

## Assessment - 3

<b>Course</b>	Bachelor of Business / Bachelor of Accounting
<b>Unit</b>	Corporate law
<b>Unit Code</b>	BO1CLAW314
<b>Type of Assessment</b>	Assessment 3 – Individual Assignment
<b>Length / duration</b>	2000 words – around 5 pages - not including the title page, executive summary, table of contents and references list.
<b>Learning outcomes addressed</b>	a) Understand the principles of Australian company law within the context of the prescribed readings. b) Identify and analyse relevant facts, problems and legal issues from a given scenario and develop an argument in response, discussing available options in the context of company law. c) Interpret company law legislation and relevant case law. d) Appreciate the role of compliance and the requirement that organisations and individuals must follow the laws that apply to their industry areas.
<b>Submission Date</b>	Week 10.
<b>Assessment Brief</b>	Individual legal research and writing
<b>Total Mark</b>	Question One (8%) Question Two (12%) See Questions 1 and 2 below.
<b>Weighting</b>	20% of the unit total marks

Students are advised that any submissions past the due date incur a 5% penalty per day, calculated from the total mark e.g. a task marked out of 40 will incur a 2-mark penalty per day.

### Assessment Description:

We recommend a minimum total of TEN statute and case references per question. Work that includes sources that are not properly referenced according to the “Harvard Referencing Workbook” will be penalised. Refer to the Academic Learning Skills handout on Report writing. Please see Academic Learning skills staff for assistance with this, or any assignment.

Question One: 8% 800 words Answers must be supported by case and statute references.

<https://www.essaycorp.com.au/law-assignment-help>

Samuel, Thomas and Peta decided to start up an internet business reselling products over the vast online marketplace. They were keen to purchase goods from unfortunate companies that had gone into liquidation and resell the goods at a substantial gain.

The proposed form of the new venture was not decided upon. Peta used \$100,000 equity in her home to finance the start-up costs of the new venture. All three parties joined forces and worked together in the business venture. The business was profitable and the three venturers decided on the following payment arrangements.

Peta was not paid anything for the 1st year but there after was paid \$6,000 per month. Samuel and Thomas characterised the payments to Peta as “a gratuity” – “a thank you for putting up her family assets as the bulk of the collateral”. Samuel and Thomas were not paid as employees but through consultancy arrangements with the venture.

Samuel and Thomas deny the existence of any partnership. With reference to case law and the Partnership Act, discuss whether or not the venture is a partnership.

**Question two: 12% 1200 words Answers must be supported by case and statute references.**

With specific reference to the general law and relevant provisions in the Corporation Act 2001 (Cth) discuss:

- a) The directors’ duties of care and diligence; and
- b) The directors’ duties of loyalty and good faith

In your answer explain the consequences for breaching the directors’ duties provisions of the Corporations Act 2001 (Cth).

### **Assessment Submission:**

Submission is required by 11.59 pm on Friday 25<sup>th</sup> May.

Marks will be deducted for late submission - 5% deduction per calendar day late, of the total mark is applicable. However, consideration may be offered only under medical ground or other extenuating circumstances. You must provide appropriate supporting documentation for consideration.

Submission is via Moodle. Please be aware that any assessments submitted in formats other than Microsoft Word will be considered LATE and will lose marks until it is presented in Word format.

No paper based or hardcopy submission will be accepted.

## Corporate Law: Marking Rubric Total: 25 Part 1 / 10: Part 2 / 15

Numeric grade	Fail < 50%	Pass 50% to 64%	Credit 65% to 74%	Distinction 75% to 84%	High Distinction > 85%
Research	Little evidence of research. Sources are missing, inappropriate, poorly integrated or lacking credibility. Lacks clear link of sources to arguments.	Basic and sound research. Basic use of sources to support ideas, generally well integrated, most sources are credible. May be weaknesses with paraphrasing or integration/application.	Research is generally thorough. Good use of sources to support ideas, mostly well integrated, sources are credible. May be weaknesses with paraphrasing or integration/application.	Thorough research is indicated. Very good use of sources to support ideas, well integrated, sources are credible. May be minor weaknesses with paraphrasing or integration/application.	Thorough research is indicated. Professional use of sources to support ideas, well integrated, sources are credible. Very minor, if any, weaknesses with paraphrasing or integration/application. Information / Content
Information / content	Lacks coherence; topic is poorly addressed; little analysis.	Is generally coherent; topic is addressed; analyses in reasonable depth with some description. There are some inconsistencies and weaknesses with flow.	Is coherent and flows well; topic is addressed quite thoroughly; analyses in considerable depth. There may be some inconsistencies and weaknesses with flow.	Is very coherent and flows well; topic is addressed thoroughly; analyses in depth. There may be minor inconsistencies and weakness with flow.	Professional work. Argument is very coherent and flows well; topic is addressed thoroughly; analyses in great depth. Very minor, if any, inconsistencies and weaknesses with flow.
Critical analysis	Material is descriptive and generally poorly sequenced.	Material is descriptive and generally poorly sequenced.	Material is descriptive and generally poorly sequenced.	Material is descriptive and generally poorly sequenced.	Material is descriptive and generally poorly sequenced.
Language presentation	Poor standard of writing. Word limit may not be adhered to.	Basic and sound standard of writing; some errors in punctuation, grammar and spelling.	Good standard of writing; few errors in punctuation, grammar and spelling.	Very good standard of writing; very few or minor errors in punctuation, grammar and spelling.	Professional standard of writing; no errors in punctuation, grammar and spelling.
Referencing	No referencing is evident or, if	Basic and sound attempt to reference sources; maybe some	Good attempt to reference sources;	Very good attempt to reference sources; very minor	Professional level of referencing and acknowledgment; no

	done, is inconsistent and technically incorrect. No or minimal reference list, mixed styles.	inconsistencies and technical errors in style. Reference list is generally complete with 1 or 2 references missing	inconsistencies and technical errors in style. Few inaccuracies in reference list and all references listed	inconsistencies and technical errors in style. Thorough and consistent reference list and all references listed.	errors of style evident. Thorough and consistent reference list and all references listed
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## General Notes for Referencing

High quality work must be fully referenced with in-text citations and a reference list at the end.

References are assessed for their quality. You should draw on quality academic sources, such as books, chapters from edited books, journals etc. Your textbook can be used as a reference, but not the lecturer notes. We want to see evidence that you are capable of conducting your own research. Also, in order to help markers determine students' understanding of the work they cite, all in-text references (not just direct quotes) must include the specific page number/s if shown in the original. Before preparing your assignment or own contribution, please review this YouTube video by clicking on the following link:

**Plagiarism: How to avoid it** (<https://www.youtube.com/watch?v=2q0NIWcTq1Y>)

You can search for peer-reviewed journal articles, which you can find in the online journal databases and which can be accessed from the library homepage. Wikipedia, online dictionaries and online encyclopedias are acceptable as a starting point to gain knowledge about a topic, but should not be overused – these should constitute no more than 10% of your total list of references/sources. Additional information and literature can be used where these are produced by legitimate sources, such as other text resources and articles. Legitimate organisations and government departments produce peer reviewed reports and articles and are therefore very useful and mostly very current. The content of the following link explains why it is not acceptable to use non-peer reviewed websites: Why can't I just Google?

<https://www.youtube.com/watch?v=hqjJyqfclw> (thanks to La Trobe University for this video).