TABL 5551
TAXATION LAW

Course Outline
Semester 1, 2016

Part A: Course-Specific Information
Part B: Key Policies, Student responsibilities and Support

Prepared by Dale Boccabella
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PART A: COURSE-SPECIFIC INFORMATION

1 WELCOME

Welcome to Taxation Law. I am confident you will find this course engaging, challenging and stimulating. I am also confident that you will find this course relevant to your future life experience, and in many cases, to your career.

It is very important that you carefully read this Course Outline. It, along with four/five related documents (e.g. Lecture Program, Reading Program and Study Guide; Tutorial Program; Lecture Handouts; Approach to Solving Problems in Taxation Law and Student Companion), sets out what you can expect from the course and staff on the course, and what is expected of you. These integrated documents are designed to provide with considerable assistance in approaching this course.

All staff teaching on the course (and staff marking assignments on the course) are committed to helping you succeed in this course (i.e. meet the learning outcomes). In this respect, you should take full advantage of the resources available to you in your study of the course (e.g. full and active involvement in lectures, full and active involvement in discussion of tutorial problems, make use of staff consultation times to deal with problem areas).

Given that teaching staff are continually seeking to improve the course, you are encouraged to provide feedback and suggestions about any aspect of the course. The lecturer-in-charge will deal with all feedback in a meaningful manner.

Dale Boccabella,
Lecturer-in-charge

2 COURSE STAFF, COMMUNICATION WITH STAFF

2.1 Staff

Lecturer-in-Charge (and Lecturer)

Mr Dale Boccabella,
School of Taxation & Business Law
Room: 2069 (Quadrangle Building)
Tel: (02) 9385-3365
E-mail: d.boccabella@unsw.edu.au

2.2 Contacting Staff

Administrative Matters

You should contact the lecturer-in-charge (Dale Boccabella) in regard to any administrative issue concerning the course. It is best to send Dale an email. Before
sending an email enquiry, please check this Course Outline and the Approach to Solving Problems in Taxation Law and Student Companion document, as the answer to your query is very likely to be contained in these documents.

Note also that UNSW staff can only respond to your official UNSW email address. Finally, if you have not received an email response from the lecturer-in-charge within say three to four days, there is a good chance your email address is not working properly (i.e. not allowing emails to go through).

Technical Enquiries about course material

➢ Consultation Times

The consultation times of Dale Boccabella will be announced before the end of the second week of the course, and they will be mentioned in lectures and sent to you by email. You are encouraged to see Dale to discuss any technical questions or issues you have with the course materials during the listed consultation times. If the nominated consultation times are not convenient for you, please contact Dale to arrange an alternate time.

Experience indicates that demand for consultation is at its highest in the lead up to an assessment task (e.g. class test, exam). Consistent with previous practice, Dale will expand his consultation times in such periods.

You should note that consultation times are limited. Accordingly, you should narrow down the range of issues you seek assistance on. For example, staff will not give you a mini-lecture on a topic in consultation times, as this would be completely unfair to other students.

➢ Method of Contacting Staff

Experience over a considerable period indicates that it is both inefficient and counter-productive to attempt to answer your technical tax questions via email. Accordingly, technical tax questions will not be answered over the email (Note comment below). If you do send a staff member an email with technical questions in it, the staff member will not be responding to the email. Accordingly, as a matter of basic courtesy, do not clog up the email of staff in this manner. You must either see Dale in person, or phone him (arrange a time to phone him). Note though that you are welcome to send Dale your questions by email but you must see him or phone him to obtain a response.

2.3 Difficulty with Course Materials

If you are experiencing difficulty with the course materials, problem questions, etc, you are encouraged to seek assistance from Dale Boccabella as soon as problems arise. It is far easier to address problems if help is sought at the earliest time possible, compared to leaving problems till the “last minute”. In this regard, you
should read (and re-read) the relevant parts of the Approach to Solving Problems in Taxation Law and Student Companion document. Unfortunately, a number of students every year do not take this advice. You do need to be honest with yourself on the question of whether you are having difficulty with course materials.

3 INFORMATION ABOUT THE COURSE

3.1 Description of Course

The UNSW, Postgraduate Handbook 2016 states:

“The complexity and comprehensiveness of the Australian taxation system means that tax considerations are of major importance in most business and investment decisions. After outlining the tax policy, tax mix and tax reform considerations, this subject concentrates on income taxation in Australia. Topics include: concepts of income; allowable deductions; tax accounting; taxation of partnerships, trusts and corporations; anti-avoidance provisions; tax administration; capital gains tax; fringe benefits tax.” (UNSW, Postgraduate Handbook 2016)

3.2 Course Content

In broad terms, and in slightly more detail than set out in Section 3.1 above, topics covered in this course are: (1) Tax policy issues (2) Income and rewards from personal exertion, including fringe benefits (3) Income and rewards from operating a business (4) Isolated business ventures (5) Returns from property (6) Capital gains tax (7) Deductions (8) Tax treatment of trading stock (9) Taxation of sole traders’ taxable income (10) Taxation of partnerships’ taxable income (11) Taxation of trust estates’ taxable income (12) Taxation of companies’ taxable income, and taxation of shareholders (13) Tax planning and tax avoidance (14) Goods and services tax and (15) Interaction of income tax, fringe benefits tax and goods and services tax.

3.3 Teaching Times and Locations

This course involves three-hours of teaching time per week. Even though there is no formal tutorial associated with this course, as far as possible, the aim will be to break up the three-hour teaching allocation into a two-hour lecture, and a one-hour tutorial discussion of problem questions. This break up of time will vary from week-to-week. The university operates a “12 in 13” week semester system. The course commences in the week beginning 29 February 2016 (i.e. Semester One, 2016). We will not have a class in Week 13, unless it becomes appropriate or desirable to have one.

There are two streams, both are taught on Wednesday as follows:
Wednesday: 10-1pm Central Lecture Block 2
Wednesday: 6-9pm Chemical Sciences M11
3.4 Units of Credit

This course is equal to 6 units of credit. This is 25% of a standard full-time load for a semester of study.

3.5 Relationship of this Course to other Offerings

Pre-Requisites or Co-Requisites

Either one of the following are pre-requisites for this course:

- TABL 5511 - Legal Foundations of Business
- TABL 5512 - Legal Foundations for Accountants

If students choose to study either TABL 5511 - Legal Foundations of Business or TABL 5512 - Legal Foundations for Accountants as a co-requisite for other law subjects with the School of Taxation & Business Law, it is strongly recommended that the course chosen is studied as a co-requisite with TABL 5541 - Corporations and Business Associations Law. The reason for this recommendation is that students would benefit from the incremental exposure to legal issues gained from studying these subjects first (i.e. before studying TABL 5551 - Taxation Law).

Relationship between this Course and other Courses (Majors) in Business School

There is a strong relationship between generally accepted accounting principles (GAAPs) and Australia’s taxation rules. For example, it is arguable that understanding tax-effect accounting is made easier when one appreciates the taxation rules that create timing differences. Further, while some differences will always remain, there is a discernible trend towards the accounting and tax rules becoming less dissimilar.

One theme of this course is to build awareness of the link or the similarities between the tax rules and the accounting rules. Indeed, identifying areas of similarity between the tax rules and the accounting rules (e.g. treatment of trading stock, treatment of depreciable assets) can provide a substantial aid in building understanding of the tax rules as our study of some of the tax rules builds on your prior knowledge and experience.

The tax law influences investment decisions, investment patterns and the structure of financial products. Indeed, it would be a very unusual occurrence for tax advice not to be sought in regard to any major investment decision. Further, some financial products predominantly exist due to the taxation law rules. Accordingly, this course provides an excellent knowledge base for those of you studying a major in finance or contemplating a career in financial services. If you have any queries regarding the above, please contact Dale Boccabella.
3.6 Student Learning Outcomes

Aim

The aim of this course is for you to be able to apply relevant Australian tax legislation, cases, rulings and principles, to the solution of typical tax-related professional problems.

Learning Outcomes

By the end of this course you should be able to:

1. Locate the tax rules under Australia’s tax regime that have been studied in this course (LO 1);
2. Summarise clearly, in oral and written form, the tax rules under Australia’s tax regime that have been studied in this course (LO 2);
3. Summarise and explain clearly, in oral and written form, how the tax rules under Australia’s tax regime studied in this course have been applied by judges in court cases and by members of relevant tribunals (LO 3);
4. Identify the relevant tax rules that may apply in a typical tax-related professional problem involving a set of facts similar to those presented to a court or tribunal (LO 4);
5. Identify the relevant tax rules that may apply in a typical tax-related professional problem involving a set of facts that are not similar to those presented to a court or tribunal (LO 5);
6. Apply the relevant tax rules to a typical tax-related professional problem involving facts similar to, and not similar to, those that have come before a court or tribunal to arrive at a conclusion that will stand up to critical scrutiny (LO 6);
7. Use your knowledge of the tax rules and your critical legal reasoning skills to construct, in oral or written form, arguments for a “new” tax rule to arrive at a conclusion for a typical tax-related professional problem involving facts that are not similar to those presented to a court or tribunal (LO 7);
8. Critically evaluate the contentious tax rules against a stated tax policy position or a tax policy norm (LO 8);
9. State and explain how “different” taxes interact with each other, and how these taxes are structured within the Australian taxation system (LO 9); and
10. Demonstrate your recognition that the tax law is dynamic and constantly changing (LO 10).

By successfully completing this course, you should be able to satisfy accreditation requirements for further professional accounting studies (e.g. Professional Year (CA Program) of the CAANZ), and tax-related studies (e.g. Master of Taxation).
Graduate Attributes

The UNSW Business School has six Graduate Attributes. These are qualities, skills understandings we want you to have by the completion of your degree. Graduate Attributes are developed throughout your major, a program of study or your degree; you are not expected to develop all six Graduate Attributes in a single course. The six Graduate Attributes, along with a short description follows:

<table>
<thead>
<tr>
<th>Graduate Attribute Number</th>
<th>Graduate Attribute along with Short Description</th>
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<tbody>
<tr>
<td>Grad Attrib 1</td>
<td><strong>Critical thinking and problem solving</strong>: Graduates will be able to collect, analyse and evaluate information and ideas, and define and solve problems.</td>
</tr>
<tr>
<td>Grad Attrib 2</td>
<td><strong>Communication</strong>: Graduates will be able to communicate effectively and confidently in oral and written forms, in a diverse range of contexts.</td>
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<tr>
<td>Grad Attrib 3</td>
<td><strong>Teamwork and Leadership</strong>: Graduates will be able to display collaborative skills in teamwork and a capacity for leadership.</td>
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<tr>
<td>Grad Attrib 4</td>
<td><strong>Social, ethical and global perspectives</strong>: Graduates will be able to demonstrate understanding of social and global perspectives on a range of cultural, environmental and economic spheres of engagement.</td>
</tr>
<tr>
<td>Grad Attrib 5</td>
<td><strong>In-depth engagement with relevant disciplinary knowledge</strong>: Graduates will be able to apply their in-depth knowledge of disciplinary fields in their practice.</td>
</tr>
<tr>
<td>Grad Attrib 6</td>
<td><strong>Professional skills</strong>: Graduates will be able to demonstrate the capacity to plan and manage their study and workloads to achieve self-direction, and personal and professional goals.</td>
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This course contributes to you achieving a number of the above Graduate Attributes. In addition, there is a link between the Learning Outcomes for the course and the Graduate Attributes in the sense that certain Learning Outcomes are designed to enhance your capacity to achieve certain Graduate Attributes. The following table shows the link between Learning Outcomes and the main Graduate Attributes for this course:

<table>
<thead>
<tr>
<th>Learning Outcomes (LO’s)</th>
<th>UNSW Business School Graduate Attributes</th>
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<tr>
<td>LO 6 - LO 8</td>
<td>Critical thinking and problem solving (Grad Attrib 1)</td>
</tr>
<tr>
<td>LO 2, LO 3, LO 7 and LO 9</td>
<td>Communication (Grad Attrib 2)</td>
</tr>
<tr>
<td>LO 1 - LO 8</td>
<td>In-depth engagement with relevant disciplinary knowledge (Grad Attrib 5)</td>
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Even though Graduate Attributes 3, 4 and 6 are not included in the table immediately above, engaging in activities that facilitates you meeting the course requirements will, to some extent, contribute to achieving those attributes (e.g. meeting the assignment submission dates helps develop your professional skills (Grad Attrib 6)).

4 STUDENT RESPONSIBILITIES AND CONDUCT

4.1 Attendance

You are strongly advised to attend all of the lectures in this course. Like many other UNSW courses, experience indicates that students who do not attend lectures have difficulty in grasping the structure and nature of the course content. In any event, the UNSW, Postgraduate Handbook 2016, states that: “If students attend less than eighty per cent [80%] of their possible classes they may be refused final assessment.” Given the importance of lectures to students' learning outcomes in most courses, including this course, the lecturer will monitor attendance at lectures so as to ensure that all students meet the 80% threshold. A student who does not meet the 80% threshold would have to make a compelling case as to why they should be permitted to sit the final assessment in the course pursuant to the statement in the UNSW, Postgraduate Handbook 2016. The lecturer-in-charge does not envisage that a compelling case can be made.

You should arrive at lectures on time. It is disruptive to the flow of the lecture and activities therein. It is also disrespectful to other students and the lecturer to arrive late. (You would not think for a minute to arrive late for a job interview, or for work, or for an exam. Therefore…).

4.2 Keeping Informed

From time-to-time, the lecturer or the lecturer-in-charge will make an important announcement in the lecture (e.g. Part B of the tutorial problem for next week will be deferred for one week). It is your responsibility to be aware of announcements made in the lecture.

On some occasions, the lecturer or the lecturer-in-charge of this course may send you information about this course via your official UNSW email address, without making an announcement in the lecture and without providing you a paper copy of the announcement. You will be deemed to have received this information whether or not you have actually checked and read your emails. On other occasions, a message may be posted to the Announcement icon on Moodle. Again, you will be deemed to have received this information whether or not you have actually check Moodle.

Finally, from time to time, the university will send important announcements to your official university e-mail address, without providing you with a paper copy. Again, you
will be deemed to have received this information whether or not you have actually checked and read your emails.

5. LECTURE TOPICS AND COURSE SCHEDULE

You should appreciate that the week-to-week allocation could vary slightly to take account of changed circumstances like a recent development (e.g. court case handed down). Further, you should appreciate that there may be times where the allocated material for a week is not completed. This could occur for example where extra time is spent on a topic due to the need to respond to questions raised. The important point to note is that the lecturer will simply pick up where he left off last week. You should not be concerned if a lecturer is running slightly behind (or ahead) of the week-to-week allocated lecture program. The important point is that all relevant course material will be covered in the lecture time available, and importantly, it will be covered in time to assist you prepare for assessment tasks (e.g. class test).

Note also that the separate document, Lecture Program, Reading Program and Study Guide, contains a detailed list of readings for each topic, along with commentary regarding the broad focus of each topic.

Week 1: 29 February

1.1 Course Administration
1.2 Tax Policy
1.3 Administration of Australia’s Income Tax Regime
1.4 Income Tax Formula and Calculation of Liability to ATO
1.5 Jurisdictional Aspects of Australia’s Income Tax
1.6 Fundamental Income Tax Principles
1.7 Approach to Solving Problems in Taxation Law

Week 2: 7 March

2.1 Receipts and Benefits from Personal Exertion: An Overview
2.2 Income as a Reward from Personal Exertion, or Product of Personal Exertion
2.3 Statutory Additions to Judicial Concept of Income from Personal Exertion
2.4 Integrating the Various Personal Exertion Regimes

Week 3: 14 March

3.1 Capital Receipts in Context of Reward for Personal Exertion
3.2 Introduction to the Capital Gains Tax
3.3 Receipts and Benefits from a Business: An Overview
3.4 Existence of a Business or a Money-Making Endeavour
3.5 Normal Proceeds of Business/Ordinary Course of Business/Normal Incident of Business/Revenue or Structural Assets of Business

The short assignment is due next week.
Week 4: 21 March

4.1 Isolated Business Ventures/Profit Making Undertakings or Schemes
4.2 Receipts and Benefits from Property: An Overview, and a Problem/Opportunity
4.3 Rent/Lease Returns
4.4 Interest
4.5 Compensation Receipts Principle: An Overview
4.6 Compensation Receipts Principle in Context of Personal Services
4.7 Compensation Receipts Principle in Business Context
4.8 Compensation Receipts Principle in Context of Property Income
4.9 Periodicity Principle
4.10 History of Capital Gains Taxation in Australia
4.11 Role of Capital Gains Taxation within the Income Tax Assessment Act
4.12 Broad Outline of Australia’s Capital Gains Tax

Mid-semester break: Friday 25 March – Sunday 3 April inclusive

Week 5: 4 April

5.1 Paradigm/Model CGT Framework: Essential Elements of First Charging Provision of the
   Capital Gains Tax
5.2 Assets, Exempt Assets and Asset Classification
5.3 Acquisition and Disposal (CGT Events)
5.4 Timing Issues
5.5 Calculating Gain or Loss
5.6 Second Charging Provisions of the CGT Regime
5.7 Determining Taxable Gain and Integration with Non-CGT Provisions

Week 6: 11 April

6.1 Overview of Expense Recognition under the Income Tax Assessment Acts
6.2 Deductions: General Principles
6.3 Relevant Expenditure: Tests of Deductibility
6.4 Expense Apportionment

The mid semester class test is held on Friday of next week.

Week 7: 18 April

7.1 Personal/Non-Personal Boundary Expenditure
7.2 Mid Session Class Test Revision (and feedback on old test questions)

Week 8: 25 April

8.1 Contemporaneity Principle
8.2 Revenue-Capital Dichotomy
8.3 Capital Allowance Regimes

Week 9: 2 May

9.1 Other Deduction Conferral Provisions
9.2 Deduction Denial Provisions
9.3 Tax Accounting: An Overview
9.4 Tax Accounting for Trading Stock
9.5 Taxable Income obtained through “Entities”: An Overview
9.6 Taxation of Taxable Income of Sole Traders/Sole Proprietors
9.7 Taxation of Taxable Income obtained through a Partnership: An Overview
9.8 Existence of a Partnership
9.9 Taxation of Partnership’s Taxable Income/Tax Loss
9.10 Transactions between Partners, Transactions between Partners and “The Partnership” and Transactions between Partnership and Third Parties

The long assignment is due next week.

Week 10: 9 May

10.1 Taxation of Taxable Income obtained through a Trust Estate: An Overview
10.2 Existence of a Trust Estate/Trust
10.3 Taxation of Trust Estate’s Taxable Income
10.4 Taxation of Taxable Income obtained through a Company: An Overview
10.5 Existence of a Company
10.6 Classification of Companies for ITAA Purposes: Private or Public
10.7 Calculation of Companies’ Taxable Income or Tax Loss, and Tax Payable by Companies

Week 11: 16 May

11.1 Imputation System: Company Perspective
11.2 Distributions to Shareholders
11.3 Distributions to Natural Person Shareholders
11.4 Distributions to Corporate Shareholders

Week 12: 23 May

12.1 Tax Avoidance Defined and Conditions that Facilitate Tax Avoidance/Tax Planning
12.2 Judicial and Legislative Responses to Tax Avoidance/Tax Planning
12.3 Australia’s Goods and Services Tax: An Overview
12.4 Net Amount Formula under the GST Act
12.5 Notion of an Entity under the GST Act
12.6 Notion of a Taxable Supply
12.7 GST Free Supplies
12.8 Input Taxed Supplies
12.9 Notion of a Creditable Acquisition
12.10 Broad Operation of the Fringe Benefits Tax Regime
12.11 Expense Payment Fringe Benefits
5 LEARNING ASSESSMENT

5.1 Assignment: Short

General Information

Students will be required to submit an answer to a short assignment. The assignment will be of a problem nature and will be distributed to you by the end of Week One. It will be posted under the Short Assignment icon on Moodle. The assignment is a research assignment. The assignment is due by Thursday, 24 March 2016 at 2.00 pm. This is in Week Four of semester. You will be advised as to where you are to lodge your assignment answer. For a number of reasons, your assignment can only be lodged in the designated place. The official assignment coversheet must be attached to the front of your assignment answer.

Given that your assignment may be subjected to an electronic plagiarism check, in addition to the manual checks in place, you must retain an electronic version of your assignment answer. There is no need to lodge your assignment electronically (unless advised). The lecturer-in-charge will notify you if you are required to lodge an electronic copy. You must also retain a hardcopy of your assignment as this may also be requested from you at short notice.

Late Assignments

For the sake of fairness to all students, late assignments will not be accepted. That is, if you attempt to hand in an assignment late, you will receive 0/10 for this part of the assessment. This effectively means you have failed the course, as one of the requirements for passing this course is that you must perform satisfactorily in every part of the assessment (see below). 0/10 is not satisfactory performance. If you submit your assignment late, you will not be allocated another assignment, as this also would be grossly unfair to other students.

It is only in the most exceptional circumstances that the lecturer-in-charge may contemplate the allocation of another assignment. It is not envisaged that any student would have exceptional circumstances. The reason is that you will have known well in advance about the due date for the assignment (e.g. by this Course Outline, announcement in the first lecture and reminders in subsequent lectures). Note that the assignment will be issued to you in Week One.

Note, no staff member of The University of New South Wales has a discretion or authority to allow any student to submit an assignment late. No staff member of The University of New South Wales has a discretion or authority to allocate another assignment to a student.

Word Limit and Presentation Style

The word limit for the assignment is 600 words. Words in footnotes are not included in the word count (i.e. only words in the text of the assignment are counted). Again,
on basic fairness grounds, this limit will be **strictly enforced**. A major purpose of placing a word limit on the assignment is to help you develop the skill of applying the tax rules to a set of facts in an organised and efficient manner.

The assignment must be typed. It must be one and a half spacing. The paper must have your name, your student identification number, lecturer’s name and student’s class time on the cover sheet of the assignment. To facilitate anonymity in marking, you **must not** place your name on any other page of the assignment (e.g. text). In preparing and writing your assignment, you should read very closely the information about plagiarism located in this *Course Outline*. You must sign the plagiarism declaration at the bottom of the official assignment cover sheet that is posted on Moodle under the Short Assignment icon. An assignment **is not validly lodged** if this declaration is left unsigned. It could therefore be late. Also, an assignment "lodged" without the official cover sheet, **is not a validly lodged** assignment. You **must** retain a copy of your assignment.

It is strongly recommended that you read the Dos and Don’ts section of the document entitled, *Approach to Solving Problems in Taxation Law and Student Companion* before completing your assignment. The lecturer or the lecturer-in-charge will make a number of other points regarding the assignment in the lecture in Week One and Week Two. The assignment itself will contain further information.

5.2 Mid-Semester Class Test

**Date of Class Test**

A class test will be held in **Week Seven** (i.e. Week beginning 18 April 2016). In order to be able to obtain a sufficiently large room, the class test will be held at a time other than the normal class time. The class test will be held on **Friday, 22 April 2016 at 6.05 pm**.

**Content of Class Test**

The class test will be a multiple-choice question test. The test will cover material dealt with in lectures up to the end of Week Five, and material that may have been covered in tutorial discussions in Week Six of material lectured on up to the end of Week Five. More details on the class test (e.g. room location, duration of test) will be provided in lectures leading up to the mid-semester class test. In fact, in Week Five of the course, a fact sheet about the mid-semester class test will be posted on Moodle under the Class Test icon.

Under the Class Test icon on Moodle, a document will be posted containing 20 examples of the broad type and broad style of multiple-choice question you can expect to face in the class test. You should sit these questions under class test conditions before the class in Week Seven. In the Week Seven class, feedback will be provided on each question (e.g. correct answers, incorrect answers, reasoning).

**Absence from Class Test**
There is **no such thing** as a supplementary class test as a matter of right in this course. If you miss the class test, you will receive **0/30**. This effectively means you have failed the course, as one of the requirements for passing this course is that you must perform satisfactorily in every part of the assessment (see below). **0/30** is not satisfactory performance.

If there are **exceptional circumstances** behind you missing the class test, the lecturer-in-charge may look at an alternative form of assessment. Aside from religious commitments, it is hard to envisage students having exceptional circumstances for missing the class test. The main reason for this is that ample notice has now been given (by this *Course Outline* and in the first lecture) to you of the class test time.

Note, no staff member of The University of New South Wales (aside from the lecturer-in-charge) has a discretion or authority to grant any student another class test, or an alternate piece of assessment in this course.

### 5.3 Assignment: Long

#### General Information

Students will be required to submit a 1,700-word assignment. The assignment will be of a problem nature and will be distributed to you by the end of Week Four. The assignment is a research assignment. This means you are expected to conduct independent research for tax materials that assist you in answering the question. The assignment is due by **Thursday, 12 May 2016 at 12 noon**. This is in Week Ten of semester. Details about lodging the assignment will be provided to you later. As assignments in other courses are due around the same time, please ensure that you place your assignment in the correct chute (or box).

For a number of reasons, lodging the assignment in the designated place is the **only acceptable method** of submitting your assignment answer (i.e. the hardcopy of your assignment). **Do not** leave your assignment under the door of a staff member, as we then cannot establish that you lodged it on time. Submission of your hardcopy of the assignment by email is **not** a valid submission of the assignment.

Given that your assignment may be subjected to an electronic plagiarism check, in addition to the manual checks in place, you must retain an electronic version of your assignment answer. There is no need to lodge your assignment electronically. The lecturer-in-charge will notify you if you are required to lodge an electronic copy. You must also retain a hardcopy of your assignment as this may also be requested from you at short notice.

#### Late Assignments

For the sake of fairness to all students, **late assignments will not** be accepted. That is, if you attempt to hand in an assignment late, you will receive **0/25** for this part of
the assessment. This effectively means you have failed the course, as one of the requirements for passing this course is that you must perform satisfactorily in every part of the assessment (see below). 0/25 is not satisfactory performance. If you submit your assignment late, you will not be allocated another assignment, as this also would be grossly unfair to other students.

It is only in the most exceptional circumstances that the lecturer-in-charge may contemplate the allocation of another assignment. It is not envisaged that any student would have exceptional circumstances. The reason is that you will have known well in advance about the due date for the assignment (e.g. by this Course Outline, announcement in the first lecture and reminders in subsequent lectures). Note that the assignment will be issued/distributed by the end of Week Four.

Note, no staff member of The University of New South Wales has a discretion or authority to allow any student to submit an assignment late. No staff member of The University of New South Wales has a discretion or authority to allocate another assignment to a student.

Word Limit and Presentation Style

The word limit for the assignment is 1,700 words. Words in footnotes are not included in the word count (i.e. only words in the text of the assignment are counted). Again, on basic fairness grounds, this limit will be strictly enforced. A major purpose of placing a word limit on the assignment is to help you develop the skill of applying the tax rules to a set of facts in an organised and efficient manner.

The assignment must be typed. It must be one and a half spacing. The paper must have your name, your student identification number, lecturer’s name and student’s class time on the cover sheet of the assignment. To facilitate anonymity in marking, you must not place your name on any other page of the assignment (e.g. text). In preparing and writing your assignment, you should read very closely the information about plagiarism located in this Course Outline. You must sign the plagiarism declaration at the bottom of the cover sheet to your assignment. An assignment is not validly lodged if this declaration is left unsigned. It could therefore be late. Also, an assignment “lodged” without the official cover sheet is not a validly lodged assignment. You must retain a copy of your assignment.

The lecturer or the lecturer-in-charge will make a number of other points regarding the assignment in one of the lectures. The assignment itself will contain further information.

5.4 Final Examination

General Information

The examination will be held at the end of the semester in the normal university examination period. Further details about the final examination will also be given in the first lecture, and later in the course. Further, in Week Thirteen of semester, a fact
sheet about the final examination will be posted on Moodle under the Final Examination icon.

5.5 Discussant for a Tutorial

Every student will be allocated to be a discussant for one tutorial week. It is expected that a student allocated a particular week will be well prepared for the discussion that occurs in the tutorial part of that class. Even though “no marks” are allocated to this “assessment task”, it is strongly recommended that you perform well in this component. For example, a strong performance in this component will mean that the lecturer-in-charge will seek to add extra marks if you are close to a grade boundary (e.g. student with 64 is very likely to be lifted to 65). Alternatively, students may be given bonus marks. Perhaps more importantly, preparing well for this component provides you with a good opportunity to engage with the tax problem solving process, which is central to success in the course.

5.6 Satisfactory Performance in Every Component of Assessment

To gain a pass in this subject, you must: (1) Attain 50% or more in aggregate and (2) Perform at a satisfactory level in every component of assessment. (Also note the minimum attendance requirements). Subject to the satisfactory level of performance qualification mentioned immediately below, this means that there is no requirement that you attain 50% or more for each component of the assessment. The qualification is that you must have achieved a satisfactory level of performance in each component. It is not possible to outline exhaustively what is meant by a failure to achieve a satisfactory level. However, and only as examples, obtaining a mark of 6/30 for the Class Test will not amount to a satisfactory level. A mark of 6/25 for the Long Assignment will not amount to a satisfactory level. A mark of 10/35 for the Final Examination will not amount to a satisfactory level.

5.7 Minimum Attendance Requirement at Lectures in Order to Obtain a Pass in this Course

You will not obtain a pass in this course unless you meet the minimum attendance requirements for the course. The UNSW, Postgraduate Handbook 2016, states that: “If students attend less than eighty per cent [80%] of their possible classes they may be refused final assessment.” Given the importance of lectures and tutorials to students’ learning outcomes in this course, the lecturer will monitor attendance at lectures so as to ensure that you meet the 80% threshold. You should ensure that your attendance is properly recorded so that credit for attendance is obtained.
5.8 UNSW Business School Quality Assurance

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

6 COURSE RESOURCES
The income tax rules studied in this course are derived from legislation and case law. However, Australian Taxation Office (ATO) rulings and ATO practice also provide substantial guidance on the operation of Australia’s income tax rules.

Prescribed materials are books that you must have ready and ongoing access to so that, for example, you can underline, annotate, etc. Subject to one overriding comment, **do not** purchase or use an old edition of any of the prescribed materials (e.g. do not use S Barkoczy, *Core Tax Legislation & Study Guide 2010*, 13th ed., CCH, North Ryde, 2010). The overriding comment is that you should only use old editions if you are prepared to do the detailed (and time consuming) work of incorporating amendments, etc, since the date of the old editions.

Given that the Class Test in this course is a 100% closed book test, and that the Final Examination is a 100% open book examination, there is nothing stopping you from underlining, annotating, etc, your prescribed materials from the start of the course.

6.1 Legislation


It should be noted that a small number of legislative references in the Lecture Program, Reading Program and Study Guide have not been reproduced in the *Core Tax Legislation & Study Guide 2016*. In such cases, you are responsible for locating those legislative provisions. The full text of the relevant legislation is available on the CCH database, which can be accessed via the UNSW library website. The Thomson Reuters database, also accessible through the UNSW library, also has the full legislation, as does the ATO website. There is also another site where tax legislation is readily available. This is set out in the *Approach to Solving Problems in Taxation*
Law and Student Companion document. Finally, hardcopies of the full legislation is also available in the UNSW library.

6.2 Texts/Books


(Note that the Core Tax Legislation & Study Guide 2016, Australian Taxation Law 2016 and the Australian Tax Casebook might be able to be purchased in the form of the “Core Student Taxpak” from the Bookshop at UNSW. It may be cheaper to purchase these three books via a Taxpak).

6.3 Additional Texts, Casebooks, Etc, that can be consulted


(Note, some of these listed books have been published as subsequent editions)

6.4 Australian Taxation Office (ATO) Rulings that can be consulted

The ATO has published a number of rulings on Australia’s income tax, fringe benefits tax and the goods and services tax. These rulings provide readers with the ATO’s view on various aspects of the respective taxes. They are a valuable source of information. Indeed, a number of rulings are referred to in the prescribed text.
Further, some rulings are listed in the Lecture Program, Reading Program and Study Guide as important readings. The rulings are available on the ATO’s website. The address is: www.ato.gov.au. A step-by-step guide to finding the rulings is set out in the Approach to Solving Problems in Taxation Law and Student Companion document.

6.5 Taxation Journals/Bulletins, Etc, that can be consulted

There are a number of journals relevant to domestic taxation law published in Australia. They include: (1) Taxation in Australia (2) The Tax Specialist (3) Australian Tax Review (4) The Journal of Australian Taxation (5) Revenue Law Journal (6) Australian Tax Forum and (7) e-Journal of Taxation. These journals contain articles on Australia’s income tax regime, as well as the fringe benefits tax. Students are not required to read any of the articles in these journals. However, it could be useful to identify and read relevant articles in such journals in regard to some issues in the assignment(s).

Note that Taxation in Australia is available to you electronically for free if you take out student membership of The Tax Institute (TI). Student membership of the TI is free for full-time postgraduate students. Dale will provide information about this in the first lecture. Indeed, you can contact Mr Cherish Renshaw (CherishRenshaw@taxinstitute.com.au) to enquire about and take up your student membership of the TI.

6.6 Electronic Databases

The UNSW library subscribes to several electronic databases. Of particular relevance to this course are the CCH and the Thomson Reuters databases on tax publications (e.g. legislation, cases, ATO rulings services, tax commentary services). The UNSW library database can be accessed either on Level One of the Law Library, or via the UNSW website: http://www.unsw.edu.au. As a UNSW student, you are entitled to use this database.

It should also be noted that the library also has hard copies of most tax reports and ATO rulings that are listed in this course outline.

6.7 Warning/Caution

Do not use the www.austlii.edu.au website for tax legislation. On a number of occasions, admittedly some years ago, this website did not contain up-to-date tax legislation.

6.8 Hardcopies of Tax Cases
Note also that hardcopies of most tax cases, not only CCH cases, are available in the law library. In fact, this is the only way to access cases reported in Australian Tax Decisions (ATDs); ATDs are not available online.

6.9 Course Documents

All the course documents (including this Course Outline) for this course are available on UNSW Moodle at http://moodle.telt.unsw.edu.au
PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT

7 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.

<table>
<thead>
<tr>
<th>Business Postgraduate Coursework Program Learning Goals and Outcomes</th>
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<tr>
<td><strong>1. Knowledge:</strong> 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.</td>
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<tr>
<td><strong>2. Critical thinking and problem solving:</strong> 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.</td>
</tr>
<tr>
<td><strong>3. Communication:</strong> Our graduates will be effective communicators in professional contexts. You should be able to: Produce written documents that communicate complex disciplinary ideas and information effectively for the intended audience and purpose, and Produce oral presentations that communicate complex disciplinary ideas and information effectively for the intended audience and purpose.</td>
</tr>
<tr>
<td><strong>4. Teamwork:</strong> Our graduates will be effective team participants.</td>
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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:
Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
Consider social and cultural implications of business and /or management practice.

8 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).

9 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.

9.1 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

9.2 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

9.3 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

9.4 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/.

9.5 Keeping Informed

You should take note of all announcements made in lectures, tutorials or on the course web site. 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.

10 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.

11 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](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](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](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](http://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](http://info.library.unsw.edu.au/web/services/services.html)

- **IT Service Centre**
  Provides technical support for problems logging in to websites, downloading documents etc. [https://www.it.unsw.edu.au/students/index.html](https://www.it.unsw.edu.au/students/index.html) Office: UNSW Library Annexe (Ground floor). Ph: 9385 1333.

- **UNSW Counselling and Psychological Services**
  [https://student.unsw.edu.au/wellbeing](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](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