

**MACQUARIE UNIVERSITY**



**POSTGRADUATE DIPLOMA  
IN ACCOUNTING  
and  
MASTER OF ACCOUNTING**

**UNIT OUTLINE**

**ACCG857 TAXATION LAW**

**Trimester 3 2008**

Department of Accounting & Finance [www.accg.mq.edu.au](http://www.accg.mq.edu.au)

## TRIMESTER 3 2008

### Unit Outline ACCG857 TAXATION LAW

**Lecturers** Shirley Murphy  
Victoria Lakis  
Catriona Lavermicocca  
Patrick Gallagher (LIC)

You will be marked present in classes only if you attend your correct lecture group.

You must use **BLACKBOARD** in this unit <http://learn.mq.edu.au> to log on NOW.

Week	Lecture	Presentations	Lecture Date
01	Lecture 1 Introduction to Tax Study, Tax Concepts and what we expect in your in-class presentations		18 19 21 August
02	Lecture 2 Income		25 26 28 August
03	Lecture 3 Income	L2 SPs	01 02 04 September
04	Lecture 4 Tax Acctg & Int'l	L3 SPs	08 09 11 September
05	Lecture 5 Income/business	L4 SPs	15 16 18 September
06	Lecture 6 Deductions	L5 SPs	22 23 25 September
07	Lecture 7 Deductions cont	L6 SPs	29 30 September 02 October
	<b>Saturday 04 October MID-TRIMESTER EXAM</b>		This exam will cover <b>topics listed for Lectures 1 to 5</b> 100 minutes duration plus reading time
08	Lecture 8 CGT	L7 SPs	06 07 09 October Monday 06 October is a Public Holiday your lecturer will advise your alternate lecture times
09	Lecture 9 GST	L8 SPs	13 14 16 October
10	Lecture 10 P'ship/Trusts	L9 SPs	20 21 23 October
11	Lecture 11 Imputation System & tax admin.	L10 SPs	27 28 30 October
12	Revision/Catch up		03 04 06 November
13	<b>EXAM PERIOD START</b>		<b>Mon 10 November Exam Period Start</b>

#### Class Times and Rooms

You **MUST** attend at the correct class and room or you will **NOT** be marked present unless you bring a medical certificate to your correct lecturer at the next correct class time

Class 1 Monday 3-6 C5A304  
Class 2 Tuesday 6-9 C4A318  
Class 3 Tuesday 6-9 C5A301  
Class 4 Thursday C4A318

Lecture detail & reading follows – this outline is also on **BLACKBOARD**

Please take study, UNDERSTANDING and exams seriously to pass this unit.

**Pre-requisite.** You must have passed the units ACCG851 Business Law and ACCG854 Company & Associations Law before you are permitted to study ACCG857

**Aims and Objectives.** ACCG 857 Taxation Law provides you with the opportunity to acquire skills in learning and analysing taxation and knowledge of aspects of current taxation law. Relevant learning skills and knowledge are important for all accounting practitioners; for many accountants they are crucial for their entire careers. Having completed this unit satisfactorily you will have proved your knowledge, and your ability to communicate professionally your skills and knowledge, in a variety of taxation areas including:

- The concepts of income and capital
- The nature and operation of deductions
- The operation of Capital Gains Tax
- The tax treatment of individual, partnerships and other entities including trusts and some aspects of corporate taxation
- Some key aspects of the operation of Goods and Services Tax
- The nature of tax avoidance and aspects of anti tax avoidance legislation
- The legislative structure of Australia's tax laws and the role of Courts in making legislation work

**Assessment.** Assessment in this unit is rigorous and if you are to succeed you **MUST** work consistently through the entire trimester. Please note that all lecturers in this unit will apply the same consistent assessment approaches and marks for all components will only be provided on BLACKBOARD at the end of the trimester. **Any 'advice' marks you may seek and/or which are given before the formal BLACKBOARD advice to all students in the unit will be subject to normalisation across all classes so that average marks shown below apply to all classes.**

**You MUST read each week and prepare your own carefully prepared notes – that you are permitted to take into both examinations (see examination conditions for more details on this).**

Exams are thorough and rigorous and are written anew for each exam in each trimester. We will not use exams or questions that have been used in class or in previous exams – although old exams and in-class problems will be indicative of the types of questions you may expect to encounter. Please note that where a question asks you to explain an answer you will NOT pass the question if you merely provide an answer (right or wrong) that does not give the required explanation. **YOU NEED TO SHOW KNOWLEDGE BASED THINKING not just simple facts!**

**Please note that while hard work is rewarded, this Unit provides a valuable postgraduate professional entry qualification and skill set and you are assessed in this Unit accordingly. If you do not work and/or fail to gain sufficient understanding you will not attain a pass mark in this Unit.**

**IMPORTANT: YOU MUST ACHIEVE AT LEAST 40% OF AVAILABLE MARKS IN THE FINAL EXAM TO PASS THIS UNIT.** Students regularly fail for not achieving this requirement alone. **You will also FAIL if you do not perform adequately in ALL assessment components including recorded attendance at CORRECT classes and also your performance in Student Presentations.**

**Marks you can score are as follows:**

Mid-trimester Examination of 90 minutes duration	30%
End of trimester Final Examination of 180 minutes duration	60%
Attendance (only) – an attendance record will be kept	5%
Student presentation	5%
TOTAL	100%

**Attendance Marks and ABSENCE POLICY** You will gain full marks if you attend and participate diligently at all classes. You are expected to arrive at classes on time and to depart at the conclusion of classes in order to attain this mark. If you miss classes or regularly depart classes early or you sleep in classes you can expect these marks to fall. **EACH MISSED CLASS [OR 'DEMERIT ACTIVITY' SUCH AS LEAVING EARLY OR ARRIVING LATE WITHOUT GOOD REASON] WILL RESULT IN A HALF REDUCTION, MEANING FOR EXAMPLE, THAT MISSING 10 CLASSES WOULD RESULT IN A MARK OF ZERO FOR CLASS ATTENDANCE.** Disruption in class or obvious lack of preparation will result in reduction of class marks – good pre-reading and quiet but FULL attendance should result in full marks. **Please note that if you do not attend your correctly allocated class you will not be marked present except where you provide a doctor's certificate.** Casual attendance at other classes is OK at any time for you to catch up but we will not interrupt classes for the administrative purpose of marking students present who are not formally on a class roll. **SO GO TO THE CORRECT CLASS PLEASE!** Please note that Week 1 rolls are not counted for attendance marks.

**Student Presentation.** Each week there will be a Lecture on topics listed in this Unit Outline. Lectures will last about 2¼ hours. Additionally, you will participate actively, as in each Lecture, 3 to 6 students (working in pairs if large class numbers demand this and sharing the mark awarded) will be allocated topics to prepare for an in-class presentation at the start of the following week's class. By the end of trimester you will have presented an in-class student presentation at least once and possibly twice if you think you may have performed poorly [if you do give two presentations the marks for each will be added and then be divided by two to give an average across the two – you will not gain 'bonus' marks for two presentations although your average mark may improve]. Up to 12 minutes (MAXIMUM) will be allowed for each such presentation. Marks will be provided to all students using student numbers only, on BLACKBOARD, before the end of trimester exam (if all administration by all lecturers is complete). **Please note that the normal or average mark for this component will be a high credit grade or slightly better (ie about 70% to 80%) so if you want to score comparatively highly you will need to perform appropriately better than the average.** If necessary, to overcome group variations, the lecturer in charge will scale results in all groups so that all averages for all groups fall within this credit average range.

You will be marked on the basis of quality of presentation including your level of preparation, your understanding, your accuracy, your comprehensiveness, your ability to explain the key issues to your fellow students, your GOOD use of learning aids such as overhead transparencies etc. [YOU MUST USE AT LEAST 24 POINT FONTS FOR OVERHEADS]. **Generally, you are expected to display your knowledge and the communication skills expected of a postgraduate student.**

**STUDENT PRESENTATION FEEDBACK SHEET (see end of this outline).** This sheet will be provided to you to give you an indication of presentation quality including indicative marks (subject to standardisation across all groups) – usually you would receive the feedback sheet the week after your presentation has taken place. The sheet that will be used for this purpose is at the end of this Unit outline. **NOTE that the mark you will be given on this sheet is INDICATIVE ONLY it is DEFINITELY subject to variation (including variation downwards) before final marks are given for all students in all classes on BLACKBOARD.**

**Exams.** The two exams are your opportunity to display and **EXPLAIN** your learning in full – and comprise 90% of your assessment. You will receive advice about exams in-class in writing two weeks before each exam and on BLACKBOARD. The mid-trimester exam will cover topics up to and including Lecture 5. The final exam advice will be on BLACKBOARD.

**Exam Aids.** You will be permitted to take into exams the following aids:

- **Your own handwritten class notes and study notes.**
- A calculator.
- Tax legislation in book published form – which may be hand written on and hand marked up as you see fit. Please note that, we allow book published legislation including *2008 Core Tax Legislation and Study Guide*.
- **You are NOT permitted to take into either exam any other items. No photocopies of any items are permitted nor are any computer downloads or printed output of any type.**

**Written advice about both the mid-trimester and final exam coverage and content will be provided in class and on BLACKBOARD.** No ‘informal’ advice about exams will be given in-class.

## Textbooks and Legislation

**Text** : “Woellner” – referred to as “W” throughout this outline. You **must** have a copy of this – bring it to class each week:

Woellner RH Barkoczy S Murphy S Evans C *2008 Australian Taxation Law* CCH Australia Ltd.

**[We are pleased to let you know that ‘Murphy S’ in the title is the regular ACCG857 lecturer Shirley Murphy.]**

**Legislation** – you need a copy of this – and should bring it to class each week  
Barkoczy S *2008 Core Tax Legislation and Study Guide* CCH Australia Ltd

**Worked problems and solutions** – this will be very useful for your study and revision activities and you should organise access to this even if you do not buy your own – sharing a copy would be fine.

Nethercott LJ and others *Australian Taxation Study Manual: Questions and Suggested Solutions*  
CCH Australia Ltd *most recent edition available*

**Casebook** (summaries of almost all important tax cases) – this will be useful and you should consider organising at least shared access to help your study. An older edition will still be useful. The purpose of this book is to allow you to read revision and study summaries of important cases that are mentioned in the text and emphasised in lectures.  
Barkoczy S *Australian Tax Casebook* CCH Australia Ltd *most recent edition available*

## Recommended – a guide about how to study tax law

Obst W Smith Hanegbi *Successful Tax Study* Thomson/ATP. This book will help you discover how to understand analysis of legal principles. Once again, sharing a copy with somebody should be satisfactory.

**Support Services For Overseas Students.** The University Counselling and Health Services has appointed a counsellor specifically to assist students from overseas countries and those who speak English as their second language. This person is particularly expert in assisting with difficulties that involve adjustment to University life or to Australian custom, personal difficulties or the skills of studying, of reading, learning and remembering, or organising and motivating study, or of facing the examinations. Much of the work with students is conducted on an

individual basis in a confidential setting. However, each trimester groups are conducted to assist students in study skills, stress management and preparation for returning to the home country.

**BLACKBOARD and Lecture Guidance Notes.** Each week, lecture notes will be placed on BLACKBOARD before the class. These notes are no more nor less than core lecture notes presented in lectures by Shirley, Victoria and Patrick. They are NOT intended to, nor do they, stand alone nor in place of lecture attendance. They are provided for your convenience. You must also properly construct your own notes based on your own readings and any additional comments, supplements and corrections to these notes which WILL occur during lectures – and which you MUST attend.

CRITICAL COMMENT. You are not entitled to rely on lecturer provided notes for full study purposes nor as the final indicator of exam content. You are required to and expected to read all text and legislative references and also to take into account comments, additional materials and illustrations and examples which may also be given in lectures.

The Lecture Notes have been constructed almost entirely by following the textbook for this Unit according to the Unit outline.

**BLACKBOARD “Discussions”** is intended as a noticeboard and discussion forum for all students. It is here that you should post questions – students and lecturers will regularly provide feedback and/or answers to your queries. This discussion forum is open right up to your final exam (please note that, if by chance students sit an exam ‘early’ for any reason – and this is very rare – the discussion forum will definitely continue until the date of the exam relevant to the normal exam time.)

**Comments on Tax as a discipline and a study area.** TAX IS INTRIGUING – it can also be both a FUN area of study that can be FRUSTRATING and which requires A LOT OF WORK BY YOU... but it is always interesting... Some important issues to consider while studying this Unit:

1. ALWAYS READ ALL OF THE LISTED MATERIALS CAREFULLY EACH WEEK
2. It often helps to place yourself in the position of taxpayer or tax collector
3. Be prepared to follow things through further where you find them challenging or especially intriguing
4. It is in many ways the most complex area of law and ...
5. Once you master it you have a ticket to an excellent income and a rewarding career that is the core of most accountants’ professional income stream
6. This is true for all countries – study of Australia’s tax system will assist your tax understanding no matter where you will practice.

### **Your Compulsory Reading for Lectures and Topics for Lectures**

Additional notes will be available on BLACKBOARD on the weekend before classes. These may also be handed out in classes depending on your lecturer preferences. These notes are to save you some writing in lectures – YOU MUST STILL MAKE YOUR OWN NOTES TOO!

**Please note, where information in textbooks is corrected by teaching staff [on Blackboard and/or in class] you will be marked wrong AND YOU WILL LOSE MARKS in any exam or assessment if you use the information that is wrong and ignore the correct information provided by teaching staff.**

## **MACQUARIE UNIVERSITY RULES AND REGULATIONS**

All assessment is subject to the University's rules and information to students set out in the 2005 Handbook of Postgraduate Studies. You are particularly referred to rules of the various postgraduate awards and with the student Information regarding plagiarism and on grading (see below).

**PLAGIARISM** The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's practices and procedures on plagiarism. These can be found in the Handbook of Undergraduate Studies or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

### **MORE ON CHEATING AND PLAGIARISM**

To cheat in the context of university assignments, tests and examinations is to attempt to gain an unfair advantage by violating the principles of intellectual and scholarly integrity. Cheating also encompasses plagiarism, which is the appropriation or imitation of another person's ideas and/or their manner of expressing them.

### **WHAT IS CHEATING?**

You will be guilty of cheating if you do any of the following:

1. Copy from another student during a test or examination. This is cheating whether or not there is collusion between the students involved. Collusion with another student who wishes to cheat from you exposes both parties to penalties under University Regulations.
2. Use or paraphrase the work of others, including any document, audio-visual or computer-based material, when preparing an assignment or writing an examination, and pretend it is your own work by not acknowledging where it came from.
3. Copy from another student's coursework whether that copying is with or without the knowledge of that student. This includes:
  - a. Copying all or part of someone else's assignment
  - b. Allowing someone else to copy all or part of your assignment
  - c. Providing your assignment (or other materials for an assignment) to another student
  - d. Having someone else do all or part of an assignment for you
  - e. Doing all or part of someone else's assignment for them.
  - f. Making up data and fabricating results in research assignments.
  - g. Impersonating someone else in an examination or test, or arranging such impersonation.
  - h. Using forbidden material in a test or examination, whether in printed or electronic form. For example, attempting to use a non-standard calculator in a restricted calculator examination.

## **WHY IS PLAGIARISM AND OTHER CHEATING WRONG?**

If you take and use the work of another person without clearly stating or acknowledging your source, you are falsely claiming that material as your own work and committing an act of plagiarism. This is wrong because it:

1. Violates the principle of intellectual and scholarly integrity;
2. Devalues the grades and qualifications gained legitimately by other students; and
3. Fails to allow you demonstrate your own understanding of the material.

## **PREVENTING CHEATING**

All students and staff have a responsibility to prevent, discourage and report cheating.

Typically students cheat because they are having difficulty with the unit content, the language of the unit, or both. Cheating and/or plagiarism can be a temptation when students are experiencing difficulty with a heavy workload in the unit and seek to save time by using others' work.

To avoid having students resort to cheating, the University provides many services to help students with their course or to make thoughtful decisions about whether to continue. Within the Division of Economic and Financial Studies, students should first seek assistance from their lecturer. Staff at the Centre for Macquarie English are also an excellent resource for plagiarism questions and language issues. The University also offers help through the Dean of Students or the University Health and Counselling Services.

There is a difference between getting help and cheating. You are encouraged to get help if you need assistance to understand the material and any set work so that you are in a better position to create your own answers. You might also want to have group discussions with your colleagues to debate the different issues surrounding a form of assessment. However the work you submit for your assessment must be in your own words and must not be those of another person.

## **HOW TO PLAY SAFE**

To maintain good academic practice, so that you may be given credit for your own efforts, and so that your own contribution can be properly appreciated and evaluated, you should acknowledge your sources and you should ALWAYS:

1. State clearly in the appropriate form where you found the material on which you have based your work, using the system of reference specified by the Division in which your assignment was set;
2. Acknowledge the people whose concepts, experiments or results you have extracted, developed or summarised, even if you put these ideas into your own words;
3. Avoid excessive copying of passages by another author, even where the source is acknowledged. Find another form of words to show that you have thought about the material and understood it, but remember to state clearly where you found the ideas.

There is nothing wrong with working with other students in a group; indeed sometimes you will be encouraged to do so. But after a certain point, each student must work on their own to produce their own written answers. If no specific guidelines for group-work have been given, a reasonable interpretation is that it is acceptable for two or more students to discuss a problem among themselves or with a staff member. The group may then agree



that the answer should include certain points. But then each member of the group must independently write their own answer to the problem.

## **PENALTIES**

Offences of plagiarism will attract penalties which at a minimum, will result in the deduction of marks for the test and/or assignment. Ultimately you can be subject to a failure in the unit and reference to the University Discipline Committee. The penalty will depend upon the extent of the plagiarism, whether it is a first or repeated offence, whether there is evidence of deliberate deceit and whether advantage has been taken of another student. In some cases this can result in the suspension of the student from enrolment in the university. In all cases however, a record of any offence and/or incident, along with correspondence, will be placed permanently on the students' individual record file held at the university.

**GRADING** Academic Senate has a set of guidelines on the distribution of grades across the range from fail to high distinction. Your final result will include one of these grades plus a standardised numerical grade (SNG).

On occasion your raw mark for a unit (i.e., the total of your marks for each assessment item) may not be the same as the SNG which you receive. Under the Senate guidelines, results may be scaled to ensure that there is a degree of comparability across the university, so that units with the same past performances of their students should achieve similar results.

It is important that you realise that the policy does not require that a minimum number of students are to be failed in any unit. In fact it does something like the opposite, in requiring examiners to explain their actions if more than 20% of students fail in a unit. The process of scaling does not change the order of marks among students. A student who receives a higher raw mark than another also receives a higher final scaled mark.

For an explanation of the policy see the MQ University website.



## ACCG857 Tax Law T3 2008

### Student Presentation Feedback and Indicative Marks

This sheet will be used to give you your feedback for your presentations. You should prepare carefully recognising the things we will be looking for in your preparation and presentations. Remember, **you** are helping build study notes for yourself and your fellow students so careful thought, communication and understanding are vital for good marks!

Family Name \_\_\_\_\_ First Name \_\_\_\_\_ Called \_\_\_\_\_

Student Number \_\_\_\_\_

Student Presentation # \_\_\_\_\_

Presentation Day & Time \_\_\_\_\_

Lecturer \_\_\_\_\_

Your indicative mark as a percentage \_\_\_\_\_

Note that your indicative mark will be subject to adjustment (upwards or downwards) as all students' marks are standardised across all groups to lead to an overall average of between 70% and 80%.

You will receive this sheet within a few weeks of the in-class presentation and your lecturer may also keep a copy – but you should keep the original safe.

#### THE STANDARD AT WHICH YOU PERFORMED (rating will be circled)

6 = Outstandingly High (High Distinction plus level – a rare mark!) 5 = Distinction level  
4 = Above Average (Credit level) 3 = Average (High Pass level) 2 = below average (needed more work to achieve good Pass) 1 = well below average (equates to a fail for poor or no performance)

Quality of <u>presentation MATERIALS</u>	6	5	4	3	2	1
<u>COMMUNICATION</u> with audience	6	5	4	3	2	1
<u>EXPLANATION</u> to meet class needs	6	5	4	3	2	1
Extent of thorough <u>UNDERSTANDING</u>	6	5	4	3	2	1
Identification of <u>TOPIC DIFFICULTIES</u>	6	5	4	3	2	1
Apparent <u>PREPARATION</u> and Reading	6	5	4	3	2	1
Prepare to and <u>comply with TIME LIMITS</u>	6	5	4	3	2	1

Other Comment: \_\_\_\_\_