

School of Accounting and Commercial Law

## **TAXN 304 INTERNATIONAL TAXATION 2**

Trimester Two 2011

### **COURSE INFORMATION AND OUTLINE**

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#### **Names and Contact Details**

<i>Course Coordinator &amp; Lecturer:</i>	Associate Professor David White Email: <a href="mailto:David.White@vuw.ac.nz">David.White@vuw.ac.nz</a> Office hours: Tuesday 1pm-3pm	RH703	463-5705
<i>Lecturer:</i>	Professor Kevin Holmes Email: <a href="mailto:Kevin.Holmes@vuw.ac.nz">Kevin.Holmes@vuw.ac.nz</a> Office hours: TBA	RH618	463-5968
<i>Course Administrator:</i>	Lucy May Email: <a href="mailto:Lucy.May@vuw.ac.nz">Lucy.May@vuw.ac.nz</a> (Office hours: Monday-Friday 8.30am-5pm) Office is closed: 10.30-10.45am and 3.30-3.45pm.)	RH708	463-5775

Please email all questions to the course administrator in the first instance, identifying in the heading of the email that it is a TAXN 304 inquiry to prevent confusion with emails about other TAXN courses being taught in the same trimester. Where the administrator cannot answer the question, she will bring the e-mail to the attention of the appropriate lecturer to ensure a speedy response. Students should not copy the lecturer in to messages to the course administrator.

#### **Trimester Dates**

Teaching Period: Monday 11 July – Friday 14 October

Study Period: Monday 17 October – Thursday 20 October

Examination Period: Friday 21 October – Saturday 12 November (inclusive)

#### **Withdrawal from Courses**

Your fees will be refunded if you withdraw from this course on or before **22 July 2011**.

The last date for withdrawal from this course is **Friday 23 September 2011**. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an 'Application for Associate Dean's Permission to Withdraw Late' including supporting documentation.

The application form is available from either of the Faculty's Student Customer Service Desks.

## **Class Times and Room Numbers**

**Monday & Wednesday:** 0930-1020

**Venue:** LT4, Government Buildings, Pipitea Campus

In addition, there are **eight** tutorials of 50 minutes each. Tutorial times and locations will be listed on *Blackboard*. See additional information under *Tutorials* in this Course Information and Outline document.

## **Course Content**

Details of the lecture programme are provided in a table at the end of this document. Some topics may be addressed in a different week from that shown in the table. Further information will be provided by lecturers.

## **Course Learning Objectives**

By the end of this course, students should be able to:

- a. analyse and critique the OECD model tax convention;
- b. identify national strategies for negotiating Double Taxation Treaties;
- c. analyse and apply a Double Taxation Treaty to a complex commercial transaction;
- d. apply the OECD model tax convention in the context of a developing country.

## **Course Delivery**

### **IMPORTANT NOTICE**

Tuition in this course is provided by lectures and tutorials, which form an integral whole. The course assessment is based on the assumption that students have attended all lectures and tutorials. Students who do not attend all lectures and tutorials will be at a disadvantage.

No suggested solutions to tutorial questions are provided on *Blackboard* or elsewhere. Therefore, course members need to attend the tutorials to ensure that they get the full benefit of the discussion and debate on the subject material.

## **Expected Workload**

Course members should expect to spend, on average, 150 hours studying over the whole course, which is broken down as follows:

- 24 hours in scheduled lectures;
- 8 hours of tutorial classes;
- 36 hours for background reading outside classes;
- 46 hours for tutorial preparation;
- 36 hours preparing for the test and examination.

## Group Work

All of the assessment in this course is based on a course member's own work. There is no group assessment of any kind and **no group work can be submitted for assessment**: see also under *Academic Integrity and Plagiarism* and *Use of Turnitin* on page 5.

## Readings

The following textbook and materials are required for this course:

1. Kevin Holmes, *International Tax Policy and Double Tax Treaties: An Introduction to Principles and Application*, IBFD Publications, Amsterdam, 2007. This book will be available for students to buy at the discounted price of \$95 at the end of the first 3 lectures. Students wanting to buy this textbook at this discounted price will need to bring cash to one of the first three lectures.
2. Handouts distributed in lectures and/or posted on *Blackboard*.

The following books are recommended for this course and are all on closed reserve in the Commerce Library:

1. Arnold, B.J. and M.J. McIntyre, *International Tax Primer*, 2002, Kluwer Law International, 2nd edition. (Call mark is K4562 A752 I61)
2. Barry Larking (editor), *International Tax Glossary*, Revised 4<sup>th</sup> edition, IBFD Publications, Amsterdam, 2001. (Call mark is K4459.3 I61 4ed).
3. Thuronyi, V, *Tax law design and drafting*, London, Kluwer Law International, 2000. (Call mark K4460.4 T235 2000).
4. Rohatgi, R, *Basic international taxation*, London: BNA International, 2005. (Call mark K4475 R737 B 2007).
5. Lang, Michael, *Introduction to the law of double tax conventions*, Wien, Lind Verlag and Amsterdam, The Netherlands, IBFD, 2010. (Call mark K4475 L271 2010).
6. Kevin Holmes, *International Tax Policy and Double Tax Treaties: An Introduction to Principles and Application*, IBFD Publications, Amsterdam, 2007. (Call mark is K4475.4 H751 I 2007)

## Materials and Equipment

Most course materials can be downloaded online from *Blackboard*. The course lecturers do not hold spare copies of any course materials in their offices. If you are having any trouble obtaining course materials, please contact the Course Administrator, who is available Monday to Friday between 8.30am-5.00pm.

Electronic calculators and non-electronic foreign language dictionaries may be used in both the test and final examination. Calculators must be battery powered and silent in operation. Calculators with alphanumeric keyboards and programming functions are not permitted. Mobile phones are prohibited. No electronic device may connect to the Internet. If you are in doubt, check with the Course Administrator.

## Assessment Requirements

To pass this course, a course member must obtain a weighted average mark of 50% or more from the two pieces of assessment in the course:

	<i>Percentage of final grade</i>	<i>Date</i>
Test (75 minutes)	35%	<b>Eighth week of the course (week beginning 12 September</b> (to be confirmed)
Examination (2 hours)	65%	During the mid-year examination period – actual date and time to be advised.

Assessment of a course member's ability in the test and final examination takes a variety of forms to cater for different aptitudes of different students. The assessment methods may include multiple choice questions, short-answer questions, calculation questions, and essay questions.

In addition to obtaining a weighted-average mark of 50% or more across the test and final examination, course members must also meet the *Mandatory Course Requirements* (see below). *If a course member obtains a weighted-average mark of 50% or more but fails to meet the Mandatory Course Requirements, they will **fail** the course and be given a 'K' grade.*

If a course member's performance is affected by sickness or other personal difficulties (e.g. bereavement of a close relative), they should contact the Course Administrator as soon as possible. They must not delay this until the end of the course or when final results are posted. In case of sickness, it is essential that course members see a registered medical practitioner as soon as possible while they are sick and obtain a medical certificate that certifies that in the opinion of the doctor they are sick and the extent of disability suffered by them during the period of sickness.

## Quality Assurance Note

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

## Examinations

Students who enrol in courses with examinations are obliged to attend an examination at the university at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period from **Friday 21 October – Saturday 12 November 2011.**

## **Mandatory Course Requirements**

In addition to the *Assessment Requirements* above, a course member **must attend** at least 5 of the 8 **tutorials** to pass the course.

## **Tutorials**

The course contains 8 tutorials, all of which course members are strongly advised to attend and actively participate in. The lecturers recommend that students fully prepare answers to the tutorial questions beforehand so that they can knowledgeably contribute to the tutorial discussions.

Tutorial questions are posted on *Blackboard* at least 1 week before the relevant tutorial. Written answers to tutorial questions are **not** posted on *Blackboard* or otherwise distributed.

Tutorials commence in the third week of the course, i.e. from Monday, 25 July. Tutorial sign-up is on-line through *Blackboard* during the second week of the course. Signup will begin at 9.30am on Monday 18 July and end at 5 pm on Wednesday 20 July. Tutorial lists will be posted on *Blackboard* on Friday 22 July 2011. Places in tutorials are allocated on a “first-come, first-served” basis. The instructions for signing up are at the end of this Course Information and Outline Document.

Tutorials take place in the following weeks:

	<i>Week beginning</i>
Tutorial 1	25 July 2011
Tutorial 2	1 August 2011
Tutorial 3	8 August 2011
Tutorial 4	15 August 2011
Tutorial 5	19 September 2011
Tutorial 6	26 September 2011
Tutorial 7	3 October 2011
Tutorial 8	10 October 2011

## **Class Representative**

A class representative will be elected in the first class, and that person’s name and contact details made available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

## **Communication of Additional Information**

All notices concerning TAXN 304 will be posted on Blackboard.

## **Use of Turnitin (if applicable)**

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com> Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the university for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

**For the following important information follow the links provided:**

**Academic Integrity and Plagiarism**

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

**General University Policies and Statutes**

Find key dates, explanations of grades and other useful information at

[www.victoria.ac.nz/home/study](http://www.victoria.ac.nz/home/study)

Find out about academic progress and restricted enrolment at

<http://www.victoria.ac.nz/home/study/academic-progress.aspx>

The University's statutes and policies are available at [www.victoria.ac.nz/home/about/policy](http://www.victoria.ac.nz/home/about/policy), except qualification statutes, which are available via the Calendar webpage at

<http://www.victoria.ac.nz/home/study/calendar.aspx> (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at

[www.victoria.ac.nz/home/about\\_victoria/avcacademic/default.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx)

**AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support**

[http://www.victoria.ac.nz/home/about\\_victoria/avcacademic/Publications.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx)

**Faculty of Commerce and Administration Offices**

<http://www.victoria.ac.nz/fca/studenthelp/>

**Te Putahi Atawhai**

**Maori and Pacific Mentoring Programme**

[http://www.victoria.ac.nz/st\\_services/tpa/index.aspx](http://www.victoria.ac.nz/st_services/tpa/index.aspx)

## TAXN 304 COURSE PROGRAMME

Week	Date	Staff	Topics	
1	11 July	DW	Introduction	
2	18 July	DW	International tax policy and double taxation	
3	25 July	DW	DTAs & treaty relief	Tutorial
4	1 August	DW	Permanent establishments	Tutorial
5	8 August	DW	Business profits	Tutorial
6	15 August	DW	Dividends	Tutorial
<b>Mid-Trimester Break</b>				
7	5 September	KH	Interest	
8	12 September	KH	Royalties	
<b>Week 8 beginning 12 September: Mid-trimester test to be confirmed</b>				
9	19 September	KH	Immovable property	Tutorial
10	26 September	KH	Capital gains	Tutorial
11	3 October	KH	Personal services	Tutorial
12	10 October	KH	International tax avoidance Administration of DTAs	Tutorial

Staff: DW = Associate Professor David White; KH = Professor Kevin Holmes

*This is a general lecture outline only. Some topics may be addressed in a different week from that shown here.*

## Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.vuw.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after 5pm on Wednesday 20 July 2011 will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.