



# LAWS825

## Taxation Law

S1 Day 2019

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Malcolm Voyce

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Credit points

4

Prerequisites

16cp LAW or LAWS units at 600 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:

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.

Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## General Assessment Information

### 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 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.”

Students are provided on iLearn with a document containing readings for the topic being covered and up to 4 questions. Students should prepare a brief written attempt at answering all of the week's questions, maximum total 2 A4 sheet sides. These questions will form the basis of discussions at the OCS and both oral and written answers will contribute to a student's participation mark.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Weekly Coursework</u>	20%	No	OCS
<u>On Campus Presentation</u>	10%	No	TBA
<u>Research Essay</u>	40%	No	10 April 5pm
<u>Final Assignment</u>	30%	No	3rd June, 5pm

### Weekly Coursework

Due: **OCS**

Weighting: **20%**

**Weekly tutorial problems ( answers to be handed in weekly)**

**Weekly coursework:**

Students will be required to prepare answers to problem questions for submission weekly and for discussion at the On-campus Session. Full instructions and marking criteria will be provided

on iLearn

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.
- 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.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## On Campus Presentation

Due: **TBA**

Weighting: **10%**

Oral presentations on assigned topics.

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.
- 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.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## Research Essay

Due: **10 April 5pm**

Weighting: **40%**

Essay topics will be provided on iLearn

Note this is a **research essay** and so it is expected that students will research outside of the unit 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:

- 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.
- Undertake independent research on taxation issues through using electronic information retrieval systems.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## Final Assignment

Due: **3rd June, 5pm**

Weighting: **30%**

Take home exam.

The complete problem/s will be posted on iLearn with full instructions and marking criteria.

The examination will take no longer than 8 hours to complete.

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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- 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.
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## Delivery and Resources

### Prescribed Texts

The prescribed book is *Principles of Taxation law* (ed.) by K. Sadiq, Thompson Reuters, 2019. When this book is purchased from the book shop 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

**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.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>

## 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.*)

Undergraduate 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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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 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](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.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

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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- Undertake independent research on taxation issues through using electronic information retrieval systems.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

#### Assessment tasks

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

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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- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## **Assessment tasks**

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

## **PG - Critical, Analytical and Integrative Thinking**

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

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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- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## **Assessment tasks**

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

## **PG - Research and Problem Solving Capability**

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

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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- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## **Assessment tasks**

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual

formats.

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.
- 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.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## **Assessment tasks**

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

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.
- 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.
- Demonstrate an appreciation of the socio-legal context of tax reform and social security.

## Assessment tasks

- Weekly Coursework
- On Campus Presentation
- Research Essay
- Final Assignment

## Changes since First Published

Date	Description
20/02/ 2019	Confirmation that BUSL825 students will submit answers to tutorial questions weekly. Adjustment of due date for Research Essay.
14/02/ 2019	There is a change of date for the final examination