TABL5538

Tax Planning and Anti Avoidance Provisions

Course Outline
Semester 1, 2016

Part A: Course-Specific Information
Table of Contents

PART A: COURSE-SPECIFIC INFORMATION

1 ABOUT THE LECTURER 2

2 LETTER OF INTRODUCTION 3

2.1 Staff Contact Details 5

3 COURSE DETAILS 5

3.1 Teaching Times and Locations 5

3.2 Units of Credit 5

3.3 Suggested Study Commitment 5

3.4 Summary of Course 5

3.5 Relationship to Other Courses 5

3.6 Course Summary 5

3.7 Course Objectives 6

3.8 Student Learning Outcomes 6

4 HOW TO USE THIS PACKAGE 8

4.1 Features of the Study Guide 8

5 KEY TO INSTRUCTIONAL ICONS 9

6 TEXTBOOKS AND REFERENCES 10

6.1 Prescribed Textbook/s 10

6.2 Act/s 10

6.3 Citation and Style Guide 10

7 SUPPORTING YOUR LEARNING 11

7.1 Tax Flexible Delivery Student Guide 11

8 ASSESSMENT 11

8.1 Assessment submission dates 11

8.2 Final Examination 12

8.3 Assignment 1 12

8.4 Assignment 2 (Group) 15

8.5 Assignment 3 17

9 COURSE EVALUATION AND DEVELOPMENT 18

10 SUGGESTED STUDY SCHEDULE 19
PART A: COURSE-SPECIFIC INFORMATION

1 ABOUT THE LECTURER

Michael Walpole
BA, LLB, PG Dip Tax, (Natal) PhD (UNSW), CTA

Michael is the Deputy Head of School at the School of Taxation and Business Law (including Atax) in the UNSW Australia Business School.

Michael joined Atax in 1994, prior to which he was a senior lecturer in taxation in the Postgraduate Taxation Program of the School of Law, University of Natal. Prior to academic life, Michael worked as a Tax Consultant with Ernst & Young, and prior to that he was in private practice as a legal practitioner (solicitor and barrister). As a partner in a small firm, Michael’s legal practice was extremely varied, ranging from criminal defence, through family law and estate planning, to commercial and taxation matters. As an academic he has been awarded the Hill Medal by the Australasian Tax Teachers Association (ATTA) for his contribution to tax teaching and policy and he is a past President of ATTA.

Michael has authored and co-authored several books including Proposals for the Reform of the Taxation of Goodwill, Understanding Taxation Law and Compliance Cost Control. Michael has also written and presented many papers on his research topics to practitioner and academic audiences in Australia and overseas. He is editor of the Australian Tax Forum and he is also author and co-author of a number of articles on GST, taxation of intellectual property, tax administration and taxation compliance costs, especially psychological costs of taxation compliance.

Michael is an International Research Fellow at the Oxford University Centre for Business Tax in the Said Business School, University of Oxford. In 2010 and 2012, he was engaged in a project at the Centre for Business Tax to study the role of tax in choices made by large companies when locating valuable intangible property.

In 2012, Michael was the inaugural INTR Visiting Professor in the Centre for Tax Policy and Administration at the OECD in Paris. While at the OECD, Michael worked on research projects related to VAT and to tax compliance costs.
2 LETTER OF INTRODUCTION

Welcome to the course Tax Planning and Anti-Avoidance. You will explore the nature of tax planning, tax evasion and tax avoidance and the ethical framework within which business and tax professionals operate. You will find that the course has substantive legal and accounting content from an ethics perspective and that this factor ensures sound coverage of the ethical principles required to be understood by all professionals—be they accountants, lawyers, architects or whatever. You will also examine specific examples of avoidance and come to a view on the acceptability or otherwise of these examples.

Core resources consist of this Study Guide (in which assessments etc are explained), the concise versions of the Income Tax Assessment Act and Australian Taxation Law by Woellner et al. You must have access to all of these and you must read them.

Please prepare carefully for the webinars in order to maximise their value. Having read the core resources we hope you will be ready to discuss the issues further and to read more. We will use Moodle as a discussion and information tool to supplement the webinars. In addition, Assignment 2 will be a group work based assignment, which will require you to collaborate with a group of fellow students in the preparation of a group answer. Preparation, discussion, thought and more and more discussion are the keys to success in this course.

We hope the course will be interesting and enjoyable for you. It provides a valuable opportunity to study taxation and business ethics in a manner not previously available anywhere. As everyone taking the course is at an advanced level of study you will already appreciate that a solid input of work will be rewarded amply by the associated returns.

Introduction to the Course

This course builds on a belief that a proper understanding of the potential application of taxation laws cannot be achieved without considering the role of the various participants in the system. In turn, a proper understanding of the role of the various parties cannot be achieved without considering questions of philosophy, ethics and social responsibility. Similarly, a full understanding of the practical application of any area of taxation law cannot be achieved without an awareness of the application and effectiveness of the tax system’s anti-avoidance measures and sanctions.

You will need to remain aware that with these broad and diverse goals, there is no obvious and linear approach to the subject matter. Individual modules are not wholly discrete topics, but instead all work towards building up an overall picture of the system. You also need to be aware that a course that takes such an atypical approach will not be one where you will easily find textbooks and other materials to support your learning experience. A course that attempts a critical evaluation of the roles and responsibilities of the various participants in the system does not have a bundle of simple yes and no answers to the issues involved that can be set down in any text for ease of student learning. The most important aspect of this course will be the work you do in answering the questions included in the materials. In most cases, this will involve you in thinking from first principles, rather than finding an answer in an extracted reading or text.

In addition, you will need to understand that the aim is to build up your critical perspectives. You will, no doubt, get a feel for the views of the course authors and lecturers. The ultimate aim is to enable you to articulate your own views and be able to support them with reasoned arguments.
As well as establishing a firm focus on ethics and the tax law this course aims to give you an understanding of the roles and responsibilities of the various participants in the Australian tax system. In particular, it looks at the operation of one of the most fundamental aspects of that system, that is, the development of, and response to, avoidance activities. The course is not limited to merely describing these roles, legislative provisions and professional responses. The more fundamental aim is to encourage a critical evaluation by you of your present and future role in the system. By the end of the course you should be able to draw some conclusions as to the appropriate mix between substantive tax reform, specific and general anti-avoidance provisions, administrative compliance strategies and judicial approaches to interpretation. Together with appreciation of official issues this will allow you to understand how the underlying policy goals of the taxation system can be achieved with the greatest efficiency and fairness.

*Michael Walpole*
2.1 Staff Contact Details

Lecturer-in-charge: Professor Michael Walpole
Phone No: +61 (2) 9385 9526
Email: m.walpole@unsw.edu.au

Consultation Times – by appointment

3 COURSE DETAILS

3.1 Teaching Times and Locations
This course is fully on-line using the University’s learning management system, Moodle.

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 primary aim of this course is to introduce students to some of the ethical roles and responsibilities of the various participants in the taxation system and to the issues associated with tax planning and avoidance. This is done through a consideration of the ethical framework through which businesses and tax professionals operate. This is followed by discussion of examples of tax avoidance and evasion and the judicial, legislative and administrative responses that have taken place in relation to these phenomena.

3.5 Relationship to Other Courses
TABL5538 Tax Planning and Anti Avoidance is a compulsory course in the Master of Applied Tax and an elective in the Master of Tax. It builds upon work done in the preliminary substantive areas dealing with taxation law and principles.

3.6 Course Summary
The course is designed to encourage students to explore the ethical and legal dimensions of the Australian taxation system from a variety of perspectives. Initially, the course focuses upon the interaction of morals, ethics and the law. It then identifies some of the legal and ethical codes, or sets of rules, that tax advisors and practitioners are likely to encounter. These foundations are used to consider a number of critical issues that relate to the Australian tax system, including the way that taxation law is interpreted, the concepts and examples of tax evasion, avoidance and planning, and the role of anti-avoidance provisions.
3.7 Course Objectives

At the completion of this course students will be able to:

- identify and evaluate legal and ethical perspectives
- explain the operation of the ethical rules of professional accounting and legal bodies, such as CPA Australia and the CAANZ
- explain the operation of codes of conduct for tax agents and apply that code in specified circumstances
- identify and evaluate the basis for civil and criminal liability of tax practitioners
- identify and evaluate the role of the judiciary in tax disputes
- understand what is meant by tax avoidance, evasion and planning
- identify and evaluate the role and efficacy of specific anti-avoidance provisions
- identify and evaluate the key principles in Part IVA of the Act, the general anti-avoidance provision as well as the GST equivalent (Div 165) and the anti-avoidance provisions in International Tax
- provide some comparative conclusions about the relative roles and responsibilities of the various participants in the system and the significance of ethics.

3.8 Student Learning Outcomes

Learning outcomes are what you should be able to do by the end of this course if you participate fully in learning activities and successfully complete the assessment items. The learning outcomes in this course will help you to achieve some of the overall learning goals for your program. These program learning goals are what we want you to be or have by the time you successfully complete your degree. The following is a list of the Business School program learning goals.

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><strong>This course helps you to achieve the following learning goals:</strong></td>
<td><strong>On successful completion of the course, you should be able to:</strong></td>
<td><strong>This learning outcome will be assessed in the following items:</strong></td>
</tr>
<tr>
<td>1 Knowledge</td>
<td>Evaluate the basis for civil and criminal liability of tax practitioners and the role of the judiciary in tax disputes. Provide some comparative conclusions about the relative roles and responsibilities of the various participants in the tax system.</td>
<td>Module Activities Assignments Examination</td>
</tr>
<tr>
<td>2 Critical thinking and problem solving</td>
<td>Develop a critical framework incorporating legal, moral and ethical perspectives, and apply this in the analysis of a range of issues relating to the Australian tax system, including the way that taxation law is interpreted, the concepts of tax evasion, avoidance and planning, and the role of anti-avoidance provisions.</td>
<td>Module Activities Assignments Examination</td>
</tr>
<tr>
<td>3a Written communication</td>
<td>Demonstrate clear, effective and well-reasoned analysis of specific tax problems.</td>
<td>Assignments Examination</td>
</tr>
<tr>
<td>3b Oral communication</td>
<td>Not specifically addressed in this course.</td>
<td>Group Assignment</td>
</tr>
<tr>
<td>4 Teamwork</td>
<td>Participate in, and contribute to, a group in undertaking a specific research or problem solving task, and exercise leadership and group management skills in facilitating collaboration with fellow students. Through collaborative work, demonstrate an appreciation that a variety of different approaches and paradigms may be brought to bear on any specific problem and use these to build constructive discourse.</td>
<td>Group Assignment</td>
</tr>
<tr>
<td>5a Ethical, environmental and sustainability responsibility</td>
<td>Identify and evaluate legal, moral and ethical perspectives on taxation issues and articulate the significance of ethics in the tax system. Develop a working understanding of the ethical rules of CPA Australia and the Institute of Chartered Accountants in Australia.</td>
<td>Assignments</td>
</tr>
<tr>
<td>5b Social and cultural awareness</td>
<td>Not specifically addressed in this course.</td>
<td></td>
</tr>
</tbody>
</table>
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.


or


or


or


These are referred to throughout the Study Guide as ‘Textbook’. The paragraph references have been updated for the most recent version of the textbook.

6.2 Act/s

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


or


These are referred to throughout the Study Guide as ‘Act’.

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.

*Australian guide to legal citation* (Melbourne University Law Review Association & Melbourne Journal of International Law, 3rd ed, 2010). Available from [http://law.unimelb.edu.au/muir/aglc](http://law.unimelb.edu.au/muir/aglc) (This is free to download and is the citation style guide used by the majority of Australian legal journals.)


Recommended Reference/s

Below is a list of further references that you may find useful in this course. Purchase of recommended references is not compulsory.

Woodley M (ed), Osborn’s Concise Law Dictionary (London: Sweet & Maxwell, 12th ed, 2013). This is the classic, concise dictionary of legal terms which is very useful for students of law based subjects.


Pagone GT, Tax Avoidance in Australia (Sydney: Federation Press, 2010).

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

All assignments must be submitted electronically through 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 students undertaking this course will be on the basis of:
(a) Assignments 50%
(b) Final examination 50%

In order to pass this course, a student 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 3 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: 4000 words (plus or minus 10%)

Assignment 3
Due date: Monday, 16 May 2016
Weighting: 10%
Word limit: 1000 word (plus or minus 10%)

Assignment topics are included on the following pages.

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

*Australian Eastern Standard Time


Required:
Consider whether Australian business and corporate scandals such as the Reserve Bank of Australia are the result mostly of unethical individuals, or can organisations be responsible? Are they typically a failure of individuals, of organisational structure, or of government?

Some of the Reserve Bank of Australia’s most senior officials were involved in covering up extensive evidence of corruption inside the central bank’s subsidiaries, Note Printing Australia and Securency.
An investigation by Fairfax's Melbourne newspaper The Age has found top Reserve officials suppressed damaging information in 2007 and 2008 about the payment of secret commissions to middlemen hired by the Reserve firms to win bank-note contracts in Nepal and Malaysia.

Among officials who knew of the serious corruption concerns are Deputy Governor Ric Battellino, former deputy governor Graeme Thompson and former Note Printing Australia boss Chris Ogilvy. Corporate misconduct that may have breached Australian laws also was not relayed to police or corporate regulators by bank officials, including Assistant Governor Frank Campbell and assistant governor and now Reserve chief representative in Europe Bob Rankin.

The evidence of the cover-ups is contained in dozens of internal documents from the Reserve or the bank-note firms, including many seized by federal police after executing search warrants.

The documents challenge Reserve Governor Glenn Stevens' statement to a federal parliamentary committee in February that "no one in the Reserve Bank or on our board" knew of corruption allegations involving Securency and Note Printing Australia before The Age revealed them in May 2009.

In another development, confidential documents obtained under Freedom of Information laws reveal that at the same time the Reserve officials were suppressing information about corruption, the Reserve board was given a written warning about the NPA's conduct.

In a statement last night, the Reserve denied the allegations and claimed they were based on "inaccurate and incomplete facts" but said specific details could not be addressed as the matters are, or were potentially, the subject of court proceedings.

Deputy Opposition Leader Julie Bishop said last night that the latest revelations involved serious allegations about breaches of domestic and foreign laws that, if proven, could seriously harm Australia's international reputation.

"The Government must take all necessary steps to ensure that anyone involved in corrupt behaviour or in attempting to cover up such behaviour be held accountable for their actions," she said.

Greens MP Adam Bandt said the revelations were "astounding" and he would request the House of Representatives economics committee recall Mr Stevens and other Reserve officials to explain how these new revelations sat with their previous evidence.

"The Treasurer can no longer stand to one side," Mr Bandt said.

"He must immediately establish an inquiry to get to the bottom of these serious allegations."

Files held on the computer archives of the Reserve or its two subsidiaries confirm that senior Reserve officials on the board of Note Printing Australia - a company fully owned and overseen by the Reserve - were aware that the firm had lied in tender documents given to the Nepal Central Bank.

The documents contained false information about how much money NPA had funnelled to a Nepali middleman in 2002 and 2004 in order to win bank-note contracts. The accurate disclosure of such commissions was required under Nepali law. In September 2007, the NPA board agreed that the hiding of the commissions from the Nepal Central Bank amounted to "serious breaches" but, at the same board meeting, agreed not to disclose these breaches to Nepal for "pragmatic" reasons and on legal advice.

Among the NPA board members involved in this decision were Mr Campbell, Mr Thompson - the then chairman of NPA and Securency - and NPA managing director Mr Ogilvy, who was also a Securency director. Months earlier, the NPA board was warned its Nepalese middleman may be using his commissions to pay bribes.
A further cover-up occurred in 2007, after Mr Thompson, Mr Campbell and Mr Ogilvy discovered that the price of a bank-note contract had been artificially inflated to cover secret commissions to a middleman.

Again, the serving and former Reserve officials on the boards of Securency and NPA agreed to handle it internally. The board of NPA contracted law firm Freehills to conduct an audit of corruption-related concerns.

The Reserve says Freehills found no breach of Australian law and therefore the bank did not need to notify police.

It can also be revealed that:

- In 2007, Mr Thompson personally authorised a payment of almost $500,000 to a Malaysian middleman just months after the agent was sacked by Note Printing Australia over corruption concerns;
- Mr Thompson, Mr Campbell, Mr Ogilvy and other RBA officials were told in writing in 2007 that the Malaysian middleman was paying kickbacks with NPA funds, but did not alert police;
- Reserve Assistant Governor Bob Rankin was warned in writing in 2008 of corruption and serious misconduct at Note Printing Australia but did not alert police or ASIC;
- In 2007 and 2008, Reserve Deputy Governor and board member Ric Battellino was told of serious corruption concerns at NPA, but did not alert police and instead directed staff to handle concerns internally.
- Mr Campbell was asked by another Malaysian agent to ensure NPA paid him his commissions because the agent - a former Malaysian MP and ruling political party treasurer - said he had used his personal influence with Malaysian politicians to win the Reserve firms major contracts.

The first call any Reserve official placed to police about corruption was made by Mr Rankin in May 2009, after The Age published the first story about the scandal.

In July, federal police charged NPA, Securency and several former company executives with bribery offences in Malaysia, Vietnam and Indonesia.

They allege the commissions received by middlemen were used to pay millions of dollars in bribes.

Police have not charged any Reserve officials or appointees to the boards of its subsidiaries.

An AFP spokesman said the investigation was continuing.

Documents released under FoI include a confidential memo presented to the Reserve board in October 2007 which stated, "There has been a long history of concern, including that expressed by the audit committee and the Reserve board, that the laxity of the control environment at NPA has been at serious odds with the careful risk-management culture of the bank and that these cultural deficiencies potentially expose the bank to serious reputational and financial risk."

In February, Mr Stevens told a parliamentary committee, "As far as I can see, the board members that we appointed from our side [the Reserve Bank] have acted properly; I am yet to see evidence to the contrary.

"We are examining ourselves ... Quite a bit of work is being done to go back through records.

"You would expect us to do that and we have done that."
Evaluation criteria

The following criteria apply to the assignment requirements for all students.

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 Assignment 1:

- ability to cut through the undergrowth and penetrate to key issues
- identification of key points of relevance and the integration of those facts in the logical development of argument
- demonstration of an individual opinion in response to the topic posed, supported by source materials
- use of examples (where relevant), to support your point of view
- 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
- 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 (Group)

Due date: Submit via Moodle by Monday, 9 May, 2016 (23:59, *AEST)
Weighting: 20%
Length: 4000 words (plus or minus 10%)

*Australian Eastern Standard Time

Group work using Moodle

This assignment will be a group based assignment. You will be allocated to a group of up to four participants in Moodle shortly after Monday, 4 April 2016. You will be given instructions on how to make contact with other members of the group and guidelines on how to work in a ‘virtual’ group. You will then be required to work with that group in the preparation of a group answer which will be submitted electronically via Moodle by the required submission date.
Each group will only submit one assignment. On the cover page, include your Group Number and list the group members.

**Topic:**

The Commissioner of Taxation in Australia is concerned that a number of tax practitioners are targeting particular occupations (such as flight attendants) and preparing income tax returns on their behalf that are not fully compliant with the taxpayers’ Federal tax obligations. He has particular concerns about the following issues which have come to light as a result of audit activity:

- The extent to which practitioners are making clients aware of the substantiation requirements. For example, these taxpayers appear to be claiming excessive expenditure on personal grooming items. They also are claiming the cost of both long and short term car parking at their main place of employment.
- Overseas trips taken whilst on annual leave are incorrectly being claimed as fully deductible ‘study trips’.
- On discussions with taxpayers, it appears that they are completely unaware that their claims are overstated or incorrect, and claim they have relied completely on the tax practitioner who was recommended to them by a colleague.
- It also comes to light that the tax practitioner is paying a ‘spotter’s fee’ to the colleague who is recommending the tax practitioner to others at the same workplace. Further, when interviewed the taxpayers themselves generally concede that they were very pleasantly surprised by the size of their refunds but decided not to ask any questions, but to trust the tax practitioner.

Your group is a small consultancy firm that provides high level advice to business and government on key tax issues. The Commissioner has asked your firm to provide him with a report detailing strategies through which the ATO might successfully tackle the problems identified above particular as they relate to tax practitioners and to employees in the airline industry.

You are required to work as a group to provide the report to the Commissioner.

**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 proposals and the integration of those proposals in the logical development of argument
- demonstration of a group of critical minds 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
• use of graphs, where appropriate, to support your argument
• 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.

8.5 Assignment 3

Due Date: Submit via Moodle by Monday, 16 May, 2016 (23:59, *AEST)
Weighting: 10%
Length: 1000 word (plus or minus 10%)

*Australian Eastern Standard Time

Topic:

You are required to submit a personal reflective journal that describes and analyses your participation in the group work that was involved in Assignment 2. The journal should cover each of the following items, but you should also look carefully at the evaluation criteria for this assignment in order to ensure that you have addressed those criteria.

Items to include in your journal:
• Group Number (not part of word count)
• Names of other group members (not part of word count)
• My role in the group—ie, how I contributed to the processes of the project (200 words plus or minus 10%)
• My contribution to the final group submission—ie, how I contributed to the content of the project (200 words plus or minus 10%)
• How successfully did the group function—ie, the strengths of the group and its weaknesses (200 words plus or minus 10%)
• What I learned from the group work assignment (200 words plus or minus 10%)
• What I would do differently when working in a team next time (200 words plus or minus 10%).

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:

• significant incidents and the feelings that accompanied them are identified, described
and analysed

- factors that affected performance are distinguished
- performance is analysed in terms of knowledge, skills and attitudes
- personal interpretations are balanced with more objective interpretations based on research/theoretical literature or feedback from others
- strengths and weaknesses are identified
- areas for improvement are identified
- clarity of communication—this includes development of a clear and orderly structure (including, where appropriate, headings)
- sentences in clear and, where possible, plain English—this includes correct grammar, spelling and punctuation
- correct referencing and bibliographic style is used.

9 COURSE EVALUATION AND DEVELOPMENT

The School of Taxation & Business Law’s quality enhancement process involves regular review of its courses and study materials by content and educational specialists, combined with feedback from students. Towards the end of the semester, you will be asked to complete an online survey via myUNSW to evaluate the effectiveness of your course lecturer and the actual course content. These surveys are administered as part of the UNSW Course and Teaching Evaluation and Improvement process (‘CATEI’). Your input into this quality enhancement process through the completion of these surveys is extremely valuable in assisting us in meeting the needs of our students and in providing an effective and enriching learning experience. The results of all surveys are carefully considered and do lead to action towards enhance the quality or course content and delivery.

Feedback from students in earlier years suggested that some students were concerned that the online chat rooms were difficult to use for small group discussions related to the second (group) assignment. In order to address this issue, conference facilities are being made available to students in the current Semester, supplementing other technologies available within the course Moodle framework for the group assignment. Full details of these additional resources will be made available to students by an announcement on the course home page at the commencement of the Semester. Otherwise, students provided very positive feedback about the course.
# 10 SUGGESTED STUDY SCHEDULE

<table>
<thead>
<tr>
<th>Week</th>
<th>Beginning</th>
<th>Module</th>
<th>Topic</th>
<th>Events and submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>29 February</td>
<td>1</td>
<td>Exploring law, morals and ethics</td>
<td>Webinar 1</td>
</tr>
<tr>
<td>2</td>
<td>7 March</td>
<td>1</td>
<td>Exploring law, morals and ethics</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>14 March</td>
<td>2</td>
<td>The legal and ethical framework for tax professionals</td>
<td>Webinar 2</td>
</tr>
<tr>
<td>4</td>
<td>21 March</td>
<td>2</td>
<td>The legal and ethical framework for tax professionals</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Mid-semester break from 25 March to 3 April 2016 inclusive</strong></td>
<td><strong>(NOTE: Daylight saving ends on Sunday 3 April 2016)</strong></td>
</tr>
<tr>
<td>5</td>
<td>4 April</td>
<td>2</td>
<td>The legal and ethical framework for tax professionals</td>
<td>Webinar 3</td>
</tr>
<tr>
<td>6</td>
<td>11 April</td>
<td>3</td>
<td>Interpretation and construction in context</td>
<td>Assignment 1 due</td>
</tr>
<tr>
<td>7</td>
<td>18 April</td>
<td>3</td>
<td>Interpretation and construction in context</td>
<td>Webinar 4</td>
</tr>
<tr>
<td>8</td>
<td>25 April</td>
<td>4</td>
<td>Tax evasion, avoidance and planning</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>2 May</td>
<td>4</td>
<td>Tax evasion, avoidance and planning</td>
<td>Webinar 5</td>
</tr>
<tr>
<td>10</td>
<td>9 May</td>
<td>4</td>
<td>Tax evasion, avoidance and planning</td>
<td>Assignment 2 (Group) due</td>
</tr>
<tr>
<td>11</td>
<td>16 May</td>
<td>5</td>
<td>Anti-avoidance measures</td>
<td>Webinar 6 Assignment 3 due</td>
</tr>
<tr>
<td>12</td>
<td>23 May</td>
<td>5</td>
<td>Anti-avoidance measures</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>30 May</td>
<td></td>
<td>Course revision</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Examination period from Friday 10 June to Monday 27 June 2016</strong></td>
<td></td>
</tr>
</tbody>
</table>