



The University of Southern Queensland

## Course specification

<b>Description: Revenue Law and Practice II</b>						
Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	3131	44977	2, 2005	ONC	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090901

### STAFFING

Moderator: Tom Delany

### REQUISITES

Pre-requisite: LAW3130

### SYNOPSIS

The material covered in the course will build upon the subject matter dealt with in the course Revenue Law and Practice and students will be expected to have retained a working knowledge of material covered in that course. This course looks in detail at taxation issues not covered there in order to provide students with a greater understanding and knowledge of the Australian taxation system. Specifically it covers taxation of various business organisations, superannuation funds, and termination payments. It also examines Fringe Benefits Tax, International tax and the taxation of 'special' taxpayers such as primary producers.

### OBJECTIVES

AIM Students should be able to analyse problems, recognise the appropriate law, apply that law and synthesize an answer with respect to Australian taxation law. Completion of this course will enable students to:

1. apply the principles of taxation of entities such as trusts, companies, partnerships and superannuation funds;
2. calculate the taxable income and apply appropriate rates of tax to the taxpayer in areas covered by the unit;
3. explain the advantages and disadvantages of various entity structures in relation to taxation, eg companies, trusts, partnership, superannuation funds;
4. articulate the tax implications of transactions which have international aspects;
5. explain the boundaries of legitimate tax planning and effects of Part IVA;
6. explain and apply the special rules relating to the taxation of primary producers;
7. describe the system of taxing fringe benefits, and perform necessary calculations in relation to the imposition of FBT;
8. apply the technique of analysis of problems to tax law, including the application of the appropriate law to the problem and advising on the probable outcome; and

9. demonstrate satisfactory skills in communication.

## TOPICS

	Description	Weighting (%)
1.	Partnerships	8.00
2.	Trusts	17.00
3.	Company and Shareholder Taxation	17.00
4.	Fringe Benefits Tax	17.00
5.	Primary Production and Special Taxpayers	8.00
6.	Superannuation funds, termination payments, superannuation contributions	17.00
7.	International Tax	8.00
8.	Tax Planning, alienation of income, Part IVA	8.00

## TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

LAW3131 study package available from the USQ Bookshop.

Barkoczy, S *Australian tax casebook*, CCH Australia Ltd, North Ryde, New South Wales. (latest edition)

Barkoczy, S, Nethercott, L & Morabito, V 2004, *2005 core tax legislation and study guide*, 8th edn, CCH Australia Ltd, North Ryde, New South Wales.

Deutsch, RL, Friezer, ML, Fullerton, IG, Gibson, MM, Hanley, PJ, Plummer, WS & Snape, TJ 2005, *Australian tax handbook 2005*, Australian Tax Practice, Pyrmont, New South Wales.

## REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

Lehmann, G & Coleman, C 1998, *Taxation law in Australia*, 5th edn, Australian Tax Practice, Sydney.

Woellner, R, Barkoczy, S & Krever, R 2004, *2004 Australian taxation law*, 14th edn, CCH Australia Ltd, North Ryde, New South Wales.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	20.00
Lectures	26.00
Private Study	93.00
Tutorials or Workshops	26.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ASSIGNMENT	30.00	30.00	09 Sep 2005
3 HOUR EXAMINATION	70.00	70.00	END S2 (see note 1)

### NOTES

1. The examination is scheduled to be held in the end-of-semester examination period. Students will be advised of the official examination date after the timetable has been finalised.

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
It is the students' responsibility to attend and participate appropriately in all activities (such as lectures, tutorials, laboratories and practical work) scheduled for them, and to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval then a penalty of 20% of the total marks gained by the student for the assignment will apply for each working day late.
- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must attempt all of the summative assessment items, achieve at least 50% in the examination and achieve an aggregated mark of at least 50% of the available weighted marks for the summative assessment items.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.
- 6 Examination information:  
This is an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile

telephones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.

- 7 Examination period when Deferred/Supplementary examinations will be held:  
Any Deferred or Supplementary examinations for this course will be held during the next examination period.
- 8 University Regulations:  
Students should read USQ Regulations 5.1 Definitions, 5.6. Assessment, and 5.10 Academic Misconduct for further information and to avoid actions which might contravene University Regulations. These regulations can be found at the URL <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Guide to Policies and Procedures of the Faculty which can be found at the URL <http://www.usq.edu.au/handbook/current/buspolproc.html>.

## **ASSESSMENT NOTES**

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the Examiner. (ii) If requested, students will be required to provide a copy of an assignment submitted for assessment purposes. This should be despatched to the USQ within 24 hours of receipt of a request being made. (iii) In accordance with University's Assignment Extension Policy (Regulation 5.6.1), the Examiner may grant an extension of the due date of an assignment in extenuating circumstances. If students submit assignments after the due date and wish to claim extenuating circumstances then they shall provide validated documentary evidence with the assignment, explaining the circumstances. The Examiner shall consider the statement accompanying a late assignment and decide on the outcome. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The Examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The Examiner will not accept submission of assignments by facsimile. (vii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a Show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the Examiner's convenience.
- 2 Dishonest Actions: (i) Any student who is alleged to have performed a dishonest action relating to any assessment in the course will have a course of action taken against him/her as outlined in the Academic Regulations. (ii) Pieces of assessment should be the work of individual students. Joint pieces of assessment are not permitted unless written approval has been obtained from the Examiner. (iii) Dishonest action in relation to assessment includes: copying or attempting to copy the work of others; use of or attempting to use information prohibited from use in that form of assessment; submitting the work of another as your own; consciously committing acts of plagiarism, that is, taking and using another's thoughts or writings as one's own with intent to deceive, which occurs when paragraphs, sentences, a single sentence or significant parts of a sentence which are copied directly, are not enclosed in quotation marks and appropriately footnoted or referenced in the text; direct quotations are not used, but text is paraphrased or summarised, and the source of the material is not acknowledged by footnoting or other reference in the text.
- 3 Deferred Examinations: (i) Deferred examinations will be granted based on non-attendance for medical reasons, family/personal reasons, or employment-related reasons. Deferred examinations must be recommended by the Faculty Assessment Coordinator and approved by the Examiner or Moderator or Dean's Nominee. If a

deferred examination is granted, students shall sit the deferred examination in the next semester examination period. If, for whatever reason, this deferred examination is not taken then the student will be graded 'F'. (ii) To be eligible for consideration for a deferred examination, students must have submitted a genuine attempt at all mandatory assessment items. (iii) Deferral of an examination CANNOT be granted on an existing deferral in that course. (iv) Requests must be in writing to the Faculty Assessment Coordinator clearly stating student name, student number, current address, course alpha-numeric identifier and name for the examination not attended. (v) Requests MUST BE supported by original or suitably authenticated documentation. (vi) Requests and documentation must be submitted to the Faculty Assessment Coordinator within ten (10) calendar days of the missed examination date. (vii) Requests based on medical reasons must be supported by medical evidence on the appropriate University of Southern Queensland medical certificate or doctor's certificate. A medical certificate must be dated with the same date as the period of illness for which the absence from examination is being sought and clearly indicate the student's name and, if possible, student number (retrospective medical certificates will not be accepted for either assignment work or examinations). Only original or authenticated medical certificates will be accepted. A student's medical condition must be stated clearly (IN ENGLISH). (Certificates stating a student has a 'medical condition' may not be sufficient grounds for deferment of examination). Medical evidence must cover the student for the day(s) of the missed examination(s). (viii) Requests based on family/personal reasons must be supported by a clear statement (IN ENGLISH) from a medical practitioner, counsellor or independent member of the community. (ix) Requests based on employment-related reasons must be supported by a clear statement (IN ENGLISH) from the student's employer. (x) Students who have a medical condition or genuine compassionate or employment-related problems on the day of the examination are advised to obtain the relevant documentary evidence and NOT attempt the examination. If a student makes an attempt at the examination, the assessment item will be marked and a grade awarded. In these cases, a student cannot, after receiving a 'fail' grade, request a deferred examination or special consideration. (xi) Students who have been granted deferred examinations will not be granted a waiver of prerequisites, without the permission of the Head of Department, in subsequent semesters (if they do not have a passing grade).

## **OTHER REQUIREMENTS**

- 1 Learning Resources: Prescribed text and materials (see above); prescribed reference materials (see above); printed Introductory Book\*, Study Book/s\* and Solutions Manual\*; and course Website accessible via USQConnect. \*part of the study package available from the USQ Bookshop.
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