



# **LAWS19034 Taxation Law and Practice B**

## **Term 2 - 2017**

Profile information current as at 10/05/2024 10:19 am

All details in this unit profile for LAWS19034 have been officially approved by CQUUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

## General Information

### Overview

This unit is an advanced elective in taxation which builds on previous studies in taxation law and practice. Topics covered in this unit include advanced company tax, including Division 7A and dividend imputation; superannuation; advanced capital gains tax; international taxation; tax planning; tax agent registration and ethical issues including consideration of the Professional Code of Conduct and the Tax Agent Services Act 2009; anti-avoidance; contemporary taxation problems.

### Details

Career Level: *Undergraduate*

Unit Level: *Level 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### Pre-requisites or Co-requisites

Prerequisite: LAWS 19033

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

### Offerings For Term 2 - 2017

- Brisbane
- Distance
- Melbourne
- Rockhampton
- Sydney

### Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 30%

#### 2. **Examination**

Weighting: 70%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Course evaluation

##### Feedback

The overall satisfaction of the course for 2016 was 4.6 with students expressing positive comments on the course contents and delivery, in particular with the recorded weekly collaboration sessions.

##### Recommendation

The current structure and delivery will be maintained.

## Unit Learning Outcomes

**On successful completion of this unit, you will be able to:**

1. Explain some of the key principles of Australian taxation law.
2. Apply taxation law to meet the requirements of various classes of taxpayers.
3. Discuss the basic elements of tax planning.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes		
	1	2	3
<b>1 - Written Assessment - 30%</b>	•	•	
<b>2 - Examination - 70%</b>	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes		
	1	2	3
<b>1 - Communication</b>	•	•	•
<b>2 - Problem Solving</b>	•	•	•
<b>3 - Critical Thinking</b>	•	•	•
<b>4 - Information Literacy</b>	•	•	•
<b>5 - Team Work</b>			

Graduate Attributes	Learning Outcomes		
	1	2	3
6 - Information Technology Competence			
7 - Cross Cultural Competence			
8 - Ethical practice		•	•
9 - Social Innovation			
10 - Aboriginal and Torres Strait Islander Cultures			

## Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 30%	•	•	•	•						
2 - Examination - 70%	•	•	•	•				•		

## Textbooks and Resources

### Textbooks

LAWS19034

#### Prescribed

##### **Australian Master Tax Guide 2017**

60th edition (2017)

Authors: CCH

CCH

Sydney , NSW , Australia

ISBN: 9780994621184

Binding: Paperback

LAWS19034

#### Prescribed

##### **Tax Questions and Answers 2017**

Edition: 2017 (2017)

Authors: Hodgson, Mortimer & Butler

Thomson Reuters

Sydney , NSW , Australia

ISBN: 9780455239347

Binding: Paperback

#### Additional Textbook Information

The examination for this unit is an open book examination. Textbooks will be allowed into the exam room but there will be no access to electronic devices so e-textbooks will not be suitable for this purpose.

The prescribed textbooks are used extensively throughout the unit and it is strongly recommended that you purchase these texts.

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

**You will need access to the following IT resources:**

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

## Referencing Style

**All submissions for this unit must use the referencing styles below:**

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Welshy Tupou** Unit Coordinator

[w.tupou@cqu.edu.au](mailto:w.tupou@cqu.edu.au)

## Schedule

### Week 1 - 10 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Additional features of company taxation and dividend imputation - Consolidation and deemed dividends	Master Tax Guide Ch. 8 [8-000]-[8-020] Ch. 4 [4-100]-[4-320] Tax Questions and Answers Qs8.6;8.16;8.17;8.30
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#### Week 2 - 17 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Additional features of company taxation and dividend imputation - Simplified imputation system	Master Tax Guide Ch. 4 [4-400]-[4-880] Tax Questions and Answers Qs 8.1;8.4;8.13;8.15	

#### Week 3 - 24 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Additional features of partnerships and trusts	Master Tax Guide Partnerships Ch. 5 [5-060], [5-070]-[5-210] Ch.11[11-200] Ch 3 [3-475] Trust Ch.6 [6-240],[6-270]-[6-277] Tax Questions and Answers Qs 9.4;9.10;9.11;10.15;10.22	

#### Week 4 - 31 Jul 2017

Module/Topic	Chapter	Events and Submissions/Topic
Taxation of special taxpayers:primary producers	Master Tax Guide Ch.18 Ch.9 [9-250]-[9-260];[9-290]-[9-300] Tax Questions and Answers Qs12.1;12.4;12.5;12.6;12.7	

#### Week 5 - 07 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Advanced capital gains tax	Master Tax Guide Ch.11 [11-380] [11-640]-[11-770] Ch.12 [12-000] - [12-480] Ch.7 [7-050] -[7-195]; [7-250] Tax Questions and Answers Qs 3.12;3.14;3.7;3.21	

#### Vacation Week - 14 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
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#### Week 6 - 21 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
Termination payments	Master Tax Guide Ch.14 [14-600]-[14-730] Tax Questions and Answers Q11.13	<b>Written Assessment</b> Due: Week 6 Wednesday (23 Aug 2017) 11:45 pm AEST

#### Week 7 - 28 Aug 2017

Module/Topic	Chapter	Events and Submissions/Topic
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Taxation of special taxpayers: superannuation fund	Master Tax Guide Ch. 13[13-010] -[13-220];[13-700]- [13-800] Ch. 39 Tax Questions and Answers Qs 11.1;11.2;11.3;11.4
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#### Week 8 - 04 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Australian international taxation	Master Tax Guide Ch. 21 [21-670]-[21-765] Ch. 22 [22-140]-[22-165], [22-580]- [22-650] Tax Questions and Answers Qs 13.1;13.6;13.8;13.16;13.19;13.24	

#### Week 9 - 11 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Advanced tax administration	Master Tax Guide Ch. 24 [24-300]-[24-380] Ch. 29 Ch. 32 Ch. 33 Tax Questions and Answers Qs 14.3;14.10;14.11;15.2	

#### Week 10 - 18 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Anti-avoidance provisions	Master Tax Guide Ch. 30 Ch. 16 [16-020], [16-045], [16-530] Tax Questions and Answers Qs14.7;15.1;15.7;15.8	

#### Week 11 - 25 Sep 2017

Module/Topic	Chapter	Events and Submissions/Topic
Tax planning	Master Tax Guide Ch. 31 Tax Questions and Answers Qs 15.4;15.5;15.9;15.10	

#### Week 12 - 02 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
Summary and review		

#### Review/Exam Week - 09 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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#### Exam Week - 16 Oct 2017

Module/Topic	Chapter	Events and Submissions/Topic
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## Assessment Tasks

### 1 Written Assessment

#### Assessment Type

Written Assessment

#### Task Description

This written assignment is a case study that comprises of 3 parts. For part a, you are required to do calculations for a partnership that involves primary production. For part b, you are required to provide tax advice to the partnership who is

planning to dispose of their cattle business in anticipation for their retirement. For part c, you are to analyse the tax implications of dividends and the disposal of shares.

Full details of the assignment task are available on the Assessment page on the Taxation Law and Practice B Moodle site. Please ensure that you read all of the information given on the Assessment page on this site.

You are required to submit one **WORD** document( not PDF) containing all parts of your Written Assessment with the document name as your student name with student number (e.g. Peter Smith s001234)

### **Assessment Due Date**

Week 6 Wednesday (23 Aug 2017) 11:45 pm AEST

Assignments that are not submitted on time will attract a late penalty of 1.5 marks per day late, unless an extension has been granted. All application of extension should be applied online via Moodle. Please provide document to support your application.

### **Return Date to Students**

Week 8 Wednesday (6 Sept 2017)

Assignments submitted on time will be returned on Wednesday 7 September 2016 before 11:45pm. No submissions will be accepted after the return date (7 September 2016) unless an extension has been granted beyond the return date.

### **Weighting**

30%

### **Assessment Criteria**

#### **Assessment criteria**

Criteria that will determine the mark given in relation to assessment in this unit will be:

- Identification of all issues that arise in the question
- Discussion of theory or calculation with workings that underlies those issues
- Identification of relevant sections of legislation
- Identification of relevant case authorities
- Application of the law to the facts that arise in the question
- Mastery of referencing
- Spelling and grammar accuracy

A mark sheet is available on Moodle which will outline the marks allocation on the criteria listed above.

As a general guide, characteristics indicative of the respective levels of achievement in the assignment are as follows. It is not necessarily the case that all these criteria will be met at a particular standard as there may be a better performance on some criteria over others.

#### **High distinction standard**

- the answer is very well written and clearly expressed
- there is a demonstrated appreciation and understanding of the issues involved
- the answer is well structured and logically organised
- demonstrated mastery of referencing system
- there is evidence of a comprehensive analysis of the issues
- conclusions are backed by well-reasoned arguments demonstrating a detailed insight and analysis of issues
- references are made to the appropriate legislation for particular issues
- statutory provisions are analysed and interpreted correctly
- the legislation is applied to the particular fact situation in a competent manner
- consideration is given to the operation of the common law
- there may be consideration of issues not raised in the tutorials and answer guides

#### **Distinction standard**

- the answer is well written and expressed
- the answer is structured and logical
- the issues have been reasonably well identified and appreciated
- there is correct use of referencing
- issues have been analysed
- reference is made to all appropriate legislation, although the analysis and interpretation is not as detailed and reasoned as for the high distinction standard
- the effect of the common law is considered
- there is a comprehensive coverage of the issues
- occasional errors of law and legal reasoning may still be present

#### **Credit standard**



- the answer is generally well written and expressed
- the answer is structured and sequential
- referencing is satisfactory
- issues are identified and addressed
- there has been an attempt to analyse some of the issues
- the coverage of issues is reasonably comprehensive often with a good treatment and analysis of particular points
- errors of law and incorrect reasoning may sometimes be present
- statutory interpretation may require improvement
- depth of treatment is often lacking in some of the issues

#### **Pass standard**

- the answer is able to be followed and understood
- the answer could perhaps be better organised and structured
- the referencing may need improvement
- issues may need to be identified and addressed in more depth
- analysis when present may be incorrect
- some familiarity with the legislation and its application is demonstrated
- sometimes the conclusions reached are simple
- there may be several errors of law
- there may be quantities of material of marginal relevance included in the answer

#### **Fail standard**

- the answer may be significantly short of the required length
- the written expression is poor and difficult to understand
- the answer is poorly organised
- there has been a failure to identify and address the issues in the question
- referencing is generally inadequate
- there is a lack of familiarity with the legislation and its appropriate application
- the reasoning and application demonstrated is poor
- frequently there is much irrelevant material

#### **Referencing Style**

- [Australian Guide to Legal Citation, 3rd ed](#)
- [American Psychological Association 6th Edition \(APA 6th edition\)](#)

#### **Submission**

Online

#### **Submission Instructions**

The assignment is to be submitted online on Moodle in one (1) 'Word' document only.

#### **Learning Outcomes Assessed**

- Explain some of the key principles of Australian taxation law.
- Apply taxation law to meet the requirements of various classes of taxpayers.

#### **Graduate Attributes**

- Communication
- Problem Solving
- Critical Thinking
- Information Literacy

## **Examination**

#### **Outline**

Complete an invigilated examination.

#### **Date**

During the examination period at a CQUniversity examination centre.

#### **Weighting**

70%

#### **Length**

180 minutes

**Exam Conditions**

Open Book.

**Materials**

Calculator - all non-communicable calculators, including scientific, programmable and graphics calculators are authorised

Law dictionaries, Business and Law dictionaries (discipline specific dictionaries) are authorised.

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

**What is a breach of academic integrity?**

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

**Why is academic integrity important?**

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

**Where can I get assistance?**

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

**What can you do to act with integrity?**

**Be Honest**

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own

**Seek Help**

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)

**Produce Original Work**

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem