TABL3010 / TABL5510
Taxation of Superannuation

Course Outline
Semester 1, 2016

Part A: Course-Specific Information
Part B: Key policies, student responsibilities and support for Undergraduate Students Only
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PART A: COURSE-SPECIFIC INFORMATION

1 ABOUT THE LECTURER
Gordon Mackenzie CA
BSc LLB (Monash) LLM (Sydney) Grad Dip Securities Analysis
F Fin CTA

Gordon is a senior lecturer and joined the School of Taxation and Business Law (Atax) in February 2002. He has over 30 years’ experience in the field of superannuation, as an industry practitioner, consultant and lecturer. His roles have included:

• technical services director at AMP Ltd (30 qualified staff serving 3000 financial planners) and subsequently their Global Tax Director
• superannuation lawyer responsible for superannuation funds holding $50bn in assets, including drafting the first Industry Superannuation Funds
• developing and teaching ‘Tax Strategies in Financial Planning’ curricula—an advanced course in the taxation of personal wealth
• author of Taxation of Superannuation for Halsbury Australia
• convenor of Master of Tax (Tax and Financial Planning).
• Director SMSF Specialisation for CA ANZ and CPA Australia

He has a Bachelor of Science (Biochem) and Bachelor of Laws from Monash University, a Master of Laws from Sydney University and a Graduate Diploma in Securities Analysis from the Financial Services Institute of Australasia. Gordon has extensive experience in corporate taxation, including restructures both domestically and internationally, and cross border transactions.

Gordon has prepared and presented submissions to government on behalf of many industry bodies and corporates in the financial services sector, on superannuation and international taxation, and securities law matters. He has also presented to Senate Standing Committees on a number of occasions.
2 LETTER OF INTRODUCTION

Welcome to Taxation of Superannuation, one of the optional courses offered in a number of Taxation and Business Law courses.

Superannuation is an area of the law that has undergone significant and sometimes quite dramatic changes in the last twenty years, and more so during 2007. Those changes have occurred not only in the context of taxation itself but, in addition, have extended to encompass numerous matters involving the statutory regulation of those funds which seek to attract the taxation concessions available under the Income Tax Assessment Act 1936 and the Income Tax Assessment Act 1997. Indeed, the taxation of superannuation (excluding exemption from tax of benefits from taxed funds for over age 60) was considered as part of the Henry review ("Australia’s Future Tax System") released in March 2010 and more recently part of the Financial Systems Inquiry December 2014. This year will, no doubt, be another challenging and exciting year.

As may be expected, the course concentrates on the taxation aspects of superannuation, although it also includes a brief introduction to the regulatory requirements of the Superannuation Industry (Supervision) Act 1993. It also introduces you to the provisions of the Superannuation Guarantee (Administration) Act 1992 which impose superannuation guarantee charge on those employers who do not make the minimum contributions specified in that Act.

Taxation used to be imposed at every stage of the superannuation process—when contributions are made, as income is earned on the contributions and when benefits are paid. However, from 1 July 2007, there are only two stages where taxation is imposed—on contribution and during accumulation for people taking benefits after age 60 from a taxed super fund.

In this course, therefore, we shall be looking at all the key taxation areas of superannuation which are so important in practice, including the taxation treatment of contributions, the taxation of superannuation entities that receive the contributions (superannuation funds, approved deposit funds, pooled superannuation trusts and retirement savings accounts) and the taxation of benefits.

Our objective is for you to ‘exit’ this course with a solid grounding in the technical detail for taxing superannuation and we have included examples of how the rules operate to achieve that. Importantly, we also want you to walk away from this course with a solid understanding of the ‘architecture’ for taxing superannuation. If you have that, you will be ideally positioned to integrate the next set of changes in this dynamic area.

Please do not hesitate to contact us if you require assistance.

Gordon Mackenzie
2.1 Staff Contact Details

Lecturer-in-charge: Gordon Mackenzie
Phone No: +61 (2) 9385 9521
Email: gordon.mackenzie@unsw.edu.au

Consultation Times – by appointment

3 COURSE DETAILS

3.1 Teaching Times and Locations
This course is available in face-to-face lecture and on-line mode. Please review the course schedule for your enrolled mode.

3.2 Units of Credit
The course is worth 6 units of credit.

3.3 Suggested Study Commitment
You should plan to spend an average of 10-12 hours per week on this course to perform well (including class attendance, online participation, assignments, examination preparation etc). The information included on the overview page of each module should help you plan your study time.

3.4 Summary of Course
The law relating to the taxation and administration of superannuation funds and superannuation benefits has changed quite dramatically over the past decade and, in particular, during 2007 when the most substantial changes in twenty years were made to the way that benefits are taxed. This course is will provide you with a thorough understanding of the current taxation principles applicable to superannuation. As part of that process, it will also provide you with an introduction to the regulatory framework applicable to those superannuation funds which seek to attract the tax concessions available to so-called 'complying superannuation funds'. The course is divided into four parts.

1. Introduction to superannuation
2. Taxation of superannuation contributions
3. Taxation of superannuation funds
4. Taxation of superannuation benefits.

As you can see, the course is a comprehensive one so far as the taxation aspects of superannuation are concerned. It is probably inevitable, however, that there will be further changes in this area of the law. Be that as it may, an understanding of the current law can only assist in an understanding of any changes that are made in the future.

3.5 Relationship to Other Courses
This course is one of the optional courses offered in the Tax flexible delivery program. It highlights the special rules applicable to the taxation of superannuation funds (including retirement savings accounts) and superannuation benefits. It also examines the special rules relating to the deductibility and tax offsets of superannuation contributions. A knowledge of these rules will broaden your understanding.
3.6 Course Summary
This course provides a general introduction to the taxation of superannuation in Australia, in particular to the main types of superannuation funds and how their income is taxed, the treatment of contributions to those funds, and the taxation of benefits paid on retirement or termination of employment. The concessional tax treatment of income earned by superannuation funds and the benefits paid out are examined in detail. The course also explores areas such as the superannuation guarantee scheme, which is the Government’s main tool for implementing its retirement incomes policy, and the superannuation contributions surcharge.

3.7 Course Objectives
On completion of this course, you should be able to:

• explain the nature and purpose of superannuation and superannuation funds
• describe the purpose and effect of the Superannuation Guarantee (Administration) Act 1992
• understand and apply the special taxation rules applicable to superannuation contributions, superannuation funds and superannuation benefits, as provided in the Income Tax Assessment Act 1936 and 1997
• apply those special rules in a variety of factual situations.

3.8 Student Learning Outcomes

<table>
<thead>
<tr>
<th>Business Undergraduate Program Learning Goals and Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Knowledge: Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts. You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.</td>
</tr>
<tr>
<td>2. Critical thinking and problem solving: Our graduates will be critical thinkers and effective problem solvers. You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.</td>
</tr>
<tr>
<td>3. Communication: Our graduates will be effective professional communicators. You should be able to:</td>
</tr>
<tr>
<td>a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and</td>
</tr>
<tr>
<td>b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.</td>
</tr>
<tr>
<td>4. Teamwork: Our graduates will be effective team participants. You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team’s processes and ability to achieve outcomes.</td>
</tr>
<tr>
<td>5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice. You should be able to:</td>
</tr>
<tr>
<td>a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and</td>
</tr>
<tr>
<td>b. Identify social and cultural implications of business situations.</td>
</tr>
</tbody>
</table>
Business Postgraduate Coursework Program Learning Goals and Outcomes

1. Knowledge: Our graduates will have current disciplinary or interdisciplinary knowledge applicable in local and global contexts.
   You should be able to identify and apply current knowledge of disciplinary or interdisciplinary theory and professional practice to business in local and global environments.

2. Critical thinking and problem solving: Our graduates will have critical thinking and problem solving skills applicable to business and management practice or issues.
   You should be able to identify, research and analyse complex issues and problems in business and/or management, and propose appropriate and well-justified solutions.

3. Communication: Our graduates will be effective communicators in professional contexts.
   You should be able to:
   a. Produce written documents that communicate complex disciplinary ideas and information effectively for the intended audience and purpose, and
   b. Produce oral presentations that communicate complex disciplinary ideas and information effectively for the intended audience and purpose.

4. Teamwork: Our graduates will be effective team participants.
   You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team’s processes and ability to achieve outcomes.

5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of ethical, social, cultural and environmental implications of business issues and practice.
   You should be able to:
   a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
   b. Consider social and cultural implications of business and/or management practice.

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed:

<table>
<thead>
<tr>
<th>Program Learning Goals</th>
<th>Course Learning Outcomes</th>
<th>Course Assessment Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>This course helps you to achieve the following learning goals:</td>
<td>On successful completion of the course, you should be able to:</td>
<td>This learning outcome will be assessed in the following items:</td>
</tr>
<tr>
<td>1 Knowledge</td>
<td>Consider both the regulatory framework for, and tax treatment of, superannuation in assessing whether current and proposed legislation properly reflects policy intent in this area. Apply, in a variety of factual situations, the special taxation rules applicable to superannuation contributions, superannuation funds and superannuation benefits.</td>
<td>Module Activities Assignments Examination</td>
</tr>
</tbody>
</table>
2 Critical thinking and problem solving

Demonstrate a critical approach to material presented and evidence of original and independent thought.
Identify appropriate and relevant sources.
Effectively analyse and apply sources in the construction of legal argument.

Module Activities
Assignments
Examination

3a Written communication

Recognise and resolve legal and tax problems.
Develop clear, effective and well-reasoned analysis of the tax consequences of practical scenarios using the conventions of legal essay writing.
Apply correct citation and referencing conventions in properly acknowledging all source material used.

Assignments
Examination

3b Oral communication

Not specifically addressed in this course.

4 Teamwork

Not specifically addressed in this course.

5a. Ethical, environmental and sustainability responsibility

Not specifically addressed in this course.

5b. Social and cultural awareness

Not specifically addressed in this course.

4 HOW TO USE THIS PACKAGE

If you are new to flexible learning you should carefully read this Course Outline. It contains most of the relevant information about how this course will be run and the expectations of you as a student. You should also refer to the Suggested Study Schedule at the end of this Course Outline as a guide to completing your coursework. So as to get the most out of your study we recommend that you follow this study schedule through the course and fit various time demands into a well-organised diary. Systematic study through the Semester is the key to success in a flexible learning program.

The Study Guide (which includes this Course Outline and the individual Modules and is sometimes referred to as the study materials or course materials) can help you in three ways.
1. It sets out a clear path of study over the Semester and helps you plan your workload. It also identifies learning outcomes and key concepts at the start of each module and provides a series of activities to help you learn actively and manage your own progress through the course.

2. It contains the core content for the course (often with reference to legislation, textbooks and other relevant material). The structure and layout of the Study Guide is designed to highlight key points and assist your revision for assignments, research papers and examinations.

3. It tells you when to refer to textbooks, legislation and other readings, giving precise details of what you should read.

4.1 Features of the Study Guide

Each module includes a range of features to assist you in managing your learning and developing study skills. These features include:

- Overview page
- Heading levels
- Learning outcomes and key concepts
- Module text
- Activities and feedback
- Readings
- Margin notes
- Instructional icons

Please familiarise yourself with the Key to Instructional Icons on the following page. These icons are intended to help you navigate the study materials and to encourage active learning.
5   KEY TO INSTRUCTIONAL ICONS

compulsory reading  write responses outside the Study Materials

Optional readings  Write a response in the Study Materials

note this important point  pause to reflect

Recall earlier work  prepare for discussion in an Audio Conference or Webinar

discuss with colleague  discuss with study group

Access Moodle or the internet  undertake investigation or research

use video resource  use audio resource

use software  perform fieldwork

Only some of the media shown in the instructional icons are used in this course.
6 TEXTBOOKS AND REFERENCES

6.1 Prescribed Textbook/s
You must purchase or have access to the following publication/s.


This is referred to throughout the Study Guide as ‘Textbook’.

Wherever possible, you should refer to the relevant pages of the Australian Master Superannuation Guide to supplement the readings in the Study Guide.

6.2 Act/s
You must purchase or have access to the following publication/s.


Any legislation (either Acts or Regulations) referred to in the Study Guide can be found in Australian Superannuation Legislation. You will not need to refer to, or purchase, any other legislation.

6.3 Citation and Style Guide
In presenting written work for assessment in this course you must use an appropriate and consistent style for referencing and citation. The following is a selection of acceptable citation and style guides, which you may use as the basis for your written work. You must purchase or have access to one of the following publications.


(This is free to download and is the citation style guide used by the majority of Australian legal journals.)


7 SUPPORTING YOUR LEARNING

7.1 Tax Flexible Delivery Student Guide
The Tax Flexible Delivery Student Guide is a vital source of information for students studying tax flexible learning courses. It provides information about your enrolment, the School of Taxation and Business Law and details on webinars and audio conferences. You can access the 2016 Guide from your Moodle course website(s).
8 ASSESSMENT – Undergraduate Students (TABL3010)

Assessment for ALL students undertaking this course will be on the basis of:

(a) Assignments 40%
(b) Final examination 60%

In order to pass this course, a student enrolled at Bachelor level must obtain:

- 50 per cent or more of the total marks available in the course and
- at least 40 per cent of the marks available for the final examination in the course.

8.1 Assessment submission dates

There are 2 assignments:

**Assignment 1:**
- **Due date:** Monday, 11 April 2016
- **Weighting:** 20%
- **Word limit:** 2000 words (plus or minus 10%)

**Assignment 2**
- **Due date:** Monday, 9 May 2016
- **Weighting:** 20%
- **Word limit:** 2000 words (plus or minus 10%)

Assignment topics are included on the following pages.

You may be asked to submit your assignment through Turnitin, which will allow you to check your work for inadvertent plagiarism. You will do this via Moodle. Note that the version lodged at the due date will be taken as your final submission in the course. For information on Turnitin functions and how to interpret originality reports please refer to the following online resource:

http://www.turnitin.com/static/training/student.php

8.2 Final Examination

The final examination will be open book, of 2 hours duration plus 10 minutes reading time, and will cover the whole Semester’s content. Note that you will not be permitted to write during the reading time.

Examinations are held from **Friday 10 June to Monday 27 June 2016** for Semester 1, 2016. Students are expected to be available for exams for the whole of the exam period.

The final examination timetable is published prior to the examination period via the Atax Bulletin and on the School’s website at:

https://www.business.unsw.edu.au/about/schools/taxation-business-law/student-support/examinations

This is not a negotiable schedule. The School of Taxation & Business Law publishes the exam schedule as a matter of courtesy, and to ensure that any clashes of examinations are brought to our attention.
8.3 Assignment 1 – Undergraduate Students ONLY

Due date: Submit via Moodle by Monday, 11 April 2016 (23:59, *AEST)
Weighting: 20%
Word limit: 2000 words (plus or minus 10%)

*Australian Eastern Standard Time

Topic:
From the changes made to the way that superannuation was taxed in 2007 any amounts contributed to a complying superannuation fund in excess of either the Concessional Contributions Cap or the Non-concessional Contributions cap could result in the member of the fund paying more tax.

From 1 July 2013 changes have been made to the way that excess concessional contributions are treated. Explain why these changes were made and what the changes were.

8.3.1 Evaluation criteria
An important note on word limits

Assignments are exercises in filtering material and communicating it succinctly. Quantity is not to be confused with quality. UNSW Taxation and Business Law lecturers will uniformly apply this principle in their assessment of assignments.

Most word processing packages indicate word lengths, or otherwise some manual check must be done in the drafting process. Indicate the actual number of words of your assignment in the space indicated on your assignment cover sheet.

The following criteria will be used to grade assignments:

• ability to cut through the undergrowth and penetrate to key issues
• identification of key facts and the integration of those facts in the logical development of argument
• demonstration of a critical mind at work and, in the case of better answers, of value added to key issues over and above that of the source materials
• clarity of communication—this includes development of a clear and orderly structure and the highlighting of core arguments (including, where appropriate, headings)
• sentences in clear and, where possible, plain English—this includes correct grammar, spelling and punctuation
• accurate numerical answers
• correct referencing and bibliographic style in accordance with a recognised and appropriate citation and style guide (when uploading, check your footnotes have been correctly submitted).

You are encouraged to read beyond the study materials and references to do the assignment.
8.4 Assignment 2 – Undergraduate Students ONLY
Due date: Submit via Moodle by Monday, 9 May 2016 (23:59, *AEST)
Weighting: 20%
Length: 2000 words (plus or minus 10%)

Topic:
The trustee of a complying superannuation fund is required to pay tax on the income of the fund in accordance with the general assessing and deduction provisions of both assessing Acts (ITAA1936 and ITAA1997) with certain modifications in Division 295 ITAA97. What are these modifications and why are they needed?

8.4.1 Evaluation Criteria

An important note on word limits
Assignments are exercises in filtering material and communicating it succinctly. Quantity is not to be confused with quality. UNSW Taxation and Business Law lecturers will uniformly apply this principle in their assessment of assignments.

Most word processing packages indicate word lengths, or otherwise some manual check must be done in the drafting process. Indicate the actual number of words of your assignment in the space indicated on your assignment cover sheet.

The following criteria will be used to grade assignments:

- ability to cut through the undergrowth and penetrate to key issues
- identification of key facts and the integration of those facts in the logical development of argument
- demonstration of a critical mind at work and, in the case of better answers, of value added to key issues over and above that of the source materials
- clarity of communication—this includes development of a clear and orderly structure and the highlighting of core arguments (including, where appropriate, headings)
- sentences in clear and, where possible, plain English—this includes correct grammar, spelling and punctuation
- accurate numerical answers
- correct referencing and bibliographic style in accordance with a recognised and appropriate citation and style guide (when uploading, check your footnotes have been correctly submitted).

You are encouraged to read beyond the study materials and references to do the assignment.

9 ASSESSMENT: Postgraduate Students (TABL5510)

All assignments must be submitted electronically through Moodle. Note, however, that your Research Paper synopsis (if required) should not be submitted through the assignment section of Moodle. Please refer to Appendix A for guidelines on assignment preparation and rules for electronic submission of assignments (as well as information on deadlines and penalties for late submission).
Assessment for Postgraduate students undertaking this course will be on the basis of:

(a) Research plan and annotated reading list 10%
(b) Research paper 50%
(c) Final examination 40%

In order to pass this course, a student enrolled at postgraduate level must obtain:

- 50 per cent or more of the total marks available in the course and
- at least 40 per cent of the marks available for the final examination in the course.

### 9.1 Assessment submission dates

**Research Paper synopsis (if required)**
Due date: Monday, 14 March 2016
Word limit: 1 page (or as required)

**Assignment 1 (Research Paper Plan and Reading List)**
Due date: Monday, 4 April 2016
Weighting: 10%
Word limit: 1000 words (plus or minus 10%)

**Assignment 2 (Final Submission)**
Due date: Monday, 16 May 2016
Weighting: 50%
Word limit: 4000 words (plus or minus 10%)

### 9.2 Final examination

The final examination will be open book, of 2 hours duration plus 10 minutes reading time, and will cover the whole Semester’s content. Note that you will not be permitted to write during the reading time.

Examinations are held from **Friday 10 June to Monday 27 June 2016** for Semester 1, 2016. Students are expected to be available for exams for the whole of the exam period.

The final examination timetable is published prior to the examination period via the Atax Bulletin and on the School’s website at:

https://www.business.unsw.edu.au/about/schools/taxation-business-law/student-support/examinations

**This is not a negotiable schedule.** The School of Taxation & Business Law publishes the exam schedule as a matter of courtesy, and to ensure that any clashes of examinations are brought to our attention.
9.3 ASSIGNMENT 1 – Postgraduate Students ONLY

Research Plan and Reading List
Due Date: Submit via Moodle by Monday, 4 April 2015 (23:59, *AEST*)
Weighting: 10%
Length: 1000 words (plus or minus 10%)

*Australian Eastern Standard Time

Prepare a Research Plan and an Annotated Reading List (includes Bibliography) for your research paper. Your Research Plan should identify the key issues and outline the structure for your research paper (but do not write out an answer).

You may select one of the prescribed topics, or devise your own research topic (see below).

Please note that an example of an Annotated Reading List (Bibliography) has been placed on Moodle under Course Materials and further details are provided below. You are only required to annotate 3 or 4 of the total references. You can include cases and legislation in your list.

Page 2 of Appendix A provides details of the set out for a Bibliography.

Please note that the word limit of 1000 words (plus or minus 10%) words is for the total of the Plan and the Annotated Bibliography.

Prescribed topics (there are 5 prescribed topics to choose from)

Topic 1:
Australia taxes the superannuation system at three levels:

(i) on entry (ie, contributions)
(ii) while benefits are accumulating (ie, fund taxation)
(iii) on exit (ie, payments from funds) if the person receiving them is below age 60, and only at two levels (i & ii above) if the person is over age 60.

Critically compare Australia’s system for taxing or encouraging superannuation with two overseas tax jurisdictions of your choice.

What advantages or disadvantages do you see in Australia’s system?

Topic 2:

“Right now, many women are living their final years in poverty. If we don’t act, another generation of women will face similar prospects”


Discuss the shortcomings of the superannuation system in respect of providing for the retirement of women, and suggest ways in which these shortcomings could be addressed. You should include consideration of how superannuation entitlements of a member are dealt with on matrimonial breakdown and whether this increases financial security for women following divorce.

Topic 3:
There has been criticism that the pace of change in the superannuation system is making it difficult for investors and advisors to understand and adapt to changes as they have been implemented. Identify and examine three (3) significant changes that have been announced or implemented since July 2010. You should take into consideration the reason for the change, the expected impact and issues in relation to the effective implementation of the change. You should choose reforms that impact on superannuation across the board, not specifically on Self-Managed Superannuation Funds.

**Topic 4:**
The regime of prudential requirements for superannuation entities under the SIS legislation has become extremely complicated and onerous. This has resulted in higher costs to members and administration and compliance problems for trustees and superannuation service providers. Critically examine whether the regulatory system is justifiable or there is over-regulation, and propose changes where you think they are required.

**Topic 5:**
The Financial Systems Inquiry (the Murray Review) proposed a change to the way that superannuation retirement savings should be taxed. To a large degree these suggestions mirrored those recommendations of the Henry Review with respect to superannuation Taxation. Critically analyse what these suggestions are and what effect they would have on the superannuation system.

**Alternative topic**
Alternatively, you may select your own topic in which case the prior agreement of the lecturer will be required. Approval will not be granted if the topic overlaps substantially with work that you have submitted for another course. You should e-mail your request to Gordon Mackenzie at gordon.mackenzie@unsw.edu.au. You must ensure that you have made your request for approval and submitted a synopsis by **Monday, 14 March 2016**.

**Required**
The prescribed topic, or an alternative topic which you select and agree with your lecturer, will require a review of the sections of the Income Tax Acts, of any relevant textbooks, and of journal articles, reports and conference papers on the topic. Depending on your argument, some cases may also be relevant. The topic then requires a plan of how the information from these sources will be combined to answer the question that has been posed.

Accordingly, you are required to:

1. List the sources that will be of value to you in attempting to answer this question. Organise the sources into groups according to their type—eg, sections of the 1936 Act, sections of the 1997 Act, textbooks (identify pages used), journal articles cases, conference papers etc.
2. In the list of sources, give full and accurate references which accord with one of the approved citation and style guides (see list earlier in this Course Outline).
3. Select **4 items** from the list of sources that you find particularly valuable in answering the question. Explain what it is that the selected sources say or provide, that makes them valuable and **indicate how they contribute** to the argument within your proposal (ie, your thesis). Merely descriptive selections will be unhelpful.
4. Write an outline of what you propose to say, indicating the structure and identifying in point form the content of the parts of the assignment.
DO NOT write up a full answer to the assignment. An example of an annotated reading list (from an unrelated area) may be found on the Moodle site for this course.

9.3.1 Evaluation criteria (for research paper plan)

An important note on word limits

Assignments are exercises in filtering material and communicating it succinctly. Quantity is not to be confused with quality. UNSW Taxation and Business Law lecturers will uniformly apply this principle in their assessment of assignments.

Most word processing packages can indicate word lengths, or otherwise some manual check must be done in the drafting process. Indicate the actual number of words of your assignment in the space indicated on your assignment cover sheet.

The following criteria will be used to grade your assignment:

- evidence of ability to conduct a literature survey to identify appropriate and relevant sources
- an appropriate mix of sources, including relevant text books, refereed journal articles, and professional, official and technical references from both Australian and overseas sources
- effective analysis and use of primary sources including reports, submissions, taxation statistics, case law and statutory material
- ability to plan and structure a research paper, as evidenced in the submitted research paper plan, which shows that your approach has been informed by your research
- sentences in clear and, where possible, plain English—this includes correct grammar, spelling and punctuation
- correct referencing and bibliographic style in accordance with the prescribed citation and style guide.

You are required to read well beyond the course materials and references to do the assignment.

9.4 Assignment 2: Postgraduate Students ONLY

Final Submission

Due Date: Submit via Moodle by Monday, 16 May 2016 (23:59, AEST)
Weighting: 50%
Length: 4000 words (plus or minus 10%)

Write and submit a research paper on the topic you identified for the first assignment.

Note that you may wish to depart from your original plan either because you have changed your views or because of suggestions made on your first assignment. That is acceptable, but if in doubt, you should discuss the matter with your lecturer.

Guidelines

The following guidelines have been developed to assist you to plan and complete your assessment.
1. Planning the research

Be aware that the session is very short and that there is no flexibility in the date for submission. Once you have chosen the topic you should be in a position to identify the key issues that you will wish to focus upon in your paper. Be modest and circumscribed in the goals you set yourself. It is better to make good progress on narrow fronts than to produce vast and vague conjecture on a broad range of fronts. Remember that we are looking for the ability to filter complex material in an original and analytical manner.

You will need to conduct a literature search at an early stage of the session in order to identify the materials available to you. Having identified and reviewed the material you will be able to consolidate the issues, and you can then prepare your annotated bibliography and plan.

2. Presentation

You will probably find the writing of the final paper to be the easiest part of the process. The research paper should be organised, well-structured and make use of plenty of spacing and headings. They should be typed or word processed on A4 size paper with a 5 cm margin. The number of words should be clearly stated at the end of the paper. All quotations should be fully referenced, and acknowledgment must be made of any work or material which is not your own. Beware of ‘overdoing’ quotes—they should be used sparingly and only where their inclusion adds value to the exposition.

Each paper should commence with a short (less than one page) abstract, include a page of contents and conclude with a full bibliography. The word limit will not include the bibliography.

It is to be hoped that some of the better research papers will be publishable without too much more work. It may well be that another outcome will be the stimulation of further work in the area by the specialist cells of the Tax Office and the professional bodies, using your work as the basis for such developments. Your work may even be suitable for actual submission to the Board of Taxation.

If you have any queries on the above, you should phone Gordon Mackenzie +61 (2) 9385 9521 or e-mail to gordon.mackenzie@unsw.edu.au.

9.4.1 Evaluation criteria

An important note on word limits

Assignments are exercises in filtering material and communicating it succinctly. Quantity is not to be confused with quality. Taxation and Business Law lecturers will uniformly apply this principle in their assessment of assignments.

Most word processing packages can indicate word lengths, or otherwise some manual check must be done in the drafting process. Indicate the actual number of words of your assignment in the space indicated on your assignment cover sheet.

The following criteria will be used to grade your assignments:

- knowledge of the subject area and an ability to locate your chosen area of research within an appropriate context—in certain circumstances international comparisons may be appropriate
- independent research
• clarity and strength of analysis—this will include evidence of your understanding of the
issues involved in the topic, and your ability to use that understanding in an applied
manner
• analysis which is supported by authority
• ability to cut through the undergrowth and penetrate to key issues
• effective organisation and communication of material (including economy of
presentation—i.e. a minimum of waffle)
• clarity and strength of analysis—this will include evidence of your understanding of the
issues involved in the topic, and your ability to use that understanding in an applied
manner
• clarity of communication—this includes sentences in clear and, where possible, plain
English; it also includes correct grammar, spelling and punctuation
• critical approach to material presented and evidence of original and independent
thought
• quality of judgment and balance in filtering the complex material you are dealing with
• quality of research and bibliography.
• correct referencing and bibliographic style in accordance with the prescribed citation
and style guide.

You are required to read beyond the course materials and references to do the assignment.
Research papers must not be merely descriptive. They must present a point of view.

<table>
<thead>
<tr>
<th>Quality Assurance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Business School is actively monitoring student learning and quality of the student</td>
</tr>
<tr>
<td>experience in all its programs. A random selection of completed assessment tasks may</td>
</tr>
<tr>
<td>be used for quality assurance, such as to determine the extent to which program</td>
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<tr>
<td>learning goals are being achieved. The information is required for accreditation</td>
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<tr>
<td>purposes, and aggregated findings will be used to inform changes aimed at improving</td>
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<tr>
<td>the quality of Business School programs. All material used for such processes will be</td>
</tr>
<tr>
<td>treated as confidential.</td>
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</tbody>
</table>

10 COURSE EVALUATION AND DEVELOPMENT

Each year feedback is sought from students and other stakeholders about the courses
offered in the School and continual improvements are made based on this feedback.
UNSW's Course and Teaching Evaluation and Improvement (CATEI) Process is one of the
ways in which student evaluative feedback is gathered. In this course, we will seek your
feedback through end of semester CATEI evaluations.
## 11 SUGGESTED COURSE SCHEDULE

### 11.1 Distance Students ONLY

<table>
<thead>
<tr>
<th>Wk</th>
<th>Beginning</th>
<th>Module</th>
<th>Topic</th>
<th>Events and Submissions</th>
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</thead>
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<tr>
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<td>29 February</td>
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<td>Fundamentals</td>
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<tr>
<td>2</td>
<td>7 March</td>
<td>1</td>
<td>Fundamentals</td>
<td>Audio Conference 1</td>
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<td>2</td>
<td>Tax of contributions</td>
<td>Postgraduate Research Plan Synopsis due (if required)</td>
</tr>
<tr>
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<td>21 March</td>
<td>2</td>
<td>Tax of contributions</td>
<td>Audio Conference 2</td>
</tr>
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<td><strong>Mid-semester break from Friday, 25 March to Sunday, 3 April 2016 inclusive</strong> (NOTE: Daylight saving ends on Sunday, 3 April 2016)</td>
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<tr>
<td>5</td>
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</tr>
<tr>
<td>6</td>
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<td>3</td>
<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
<td>Undergraduate Assignment 1 due 11 April 2016 Audio Conference 3</td>
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<tr>
<td>7</td>
<td>18 April</td>
<td>3</td>
<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>25 April</td>
<td>3</td>
<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
<td>Audio Conference 4</td>
</tr>
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<td>9</td>
<td>2 May</td>
<td>3</td>
<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
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<tr>
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<td>9 May</td>
<td>4</td>
<td>Taxation of Benefits</td>
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<td>Taxation of Benefits</td>
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<tr>
<td>13</td>
<td>30 May</td>
<td>--</td>
<td>Course revision</td>
<td>Audio Conference 6</td>
</tr>
</tbody>
</table>

**Examination period from Friday 10 June to Monday 27 June 2016**
11.2 Study/class schedule (CBD students only)
ALL Classes for Taxation of Superannuation will be held on **THURSDAY** evenings from 6pm to 8pm at UNSW, CBD Campus Level 6, 1 O’Connell Street, Sydney.

<table>
<thead>
<tr>
<th>WK</th>
<th>Beginning</th>
<th>Module</th>
<th>Topic</th>
<th>Events and Submissions</th>
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<td>Postgraduate Research Plan Synopsis due (if required) Evening Class 2</td>
</tr>
<tr>
<td>4</td>
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<td>2</td>
<td>Tax of contributions</td>
<td>Evening Class 3</td>
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<tr>
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<td></td>
<td><strong>Mid-semester break from Friday, 25 March to Sunday, 3 April 2016</strong></td>
<td>(NOTE: Daylight saving ends on Sunday, 3 April 2016)</td>
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<tr>
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<td>Tax of contributions</td>
<td>Postgraduate Assignment 1 due 4 April 2016 Evening Class 4</td>
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<td>11 April</td>
<td>3</td>
<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
<td>Undergraduate Assignment 1 due 11 April 2016 Evening Class 5</td>
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<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
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<td>Superannuation funds and other retirement savings vehicles – taxation and regulation</td>
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<td>Evening Class 11</td>
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<tr>
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<td>30 May</td>
<td>--</td>
<td>Course revision</td>
<td>Evening Class 12</td>
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Examination period from Friday 10 June to Monday 27 June 2016
PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT FOR UNDERGRADUATE STUDENTS ONLY

12 PROGRAM LEARNING GOALS AND OUTCOMES

The Business School Program Learning Goals reflect what we want all students to BE or HAVE by the time they successfully complete their degree, regardless of their individual majors or specialisations. For example, we want all our graduates to HAVE a high level of business knowledge, and a sound awareness of ethical, social, cultural and environmental implications of business. As well, we want all our graduates to BE effective problem-solvers, communicators and team participants. These are our overall learning goals for you and are sought by employers.

You can demonstrate your achievement of these goals by the specific outcomes you achieve by the end of your degree (e.g. be able to analyse and research business problems and propose well-justified solutions). Each course contributes to your development of two or more program learning goals/outcomes by providing opportunities for you to practise these skills and to be assessed and receive feedback.

Program Learning Goals for undergraduate and postgraduate students cover the same key areas (application of business knowledge, critical thinking, communication and teamwork, ethical, social and environmental responsibility), which are key goals for all Business students and essential for success in a globalised world. However, the specific outcomes reflect different expectations for these levels of study.

We strongly advise you to choose a range of courses which assist your development of these skills, e.g., courses assessing written and oral communication skills, and to keep a record of your achievements against the Program Learning Goals as part of your portfolio.

13 ACADEMIC HONESTY AND PLAGIARISM

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For UNSW policies, penalties, and information to help you avoid plagiarism see: https://student.unsw.edu.au/plagiarism as well as the guidelines in the online ELISE tutorials for all new UNSW students: http://subjectguides.library.unsw.edu.au/elise

To see if you understand plagiarism, do this short quiz: https://student.unsw.edu.au/plagiarism-quiz

For information on how to acknowledge your sources and reference correctly, see: https://student.unsw.edu.au/harvard-referencing

For the Business School Harvard Referencing Guide, see the Business Referencing and Plagiarism webpage (Business >Students>Learning support> Resources>Referencing and plagiarism).

14 STUDENT RESPONSIBILITIES AND CONDUCT

Students are expected to be familiar with and adhere to university policies in relation to class attendance and general conduct and behaviour, including maintaining a safe, respectful
environment; and to understand their obligations in relation to workload, assessment and keeping informed.

Information and policies on these topics can be found in UNSW Current Students ‘Managing your Program’ webpages: https://student.unsw.edu.au/program.

14.1 Workload
It is expected that you will spend at least nine to ten hours per week studying this course. This time should be made up of reading, research, working on exercises and problems, online activities and attending classes. In periods where you need to complete assignments or prepare for examinations, the workload may be greater. Over-commitment has been a cause of failure for many students. You should take the required workload into account when planning how to balance study with employment and other activities.

We strongly encourage you to connect with your Moodle course websites in the first week of semester. Local and international research indicates that students who engage early and often with their course website are more likely to pass their course.

Information on expected workload: https://student.unsw.edu.au/uoc

14.2 Attendance
Your regular and punctual attendance at lectures and seminars and in online activities is expected in this course. University regulations indicate that if students attend less than 80% of scheduled classes they may be refused final assessment. For more information, see: https://student.unsw.edu.au/attendance

14.3 General Conduct and Behaviour
You are expected to conduct yourself with consideration and respect for the needs of your fellow students and teaching staff. Conduct which unduly disrupts or interferes with a class, such as ringing or talking on mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: https://student.unsw.edu.au/conduct

14.4 Health and Safety
UNSW Policy requires each person to work safely and responsibly, in order to avoid personal injury and to protect the safety of others. For more information, see http://safety.unsw.edu.au/

14.5 Keeping Informed
You should take note of all announcements made in lectures, tutorials or on the course website. From time to time, the University will send important announcements to your university e-mail address without providing you with a paper copy. You will be deemed to have received this information. It is also your responsibility to keep the University informed of all changes to your contact details.
15 SPECIAL CONSIDERATION

You must submit all assignments and attend all examinations scheduled for your course. You should seek assistance early if you suffer illness or misadventure which affects your course progress.

General Information on special consideration for undergraduate and postgraduate courses:

1. All applications for special consideration must be lodged online through myUNSW within 3 working days of the assessment (Log into myUNSW and go to My Student Profile tab > My Student Services > Online Services > Special Consideration). You will then need to submit the originals or certified copies of your completed Professional Authority form (pdf - download here) and other supporting documentation to Student Central. For more information, please study carefully in advance the instructions and conditions at: https://student.unsw.edu.au/special-consideration

2. Please note that documentation may be checked for authenticity and the submission of false documentation will be treated as academic misconduct. The School may ask to see the original or certified copy.

3. Applications will not be accepted by teaching staff. The lecturer-in-charge will be automatically notified when you lodge an online application for special consideration.

4. Decisions and recommendations are only made by lecturers-in-charge (or by the Faculty Panel in the case of UG final exam special considerations), not by tutors.

5. Applying for special consideration does not automatically mean that you will be granted a supplementary exam or other concession.

6. Special consideration requests do not allow lecturers-in-charge to award students additional marks.

Business School Policy on requests for special Consideration for Final Exams in undergraduate courses:
The lecturer-in-charge will need to be satisfied on each of the following before supporting a request for special consideration:

1. Does the medical certificate contain all relevant information? For a medical certificate to be accepted, the degree of illness, and impact on the student, must be stated by the medical practitioner (severe, moderate, mild). A certificate without this will not be valid.

2. Has the student performed satisfactorily in the other assessment items?

3. Does the student have a history of previous applications for special consideration? A history of previous applications may preclude a student from being granted special consideration.

Special Consideration and the Final Exam in undergraduate courses:
Applications for special consideration in relation to the final exam are considered by a Business School Faculty panel to which lecturers-in-charge provide their recommendations for each request. If the Faculty panel grants a special consideration request, this will entitle the student to sit a supplementary examination. No other form of consideration will be granted. The following procedures will apply:

1. Supplementary exams will be scheduled centrally and will be held approximately two weeks after the formal examination period. The dates for Business School supplementary exams for Semester 1, 2016 are:
   12th July – exams for the School of Accounting
   13th July – exams for all Schools except Accounting and Economics
14th July – exams for the School of Economics

If a student lodges a special consideration for the final exam, they are stating they will be available on the above dates. Supplementary exams will not be held at any other time.

2. Where a student is granted a supplementary examination as a result of a request for special consideration, the student’s original exam (if completed) will be ignored and only the mark achieved in the supplementary examination will count towards the final grade. Failure to attend the supplementary exam will not entitle the student to have the original exam paper marked and may result in a zero mark for the final exam.

If you attend the regular final exam, you are extremely unlikely to be granted a supplementary exam. Hence if you are too ill to perform up to your normal standard in the regular final exam, you are strongly advised not to attend. However, granting of a supplementary exam in such cases is not automatic. You would still need to satisfy the criteria stated above.

The Business School’s Special Consideration and Supplementary Examination Policy and Procedures for Final Exams for Undergraduate Courses is available at: www.business.unsw.edu.au/Students-Site/Documents-supplementary_exam_procedures.pdf

16 STUDENT RESOURCES AND SUPPORT

The University and the Business School provide a wide range of support services for students, including:

- **Business School Education Development Unit (EDU)**
  https://www.business.unsw.edu.au/students/resources/learning-support
  The EDU provides academic writing, study skills and maths support specifically for Business students. Services include workshops, online resources, and individual consultations. EDU Office: Level 1, Room 1033, Quadrangle Building. Phone: 9385 5584; Email: edu@unsw.edu.au.

- **Business Student Centre**
  https://www.business.unsw.edu.au/students/resources/student-centre
  Provides advice and direction on all aspects of admission, enrolment and graduation. Office: Level 1, Room 1028 in the Quadrangle Building; Phone: 9385 3189.

- **Moodle eLearning Support**
  For online help using Moodle, go to: https://student.unsw.edu.au/moodle-support. For technical support, email: itservicecentre@unsw.edu.au; Phone: 9385 1333.

- **UNSW Learning Centre**
  www.lc.unsw.edu.au Provides academic skills support services, including workshops and resources, for all UNSW students. See website for details.

- **Library training and search support services**
  http://info.library.unsw.edu.au/web/services/services.html

- **IT Service Centre**

- **UNSW Counselling and Psychological Services**
  https://student.unsw.edu.au/wellbeing Provides support and services if you need help with your personal life, getting your academic life back on track or just want to know how to stay safe, including free, confidential counselling. Office: Level 2, East Wing, Quadrangle Building; Phone: 9385 5418; Email: counselling@unsw.edu.au

- **Student Equity & Disabilities Unit**
http://www.studentequity.unsw.edu.au  Provides advice regarding equity and diversity issues, and support for students who have a disability or disadvantage that interferes with their learning. Office: Ground Floor, John Goodsell Building; Phone: 9385 4734; Email: seadu@unsw.edu.au