



LAWS5053

Taxation

Session 1, Special circumstances 2021

Macquarie Law School

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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 forum

Off campus

Tuesdays 12-2

Lecturer

Kalmen Datt

Contact via ILearn communication dialogue

Off campus

Tuesday 5-6pm

Credit points

10

Prerequisites

130cp in LAW or LAWS units

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

General Assessment Information

Submission of assessments

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.

Weekly Tutorial Questions: Your tutor will advise of the requirements in the first tutorial.

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.

Extension and Late submission

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>problem solving task</u>	40%	No	10/6/21
<u>essay</u>	40%	No	21/4/21
<u>Problem Questions</u>	20%	No	Week 13

problem solving task

Assessment Type ¹: Problem set

Indicative Time on Task ²: 40 hours

Due: **10/6/21**

Weighting: **40%**

legal problem solving task

On successful completion you will be able to:

- Explain and analyse the principal rules that relate to taxation in Australia in their historical, social and legal context
- 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.
- Develop a suitable set of tax management strategies for individuals and business at various stages.
- Analyse the way that taxation laws impact social welfare and the distribution of wealth in Australia

essay

Assessment Type ¹: Essay

Indicative Time on Task ²: 30 hours

Due: **21/4/21**

Weighting: **40%**

research essay

On successful completion you will be able to:

- Explain and analyse the principal rules that relate to taxation in Australia in their historical, social and legal context
- 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.
- Develop a suitable set of tax management strategies for individuals and business at various stages.
- Analyse the way that taxation laws impact social welfare and the distribution of wealth in Australia

Problem Questions

Assessment Type ¹: Participatory task

Indicative Time on Task ²: 24 hours

Due: **Week 13**

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.

On successful completion you will be able to:

- Explain and analyse the principal rules that relate to taxation in Australia in their historical, social and legal context
- 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.
- Develop a suitable set of tax management strategies for individuals and business at various stages.
- Analyse the way that taxation laws impact social welfare and the distribution of wealth in Australia

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

Delivery

As you will be aware, we continue to deliver units at Macquarie under the requirements of 'special circumstances'. What does this mean for LAWS5053?

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

Tutorial: There is an option of either face to face or online tutorials. If you are enrolled in an online tutorial class and are unable to attend 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 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.

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.