

Principles of Taxation Law 2014

Answers to Questions

CHAPTER 25 – GOODS AND SERVICES TAX

Question 25.1

Lemongrass Pty Ltd is a small company incorporated in Victoria, Australia. The company was incorporated in 2005 to manufacture and sell candles. Its sales revenue regularly exceeds \$100,000 each year. The company sells its candles to a local retailer for \$5.50 per dozen. It also sells its candles to a retailer in Vanuatu as the candles have been very popular there for \$6.60 per dozen. On 1 January 2014, Lemongrass Pty Ltd purchased a car for \$22,000, which it provided to its managing director as she has to do a lot of travelling for work. The car was purchased from Big Cars Pty Ltd, a large national car retailer with sales revenue in excess of a million dollars per year.

Advise Lemongrass Pty Ltd of its GST consequences arising from the above information.

Answer

*Sale of candles for \$5.50 per dozen to local retailer*

- As there is a sale of goods, it is necessary to determine if the sale is a “taxable supply”: see [25.90].
- The elements of taxable supply per s 9-5 of GST Act are:
  - Lemongrass makes a supply: see [25.100]
    - the sale of candles is a supply of goods and is therefore a “supply” per s 9-10 of GST Act
  - the supply is for consideration: see [25.110]
    - Lemongrass receives payment for the candles (\$5.50 per dozen) which is consideration for the supply per s 9-15 of GST Act
  - the supply is made in the furtherance of Lemongrass’s enterprise: see [25.60]
    - Lemongrass’s enterprise is the manufacture and sale of candles and the supply is clearly in the furtherance of Lemongrass’s enterprise: s 9-20 of GST Act
  - the supply is connected with Australia: see [25.120]; and
    - the sale of the candles is connected to Australia as the candles are being made available to the recipient in Australia (“local retailer”): s 9-25(1) of GST Act
  - the entity is registered or required to be registered for GST: see [25.50] and [25.70].
    - as Lemongrass’s sales revenue regularly exceeds \$100,000 each year, it exceeds the registration turnover threshold of \$75,000 and Lemongrass must be registered for GST purposes: s 23-5 of GST Act.
- Finally, it is also necessary to consider whether the sale of the candles could be either a GST-free supply (Div 38 of GST Act) (see [25.140]) or an input taxed supply (Div 40 of GST Act) (see [25.160]) because, if so, it would not be a taxable supply: s 9-5 of GST Act. The sale of the candles would not fall into either category and is therefore a taxable supply.
- The consequences for Lemongrass of making a taxable supply are that Lemongrass is liable to pay GST on the supply: s 9-40 of GST Act; see [25.130].
  - The amount of GST payable on the taxable supply is 10% of the value of the taxable supply: s 9-70 of the GST Act.
  - The value of a taxable supply is equal to 10/11 of the price of the supply: s 9-75 of the GST Act.
  - Therefore, Lemongrass’s GST liability per dozen candles =  $10\% \times 10/11 \times \$5.50 = \$0.50$ .
  - Lemongrass must include this amount in its Business Activity Statement as GST payable to the ATO: see [25.300].

# Principle Of Taxation Law 2014 Answers

**Aleksandra Bal**



## **Principle Of Taxation Law 2014 Answers:**

**Optimization of Organization And Legal Solutions Concerning Public Revenues And Expenditures in Public**

**Interest** Ewa Lotko,Urszula K. Zawadzka- Pak,Michal Radvan,2018      **Fundamental Accounting Principles**

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Etel,Mariusz Popławski,2016      **Insurance in European VAT** Marta Papis-Almansa,2016-11-30 Insurance constitutes a significant part of the financial services sector and is one of the foundations of modern economy and society In the design of tax laws however whether and how to tax insurance is a complex issue that has become particularly controversial in the area of value added tax VAT In the European Union as in most of the world insurance is exempt from VAT but New Zealand and Australia do not follow this practice Given that New Zealand s simple comprehensive goods and services tax GST called the world s purest value added tax and its modified Australian version do not appear to suffer from the shortcomings in efficiency and effectiveness that plague European VAT a comparison of the two systems is in order This book is not only the first comparative in depth study of the treatment of insurance in the two systems but also the first comprehensive legal research devoted to the treatment of insurance in EU VAT published in English Among the underlying issues and topics treated by the two systems covered are the following who has a right to deduct input VAT in relation to supplies inherent in insurance arrangements and to what extent what constitutes a supply of insurance and consideration for such a supply what transactions fall within the scope of the VAT Directive s exemption for insurance and drawing a line between insurance and saving The analysis is grounded in a methodology in which concepts of European VAT are compared with concepts performing the same function in the Australian and New Zealand GST laws The author concludes with proposals for reform in EU VAT in the light of experience in these two major non EU countries Given that it has been proven that exemptions from VAT such as insurance cause a significant number of economic distortions and inefficiencies this study represents a major contribution to a topical debate in European VAT law It will be welcomed by taxation authorities interested policymakers practitioners and scholars not only in Europe but worldwide      *Terra/Wattel - European Tax Law* Peter J. Wattel,Otto Marres,Hein Vermeulen,2018-11-20 Peter J Wattel is Advocate General in the Supreme Court of the Netherlands State Councillor extraordinary in the Netherlands Council of State and professor of EU tax law at the Amsterdam Centre for Tax Law ACTL University of Amsterdam Otto Marres is professor at the ACTL and tax lawyer at Meijburg Co Amsterdam Hein

Vermeulen is professor at the ACTL and Director of PwC's EU Direct Tax Group. The seventh edition of this two volume set brings a comprehensive and systematic survey of European Tax Law up to January 2018. It provides a state of the art clarification and analysis of the implications of the EU Treaties and secondary EU law for national and bilateral tax law. From the consequences of the EU free movement rights to the soft law meant to put a halt to harmful tax competition. The seventh edition of European Tax Law offers a cutting edge analysis of the field surrounding tax law across Europe. It puts forward a thought provoking discussion of the current EU tax rules as well as of the EU Court's case law in tax matters. Previous editions were highly regarded as a staple overview of EU tax law among EU tax law practitioners, policymakers, the judiciary and academics alike. With its updated legislation and case law up to January 2018, this new edition maintains its unparalleled depth and clarity as the go to reference book in the field. This first volume of European Tax Law extensively covers:

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2. Secondary EU law in force and proposed on direct taxes: the Parent Subsidiary Directive, the Tax Merger Directive, the Interest and Royalties Directive, cross border tax dispute settlement instruments, the Anti Tax Avoidance Directive and the C C CTB proposal.
3. The exchange of information and other administrative assistance in the assessment and recovery of taxes between the EU Member States.
4. Soft Law on Harmful Tax Competition.
5. Procedural matters and the extent of judicial protection.

The upcoming second volume of this set will cover harmonization of indirect taxation, energy taxation and capital duty as well as administrative cooperation in the field of indirect taxation.

**Global Technology and Legal Theory** Guilherme Cintra Guimarães, 2019-06-05

The rise and spread of the Internet has accelerated the global flows of money, technology and information that are increasingly perceived as a challenge to the traditional regulatory powers of nation states and the effectiveness of their constitutions. The acceleration of these flows poses new legal and political problems to their regulation and control as shown by recent conflicts between Google and the European Union (EU). This book investigates the transnational constitutional dimension of recent conflicts between Google and the EU in the areas of competition, taxation and human rights. More than a simple case study, it explores how the new conflicts originating from the worldwide expansion of the Internet economy are being dealt with by the institutional mechanisms available at the European level. The analysis of these conflicts exposes the tensions and contradictions between, on the one hand, legal and political systems that are limited by territory and, on the other hand, the inherently global functioning of the Internet. The EU's promising initiatives to extend the protection of privacy in cyberspace set the stage for a broader dialogue on constitutional problems related to the enforcement of fundamental rights and the legitimate exercise of power that are common to different legal orders of world society. Nevertheless, the different ways of dealing with the competition and fiscal aspects of the conflicts with Google also indicate the same limits that are generally

attributed to the very project of European integration showing that the constitutionalization of the economy tends to outpace the constitutionalization of politics Providing a detailed account of the unfolding of these conflicts and their wider consequences to the future of the Internet this book will appeal to scholars working in EU law international law and constitutional law as well as those in the fields of political science and sociology

**The Role of Tax Law in Mergers and Acquisitions** Chunyang Zhang, 2022-08-08 Series on International Taxation Volume 82 The economic value of China's

mergers and acquisitions M disparities between ordinary and special tax treatment eligibility for special tax treatment applying taxation principles such as neutrality and equity continuity of interest doctrine stock acquisition versus asset acquisition and adjustment to tax basis In addition to its empirical research the analysis makes use of an examination of the rules and theories on taxing M A in other jurisdictions such as Australia and the United States as part of its proposed blueprint for improving China's M A taxation Drawing on commonly recognized taxation principles this book definitively sets up the normative criteria for evaluating the income taxation of M A and reveals the fundamental problems encountered by China's current regime Its comprehensive analysis of the Chinese income tax rules for M A and detailed disclosure of how they are both divergent from and convergent with that of some other major economies will prove of immeasurable value to in house counsel for multinational corporations business enterprises with interests in China taxation consultants taxation academics and taxation authorities worldwide

**Substance in International Tax Law** Florian Navisotschnigg, 2022-08-09 The notion of substance is proving to be central to the OECD's base erosion and profit shifting BEPS project particularly in

the area of taxation of intangibles In this book this notoriously hard to define concept is examined from three distinct angles transfer pricing DEMPE Approach harmful tax practices Substantial Activity Requirement and tax treaties Beneficial Ownership In a thoroughgoing investigation using the practical example of an IP company the author provides detailed and precise answers to the following questions What substance is necessary to be entitled to intangible related returns What substance is necessary to benefit from preferential IP regimes or no or only nominal tax jurisdictions What substance is necessary to collect royalties free from withholding taxes Given the need to agree on a common understanding of substance in international tax law in order to avoid costly tax disputes this important book is unmatched for the clear light it sheds on the most relevant substance requirements regarding intangibles It will prove invaluable to tax practitioners and in house counsel who are dealing with cross border transactions concerning intangibles

Tax Law, State-Building and the Constitution Dominic de Cogan, 2020-08-06 This monograph looks at how tax is intertwined with constitutional law and the state in the UK It looks at a variety of topics including tax devolution scrutiny and reform of tax legislation the protection of taxpayers and the domestic legal processing of international rules and problems Tax Law State Building and the Constitution presents and interrogates five key claims First there is a clear overlap between the concerns of tax and constitutional lawyers Secondly the tax system is being deeply affected by the fast pace of constitutional change Thirdly decisions taken in the tax

field are likely to have a reverse influence on the evolution of the constitution Fourthly these relationships are heavily context dependent with tax making all the difference to some ongoing constitutional controversies whilst having very little to do with others Fifthly by acknowledging tax as an important moving part within the contemporary constitution we might understand both tax and constitutional law a little better The book therefore contributes to deeper theoretical debates on the identity of tax law as a discipline the relevance of tax to public lawyers the meaning of state building in the recent history of a developed country and the importance of public finances to a wider sense of what is going on These are questions that ought to command the attention of tax and constitutional law academics as well as policy makers and reformers Runner up of the 2022 SLS Peter Birks Prize for Outstanding Legal Scholarship     Hybrid Entities in Tax Treaty Law Sriram Govind,Jean-Philippe Van West,2020-09-03 Tax treaty law and EU tax law in connection with hybrid entities Hybrid entities have traditionally been used as an avenue for international tax planning and extending benefits under tax treaties to such entities has been a source of controversy for many years now Although the OECD Partnership Report provided solid policy footing on this issue there was still no common legal basis that countries could rely on for such positions The increasing focus of countries towards the curbing of tax avoidance and abuse involving hybrid mismatch arrangements culminated in a specific action plan in the BEPS Project being dedicated to the design of domestic rules and the development of treaty provisions that would neutralize the tax effects of such arrangements This volume provides an in depth analysis of various aspects of this topic It is divided into two parts the first dealing exclusively with tax treaty issues arising in connection with hybrid entities and the second dealing with EU tax law issues surrounding hybrid entities The former part comprises chapters analysing how tax treaties have historically dealt with this issue with a focus on domestic court jurisprudence the positions in the OECD and the UN Model Conventions the developments that have come about owing to the BEPS Project and the impact of several existing measures regimes and vehicles on these tax treaty provisions The latter part comprises chapters on how hybrid entities are dealt with under primary EU law under various secondary law directives including the newly enacted Anti Tax Avoidance Directives and an analysis of policy solutions offered in this direction     Research Handbook on European Union Taxation Law Christiana HJI Panayi,Werner Haslehner,Edoardo Traversa,2020-01-31 Offering a comprehensive exploration of EU taxation law this engaging Research Handbook investigates the associated legal principles in the context of both direct and indirect taxation The important issues and debates arising from these general principles are expertly unpicked with leading scholars examining the status quo as well as setting out a clear agenda for future research     *Fundamental Principles of EU Law Against Money Laundering* Emmanuel Ioannides,2016-04-22 This book critically analyses fundamental principles of EU law for the control of international economic crime Discussing how the reporting system and the exchange of information are at the heart of the global anti money laundering regime the study also looks at the inferential force of financial intelligence in criminal proceedings and the responsibilities this places on

prosecutors and criminals alike The author closely examines the application of Article 8 2 of the European Court of Human Rights for the retention and movement of the fingerprints cellular samples and DNA profiles of unconvicted persons and argues the incompatibility with the ECHR along with the effect of socially stigmatising unconvicted persons The work concludes with exploring how financial regulation has inter alia shifted responsibility to businesses and financial institutions to become more transparent and accountable to financial regulators and tax authorities This critical analysis is essential reading for law students and the Judicial Body as well as financial crime investigators and regulators

*Taxation, Virtual Currency and Blockchain* Aleksandra Bal, 2018-11-29 The emergence of convertible decentralized virtual currency schemes confronts tax authorities with unprecedented questions among them are the status of virtual currency for tax purposes which virtual transactions may benefit from a VAT exemption and determining the most optimal method of tax regulation This first book length treatment of this major current topic provides an in depth and comprehensive analysis of the tax implications of virtual currency transactions Seeking to ascertain whether virtual currency requires additional regulation or whether the law as it stands is adequate to administer its usage the analysis not only thoroughly explains the nature of the underlying blockchain technology and its regulatory and judicial treatment so far but also identifies best practices for virtual currency transactions and makes recommendations for the improvement of the existing tax systems Among the aspects of the phenomenon covered are the following particular aspects of virtual currency use such as smart contracts and initial coin offerings comparative review of income tax consequences of virtual currency transactions in Germany the Netherlands the United Kingdom and the United States VAT sales tax treatment of transactions involving virtual currency in the European Union and the United States methodology for creating an effective regulatory framework for the taxation of virtual currency and the future of blockchain The book has three parts and an annex that describes tax regulations administrative rulings and court decisions concerning virtual currency in twenty countries In its in depth analysis of tax implications of virtual currency transactions in major economies detailed overview of recent tax developments that affect virtual currency transactions and evaluation of tax policies related to virtual currencies this book has no peers Especially in view of the OECD's examination of the tax challenges presented by the digital economy as part of its base erosion and profit shifting BEPS project this clear and comprehensive explanation of the functioning of virtual currency and blockchain technology will be welcomed by tax administration officials and by persons mining and transacting in virtual currencies needing to know their compliance obligations

*The Chinese Path of Rule of Law Construction* He Tian, Yanbin Lv, 2021-08-09 This book provides law based governance which is one of the basic policies that underpins our endeavors to uphold and develop socialism with Chinese characteristics in the new era Law is the key to governing the country and the rule of law is an important support for the national governance system and governance capacity Since the 18th National Congress of the CPC China has implemented the four pronged comprehensive strategy and created an unprecedented new situation for law based governance Further

progress has been made in ensuring China's legislation is sound law enforcement is strict the administration of justice is impartial and the law is observed by everyone China's efforts to build a country government and society based on the rule of law have been mutually reinforcing the system of distinctively Chinese socialist rule of law has been steadily improved public awareness of the rule of law has risen markedly In recent years China has adhered to the correct handling of the relationship between deepening reform and law based governance ensuring that major reforms are justified by law and providing solid guarantees of the rule of law for reform and opening up China has adhered to combine law based governance of the country and rule based governance over the party and exercised law based governance at every point in the process and over every dimension of full and rigorous governance over the party and has made remarkable achievements in the construction of a clean and honest government and the struggle against corruption

Tax Compliance and Risk Management Piotr Karwat, Katarzyna Kimla-Walenda, Aleksander Werner, 2023-11-23 The concept of tax compliance is as old as the tax itself but staying compliant with tax regulations has become increasingly demanding A changing tax regulatory environment resulting from regulatory actions of the OECD the European Union and national governments poses many problems for tax compliance awareness This book explores various approaches to improving tax compliance Starting with the procedures and processes that are at the centre of the debate it includes the level of tax position security obtained as a result of cooperation between tax administration and an organisation ending with tax compliance requirements imposed by one sided action of tax administration Offering an experience and evidence based analysis of how tax compliance influences an organisation's tax and financial position the issues are examined from both a theoretical and a practical perspective using empirical research and case studies with an international dimension for illustration Emphasising a holistic approach to tax compliance and its role in tax risk management within an organisation this study offers a framework for making the challenging task of tax compliance and risk management more effective and more efficient Exploring tax compliance focusing on the tax world after the BEPS project and anti tax evasion and anti tax avoidance regulatory actions undertaken by the European Union and OECD the book has a practical focus on tax system design within the organisation and will be of interest to students researchers and practitioners working in the areas of tax law and tax compliance Chapter 13 and Summary of this book are freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

Introduction to European Tax Law: Direct Taxation Karoline Spies, 2023-01-02 This handbook is a concise guide for all those who aim at obtaining a basic knowledge of European tax law Designed for students it should also be useful for experienced international tax specialists with little knowledge of European law European law specialists who are reluctant to approach the technicalities of direct taxation and non Europeans who deal with Europe for business or academic reasons and need to understand the foundations of European tax law This book should also help academics without a legal background to approach the technical issues raised by European Union tax law This



edition contains selected relevant information available as of 30 June 2022. It retains all of the features and tools contained in the previous editions including the final charts which our readers very much appreciate. In this edition we have also included a list of relevant documents and a selection of reference textbooks on European tax law in five languages which we found of potential interest to our readers.

**Philosophical Foundations of Tax Law** Monica Bhandari, 2017-02-23. Tax law changes at a startling rate not only does societal change bring with it demands for change in the tax system but changes in the political climate will force change as will many other competing pressures. With this pace of change it is easy to focus on the practical and forget the core underpinnings of the tax system and their philosophical justifications. Taking a pause to remind ourselves of those principles and how they can operate in the modern tax system is crucial to ensuring that the tax system does not diverge too far from what it should be or could be. It is essential to understand the answers to some of the seemingly basic questions that surround tax before we can even begin to think about what a tax system should look like. This collection brings together major themes and difficult questions in the philosophical foundations of tax law. The chapters consider practical issues such as justification, enforcement, design and mechanics and provide a full and coherent analysis of the basis for tax law. *Philosophical Foundations of Tax Law* allows the reader to consider how tax systems should move forward in the modern world with a sound philosophical basis to provide the practical tax system that the state requires and citizens deserve.

*Beneficial Ownership in Tax Law and Tax Treaties* Pablo A. Hernández González-Barreda, 2020-05-28. This book explores the concept of beneficial ownership in equity law, the domestic tax laws of the United Kingdom, Canada and the United States as well as its varied and increasing uses in international tax law. By analysing the evolution of beneficiary rights in equity and the use of beneficial ownership wording in tax law, the book draws a roadmap for dealing with beneficial ownership in both national and international tax law. This approach highlights those common misconceptions that can be avoided by understanding the origins of the concept and its engagement with equity as well as the differences with tax law. However, the book does not limit itself to dealing with theoretical discussion but also offers an instructive and detailed practical case study. Offering both academic commentary and a practitioner focus, the book will be of the utmost interest to scholars and practitioners from common and civil law countries dealing with tax and estate law, particularly given beneficial ownership's increasing relevance.

The book delves into Principle Of Taxation Law 2014 Answers. Principle Of Taxation Law 2014 Answers is an essential topic that needs to be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Principle Of Taxation Law 2014 Answers, encompassing both the fundamentals and more intricate discussions.

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- Chapter 2: Essential Elements of Principle Of Taxation Law 2014 Answers
- Chapter 3: Principle Of Taxation Law 2014 Answers in Everyday Life
- Chapter 4: Principle Of Taxation Law 2014 Answers in Specific Contexts
- Chapter 5: Conclusion

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