissions

#### **Late Submission Penalty**

*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 date – 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.*

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Weekly tutorial question preparation</u>	20%	No	Week 13
<u>Final assessment</u>	40%	No	11/6/21
<u>Preparation of a legal brief</u>	40%	No	26/4/21

### Weekly tutorial question preparation

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 20 hours

Due: **Week 13**

Weighting: **20%**

Students will engage in face to face or online discussion and problem solving tasks

On successful completion you will be able to:

- Demonstrate advanced knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Analyse 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 tax management strategies for individuals and business at various stages.
- Critically apply, present and evaluate numerical or statistical information related to taxation.
- Examine and critique the socio-legal context of tax reform and social security.

## Final assessment

Assessment Type <sup>1</sup>: Problem set

Indicative Time on Task <sup>2</sup>: 8 hours

Due: **11/6/21**

Weighting: **40%**

The final assessments will be a take-home question in the form of a problem solving task. Students will be required to provide taxation advice to a fictional client

On successful completion you will be able to:

- Demonstrate advanced knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Analyse 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 tax management strategies for individuals and business at various stages.
- Critically apply, present and evaluate numerical or statistical information related to taxation.

## Preparation of a legal brief

Assessment Type <sup>1</sup>: Professional writing

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **26/4/21**

Weighting: **40%**

Students will be required to engage in independent research to answer a set question on the application of tax law in Australia

On successful completion you will be able to:

- Demonstrate advanced knowledge of the conceptual framework of the principal rules that relate to taxation in Australia.
- Analyse 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 tax management strategies for individuals and business at various stages.
- Critically apply, present and evaluate numerical or statistical information related to taxation.
- Examine and critique the socio-legal context of tax reform and social security.

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<sup>1</sup> 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.

<sup>2</sup> 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

### Delivery

As you will be aware, we continue to deliver units at Macquarie under the requirements of 'special circumstances'. What does this mean for LAWS8025 Taxation Law?

Lectures: These will be recorded and uploaded to Echo360 in advance of the when the topic is scheduled to be covered in the unit.

Tutorials: All tutorials will be conducted online. If you are unable to attend a scheduled online tutorial get in contact with your tutor for arrangements for accessing a recording of the tutorial.

Please note: Recordings of online tutorials are not uploaded to ILearn.

### Resources

Prescribed Textbook:

Richard Krever, Antony Ting, Celeste Black, Wes Obst, Rami Hanegbi, Sunita Jogarajan, Kerrie Sadiq,

*Principles of Taxation Law 2021*, Thomson Reuters.

Available in print and eBook and bundle.

Additional materials: Additional materials will be identified either as applicable for the whole unit or for specific topics as appropriate.

Additional materials will be uploaded through Leganto.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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](https://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.

## Changes from Previous Offering

This revised unit provides a solid introduction to the fundamentals of the Australian tax system. There will be an emphasis on Income Tax and its assessment under the Income Tax Assessment legislation, as well as the Goods and Services Tax (GST) and Capital Gains Tax (CGT) regimes. A critical approach is emphasised throughout. Students will be encouraged to think beyond the traditional categories and to pursue an approach to taxation law underscored by critical thinking. Topics covered will include:

- A broad overview of the self-assessment system and how tax is administered
- The interaction between various taxes
- Residence and source
- The concept of income and assessable income

- capital gains and their inclusion in assessable income
- allowable deductions including the general deduction rule
- deduction regimes that supplement the general deduction rule
- taxation of capital gains made through partnerships, trusts and corporations
- The basic rules for capital gains (CGT)
- Main residence exemption and small business concessions under the CGT regime
- The basic rules of goods and services tax (GST)
- Adjustments for GST
- GST free supplies and input taxed supplies
- Property issues in relation to GST
- The general anti-avoidance rule
- Challenges to decisions of the Commissioner of taxation.