

LAWS70006 International Tax: Principles, Structure

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.
Coordinator:	Assoc Prof Michael Kobetsky
Contact:	Lecturers Associate Professor Michael Kobetsky (http://www.law.unimelb.edu.au/staff/Michael%20Kobetsky) (Coordinator) Mr Peter Gillies (http://www.law.unimelb.edu.au/staff/Peter%20Gillies) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	This core international tax subject is of central importance, given Australia's ever-growing role in the global economy. This subject covers the fundamental international income tax rules that apply where income or capital gains are derived in circumstances that have a connection with Australia. It considers Australia's tax jurisdiction of residence and source, and relief from double taxation under domestic law and tax treaties. It also examines measures to prevent tax avoidance, such as controlled foreign company measures and transfer pricing.

	<p>This subject is designed to explore in detail the fundamental principles of Australia's international taxation regime. The subject will examine both the issues of tax design and policy, and the relevant provisions in the legislation, cases and rulings.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Principles of international taxation # Rules for determining residence and source # Domestic rules for the taxation of residents' foreign income (foreign income tax offsets, accruals taxation of foreign income and exemption of foreign income) # Domestic rules for the taxation of non-residents' Australian source income (business income, interest, dividends and royalties) # Introduction to tax treaties # Introduction to thin capitalisation rules.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the policies underlying Australia's rules for taxing international transactions # Have a detailed knowledge of the foundational principles of law applicable to the taxation of inbound and outbound transactions # Be able to critically examine, analyse, interpret and assess the effectiveness of Australia's rules for the taxation of inbound and outbound transactions # Be an engaged participant in the debate on the principles of international taxation and international tax avoidance # Have a sophisticated appreciation of the international tax policy issues # Have an understanding of the competing policy issues of deriving an appropriate amount of tax from cross-border transactions without impeding international trade and investment # Have the cognitive and technical skills to generate critical and creative ideas relating to the taxation of cross-border transactions, and to critically evaluate policy issues # Have the skills to independently examine, research and analyse current and emerging legal issues relating on international taxation # Have the oral and written communication skills to articulate and convey complex information regarding international taxation to specialist and non-specialist audiences.
Assessment:	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (11 - 14 November) A minimum of 75% attendance is a hurdle requirement.
Prescribed Texts:	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70006/2016
Related Course(s):	<p>Graduate Diploma in International Law</p> <p>Graduate Diploma in International Tax</p> <p>Graduate Diploma in Legal Studies</p> <p>Graduate Diploma in Tax</p> <p>Master of Commercial Law</p> <p>Master of International Tax</p> <p>Master of Laws</p> <p>Master of Public and International Law</p> <p>Master of Tax</p>