

Marking Guide

Mid-Semester Exam taxation Law 200187

Autumn 2015

Question 1 Multiple Choice (10 marks) Answers in Bold

This question contains 10 questions worth **(1 mark each)**. Indicate your answer by clearly marking either a) b) c) or d).

Warning: Any ambiguous answer will be marked as being wrong.

1. The relevant legislative provision for the purposes of determining assessability of income receipts is:

a) **ITAA 97 s6-1**
b) FBTAA 86 s136
c) ITAA 36 s6(1)
d) None of the above
2. Select the correct statement of the statutory Tax Formula:

a) Income Tax = Assessable Income – Deductions + Tax Offsets
b) Income Tax = (Assessable Income x Tax rate) – Tax Deductions
c) **Income Tax = (Taxable Income x Tax rates) – Tax Offsets**
d) Income Tax = (Statutory Income + Ordinary Income) – Tax Deductions
3. *FC of T v. The Myer Emporium Ltd (1987) 163 CLR 199* stands for the proposition:

a) Rental income is ordinary income notwithstanding it has been made in a one-off up front lump sum payment.
b) **A transaction which, although not within the ordinary course of the taxpayer's business, entered into with the purpose of making a profit and in the course of the taxpayer's business is ordinary income if it made a profit in the way it was intended.**
c) Capital receipts of business are assessable as extraordinary income.
d) None of the above
4. Erikka Bett owns a Parramatta apartment that she is renting out while she is overseas in Jakarta, Indonesia. Erikka has been overseas for the last five years living with her husband and children. Erikka earned \$15,600 net of expenses from the apartment and has no other income. Calculate Erikka Bett's tax payable for 2014/2015.

a) Zero tax payable, Erikka is below the tax free threshold.
b) Zero tax payable, Erikka is a foreign resident.
c) **\$5,070 tax payable as Erikka is a foreign resident.**
d) \$15,600 assessable income as ordinary income.

Taxation Law Exam Questions

Arturo Cuomo



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