

LAWS40039 Advanced Taxation

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2012.
Time Commitment:	Contact Hours: 1 x 2-hour seminar and 1 x 1-hour seminar per week. Total Time Commitment: 132 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory, Taxation; or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	Students will find it useful to have completed or to be doing concurrently corporate law and equity.
Non Allowed Subjects:	None
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	<p>Advanced Taxation will build on the core principles of Taxation in a business context, will cover the rules concerning taxation of business entities and will introduce students to the fundamental principles of international taxation law for individuals and businesses. The subject is taught at an advanced level.</p> <p>Topics covered include the law and policy relating to:</p> <ul style="list-style-type: none"> # Taxation of entities used for business and investment specifically partnerships, trusts and companies; # Fundamental principles of Australia's jurisdiction to tax including residence, source, permanent establishment and the operation of international tax treaties including an examination of one tax treaty between Australia and another jurisdiction; # Australian taxation of inbound and outbound investment including withholding at source, exemption of foreign business profits and foreign tax credits.
Objectives:	<p>The aim of Advanced Taxation is to give students a thorough grounding in taxation of business entities and core principles of international taxation. The subject builds on the core principles and policy covered in Taxation, which is a required Prerequisite and it will be assumed that students have a good knowledge of the content of the Taxation subject. On completion of the subject, students should be able to:</p> <ul style="list-style-type: none"> # Understand and apply the statutory and case law rules concerning taxation of business entities including partnerships and partners, trusts and beneficiaries and companies and shareholders; # Be able to identify issues in tax planning for businesses including the risk associated with tax planning decisions and choice of business entity; # Comprehend Australia's business and international tax policy as regards corporate taxation and both inbound and outbound investment in a global economy; # Understand and apply the statutory and case law rules concerning Australia's international tax jurisdiction including residence, source, permanent establishment, and withholding at source and the structure of Australia's tax treaties; # Be familiar with the principle that nation states should accord relief from double taxation, and the methods by which such relief is provided in the Australian context, including foreign tax credits and exemptions.

Assessment:	A one hour, open book in class test worth 30%, part way through the semester and a final 2 hour examination, worth 70%. However, where the mark for the final examination as a percentage is higher than the mark for the assignment as a percentage, the mark for the subject will be the percentage mark for the examination.
Prescribed Texts:	Fundamental Tax Legislation (ATP) or Core Tax Legislation (CCH, current edition);Kobetsky, Krever, O'Connell, Stewart, Income Tax: Text, Materials and Essential Cases (Federation Press, 2008, 7th edition).
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The ability to understand and reconcile competing public policy goals; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time. <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # The ability to understand and explain the interaction of case law, complex statutory provisions and international treaties as they apply to particular fact situations; # The ability to grasp quickly the nature of a legal problem and to identify the issues in need of resolution; # The ability to write a concise memorandum of advice that analyses and communicates a solution on a complex issue.