



# **LAWS20060 Taxation Law of Australia**

## **Term 2 - 2017**

Profile information current as at 05/05/2024 08:54 pm

All details in this unit profile for LAWS20060 have been officially approved by CQUniversity 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 enables students to acquire a sound knowledge of the Australian taxation system and the compliance requirements. It also provides students with an awareness of the key provisions of the relevant taxation legislation, and enables them to apply the relevant legislative concepts to determine taxation consequences. Topics include: the Constitution and taxation power; the concept, source and derivation of income; trading stock, exempt income, allowable deductions; tax offsets; and the determination of taxable income; decline in value; and miscellaneous business deductions; tax administration; fringe benefits tax; and goods and services tax. If you have successfully completed the unit LAWS20023 you should not enrol in this unit.

### **Details**

Career Level: *Postgraduate*

Unit Level: *Level 9*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

### **Pre-requisites or Co-requisites**

There are no requisites for this unit.

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
- 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 Postgraduate 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. **Practical and Written Assessment**

Weighting: 40%

#### 2. **Examination**

Weighting: 60%

### 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 Lecturers

##### Feedback

Lecture slides

##### Recommendation

Streamline the lecture slides because there were too many slides to go through in class..

## Unit Learning Outcomes

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

1. Demonstrate a sound understanding of the Australian Taxation system and the sources of Australian taxation by researching and reporting on the Australian regulatory framework for taxation.
2. Demonstrate a professional knowledge of the main concepts and principles of Australian taxation law by analysing given business scenarios and reporting on the most appropriate planning for, or application of, Australian taxation law.
3. Demonstrate competence in applying Australian taxation law by calculating and reporting on the correct or most appropriate preparation of income tax returns of moderate complexity for individual taxpayers, companies, partnerships and trusts.
4. Analyse and report on the compliance requirements of the Australian taxation system, including a critical awareness of the concept of tax avoidance and of general tax avoidance provisions in the Australian Tax legislation.
5. Provide strategic advice to stakeholders regarding the tax issues arising from common scenarios.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
1 - Practical and Written Assessment - 40%	•	•	•		
2 - Examination - 60%	•	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
1 - Knowledge	◦	◦		◦	◦

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
2 - Communication	○	○	○	○	○
3 - Cognitive, technical and creative skills			○		○
4 - Research					
5 - Self-management					
6 - Ethical and Professional Responsibility					
7 - Leadership					
8 - 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
1 - Practical and Written Assessment - 40%	○	○	○					
2 - Examination - 60%	○		○					

## Textbooks and Resources

### Textbooks

LAWS20060

#### Prescribed

##### **Principles of Taxation Law**

Edition: 2017 (2017)

Authors: Sadiq et al

Thomson Reuters

Sydney , NSW , Australia

ISBN: ISBN 9780455237138

Binding: Paperback

LAWS20060

#### Prescribed

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

Edition: 2017 (2017)

Authors: Hodgson, H, Mortimer, C & Butler, J.

Thomson Reuters

Sydney , NSW , Australia

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)
- ATO
- Austlii

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 3rd ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Dominic Lococo** Unit Coordinator

[d.lococo@cqu.edu.au](mailto:d.lococo@cqu.edu.au)

## Schedule

### **Week 1 - 10 Jul 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Sources of taxation law The taxation formula Tax accounting	Sadiq, et al (2017) Ch 1, 3 & 16	

**Week 2 - 17 Jul 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Residence and source Assessable income	Sadiq, et al (2017) Ch 4 & 5	

**Week 3 - 24 Jul 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Income from personal services and employment Income from business Income from property Principles of compensation	Sadiq, et al (2017) Ch 6, 8, 9 & 10	

**Week 4 - 31 Jul 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Capital gains tax	Sadiq, et al (2017) Ch 11	

**Week 5 - 07 Aug 2017**

Module/Topic	Chapter	Events and Submissions/Topic
General deductions Specific deductions	Sadiq, et al (2017) Ch 12 & 13	

**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
Capital allowances Tax offsets	Sadiq, et al (2017) Ch 14 & 15	

**Week 7 - 28 Aug 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Taxation of partnerships Taxation of trusts	Sadiq, et al (2017) Ch 19 & 20	

**Week 8 - 04 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Taxation of companies Trading stock	Sadiq, et al (2017) Ch 21 & 17	<b>Individual practical and written assessment</b> Due: Week 8 Wednesday (6 Sept 2017) 11:45 pm AEST

**Week 9 - 11 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Tax avoidance Taxation administration	Sadiq, et al (2017) Ch 23 & 24	

**Week 10 - 18 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Fringe benefits tax	Sadiq, et al (2017) Ch 7	

**Week 11 - 25 Sep 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Goods and services tax	Sadiq, et al (2017) Ch 25	

**Week 12 - 02 Oct 2017**

Module/Topic	Chapter	Events and Submissions/Topic
Revision	Revision	

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

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

### 1 Individual practical and written assessment

#### Assessment Type

Practical and Written Assessment

#### Task Description

The assignment will consist of two (2) to four (4) questions. The questions will be in a case study format and/or short question format. Students will be required to provide tax advice which may involve tax calculations. A word limit will apply as set out in the detailed assignment task given on the Moodle site.

#### Assessment Due Date

Week 8 Wednesday (6 Sept 2017) 11:45 pm AEST

Assignments submitted after this date (or a date approved by the unit coordinator after an extension application) shall incur a penalty of 5% per day.

#### Return Date to Students

Week 11 Friday (29 Sept 2017)

Assignments will be returned by close of business on Friday of Week 11. If an assignment is submitted late it may be returned after this time.

#### Weighting

40%

#### Assessment Criteria

These criteria are a general guide as to the standard expected at the various levels. 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 superior performance on one of the criteria and not so satisfactory performance on another.

##### 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
- Comprehensive coverage of all relevant 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](#)

#### **Submission**

Online

#### **Submission Instructions**

The assignment must be submitted by 11.45pm on Wednesday of Week 8. The assignment must be submitted in one (1) Word document only. All assignments must be clearly identified with the student name and student number of the submitting student.

#### **Learning Outcomes Assessed**

- Demonstrate a sound understanding of the Australian Taxation system and the sources of Australian taxation by researching and reporting on the Australian regulatory framework for taxation.
- Demonstrate a professional knowledge of the main concepts and principles of Australian taxation law by analysing given business scenarios and reporting on the most appropriate planning for, or application of, Australian taxation law.
- Demonstrate competence in applying Australian taxation law by calculating and reporting on the correct or most appropriate preparation of income tax returns of moderate complexity for individual taxpayers, companies, partnerships and trusts.

#### **Graduate Attributes**

- Knowledge
- Communication
- Cognitive, technical and creative skills

## Examination

#### **Outline**

Complete an invigilated examination.

#### **Date**

During the examination period at a CQUniversity examination centre.

#### **Weighting**

60%

#### **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