

Assessment Details and Submission Guidelines	
Trimester	T1 2021
Unit Code	HA3021
Unit Title	Corporations Law
Assessment Type	Individual Assignment
Assessment Title	Case Study on Corporations Law
Purpose of the assessment (with ULO Mapping)	<p>The purpose of the Individual Assignment is to provide students with an opportunity to demonstrate their level of learning of the various key concepts taught in the unit and apply them in analysing and answering two case problems by citing the relevant legal rules and cases and applying these to the facts of the case. In this Individual Assignment, students are required to:</p> <ul style="list-style-type: none"> • Reflect critically on the legislation and the relevant case law relating to the different business structures, in particular corporations and partnerships, and apply legal principles to real case situations. (ULO 2) • Analyse the incorporation process and explain the laws and regulations that govern the different forms of legal entities including the significance of the concept of separate legal entity. (ULO 3) • Analyse the roles and duties of directors in the management of the company and the responsibilities of members in a company. (ULO 4)
Weight	40% of the total assessments
Total Marks	40%
Word limits	<p>Answer plan – 1,000 words</p> <p>Assignment draft – 2,000 words</p> <p>Final Assignment report – 2,500 words with full academic references</p>
Due Dates	<p>Week 5 – Answer plan due</p> <p>Week 7 – Assignment draft due</p> <p>Week 9 – Final Assignment due</p> <p>Weeks 10 – 13: Individual Oral Presentations</p>
Submission Guidelines	<ul style="list-style-type: none"> • All work must be submitted on Blackboard by the due date along with a completed Assignment Cover Page. • The assignment must be in MS Word format, no spacing, 12-pt Arial font and 2 cm margins on all four sides of your page with appropriate section headings and page numbers. • Reference sources must be cited in the text of the report, and listed appropriately at the end in a reference list using the AGLC style.

Assignment Specifications

Purpose:

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Instructions: Please read and re-read carefully to avoid mistakes.

Individual Report

1. The individual assignment is about business structures and director's duties. There is only one main question to be answered but broken down into four (4) sub-questions.
2. The individual assignment is worth 40% of the total marks in this unit.
3. This individual assignment comprises three separate submissions: an answer plan, an assignment draft and a final assignment. Each submission is worth separate marks.
4. **Answer plan:** you are required to submit an answer plan, which outlines your answer, including the relevant sections of law and cases that you plan to cite in support of your answer.
 - Due date: Week 5
 - Weight: 10% of the total individual assignment marks
 - Length: 1,000 words
5. **Assignment draft:** you are required to follow your answer plan and produce a written draft of your answer. The answer must cite relevant sections of law and cases that you specified in your answer plan. In addition, your draft must include a list of academic references that you have researched for your assignment.
 - Due date: Week 7
 - Weight: 10% of the total individual assignment marks
 - Length: 2,000 words
6. **Final assignment:** you are required to submit the final version of your assignment. The final version must include an official Holmes Institute cover sheet, as well as academic referencing (either in-text or footnotes) and a full Reference List.
 - Due date: Week 9
 - Weight: 20% of the total individual assignment marks
 - Length: 2,500 words

7. Word count limits are strictly enforced. A deduction of two (2) marks will be imposed for every 50 words over the word count for either part of the report. Anything over the word count will not be read by your lecturer.
8. The total word count for the report must be clearly written on the cover sheet of the assignment. A paper will not be marked if the word counts are not written on the cover sheet.

Individual Oral Presentation

You are required to present your answers in a short oral presentation that will be delivered during the live interactive online tutorials. Presentations will run from Weeks 10 to 13. Your lecturer will schedule the particular tutorial when you will present. Each oral presentation will last for five (5) minutes and will involve you briefly presenting the answer to the question and answering questions posed by your lecturer.

- Presentation dates: Weeks 10 to 13
- Weight: 10% of the total mark in this unit
- Length: 5 minutes

The individual oral presentation is an integral part of the assessment schedule in this unit. Any student who submits a written assignment but does not do an oral presentation in class will not have their assignment marked and their mark released until a presentation has been completed.

Important Reminders:

- All assignment submissions must be done online and run through SafeAssign. No hard copies are to be submitted.
- You must attach as the official Holmes Institute cover sheet to your assignment and upload on Blackboard.
- The assignment must be submitted via SafeAssign on Blackboard and show a similarity percentage figure. Any assignment that does not show a SafeAssign similarity percentage will not be marked and be required to re-submit.
- Late submissions will be subject to Holmes Institute policy on student assessment submission and late penalties (please refer to subject outline and Student handbook).
- All reports are expected to observe proper referencing in accordance with the Australian Guide to Legal Citation (AGLC). A copy of the AGLC has been posted in the Week 2 tutorial folder. You may also download a copy for free via this link:

https://law.unimelb.edu.au/_data/assets/pdf_file/0005/3181325/AGLC4-with-Bookmarks-1.pdf
- In general, for written reports, a SafeAssign similarity percentage of 25% or below is acceptable. Regardless of the similarity figure, all assignments must use in-text citation and observe proper referencing rules.

- All assignments are expected to strictly follow Holmes Institute's Academic Conduct and Integrity Policy and Procedures. A copy of the Policy is available on the Holmes Institute home page. (About Holmes > Policies) This policy is also explained in your Student Handbook.
- Plagiarism and contract cheating in any form will not be tolerated and will have severe consequences for the students found committing the same, including receiving zero (0) for the entire assignment and possible failure in the unit.
- Any assignment that is found to contain fake or bogus references or references that are clearly irrelevant to the subject matter of the assignment will receive an automatic zero (0) mark.
- You are required to turn on your video camera and show your face during the individual oral presentation. You are expected to wear appropriate business attire during the conduct of your individual presentation.

Assignment Question

- There will be four (4) questions in total, which will be released progressively and must be answered according to the following schedule
 - Questions 1 and 2: released at the end of Week 2. Answers must be submitted in the Answer Plan.
 - Question 3: will be released at the end of Week 5. Answers to Questions 1, 2 and 3 must submitted in the Assignment Draft.
 - Question 4: will be released at the end of Week 7. Answers to Answers to Questions 1, 2, 3 and 4 must submitted in the Final Assignment.
- Read Questions 1 and 2 below on Business Structures and plan your answers.
- Prepare an answer plan for your answer. Using your answer plan, you are then required to draft your answer and later finalise your answer.
- Follow the word counts specified for each individual component of the individual assignment.
- A minimum of 6 genuine and relevant Australian legal references are required for the Draft and Final Versions of the Individual Assignment. Examples of relevant references include the *Corporations Act 2001* (Cth); the Australian and Securities and Investment Commission's (ASIC) website (www.asic.gov.au), the website of the Australian Business Register's (ABR) website (www.abr.gov.au).
- The full citations for all sources cited in your answer must be listed in a Reference list at the end of your answer.
- In addition, any online sources cited in your answer and listed in your Reference List must include a valid hyperlink that allows access to the full text of the source.

Congratulations! You have secured a graduate position with a large firm of corporate advisers. Hannah Finley, a partner in the practice, asks you to attend an 10:00 a.m. meeting

on Monday with herself and Russel Robbins, a longstanding client of the firm. You will be required to take notes and prepare answers to Russel's queries.

Russel Robbins is married to Megan Mays. They have one child, Ellie, who attends a local private school. Russel is very entrepreneurial and has been running a second-hand and vintage clothing business in Albury, NSW, by himself as a sole trader for the past five years under the business name of Pinnaclewear. A lot of Russel's customers are other businesses, both local and overseas. Turnover was \$285,000 in the first year and has now grown to over \$3 million per annum.

The business operates from rented premises, but Russel would prefer to buy a building. Currently, Pinnaclewear employs eight staff. Russel has plans to expand the business further. He also wants to diversify into food and catering in the near to medium term.

Russel's mother, Violet, is a retired accountant and he regularly asks her for advice. Violet suggested recently that Russel should structure his business as a company. Russel is unsure about this. He makes an appointment to see Hannah

Prior to the meeting, you review Russel's file and note that he and Megan have the following assets.

- A family home in Wodonga with a market value of \$1.25 million. There is a mortgage on the property of \$561,000. The house is owned by Megan. The house was previously owned by Russel and Megan, but when Russel started up his business, it was decided to transfer the house solely to Megan for asset protection reasons.
- A share portfolio. Russel and Megan jointly own 1000 Telstra shares, which cost them \$3.30 per share, and 500 Commonwealth Bank shares, which they bought when they first married. The Commonwealth Bank shares cost them \$10.90 per share. The Telstra shares are currently worth \$3.09 per share and the Commonwealth Bank shares are worth \$61.00 per share. The shares are intended as an investment for Ellie — they will be given to her when she turns 21. Russel and Megan also jointly own a portfolio of blue chip Australian shares currently valued at \$145,957.
- Two motor vehicles. Megan owns a BMW Series 7 worth \$135 000. Russel owns a VW Transporter Van worth \$18,000, which he uses for the business.
- Office furniture and equipment. During the course of the year, Russel bought computers, desks, other office furniture and shelving for the business which cost him approximately \$23 000. Their current value in the financial accounts is \$8,650.
- Superannuation. Russel has \$190,568 in superannuation and Megan has \$136,000 in superannuation.

In addition, Megan works as a sales and marketing manager in the city for a financial services company. She is on a total salary package of \$155,000.

At the meeting, Russel hands over last financial year's business results and his draft budget of sales and expenses for the coming financial year. The budget for the new year shows expected sales of \$3,764,000 and a net profit of \$637,979.

Issues to be considered

During the meeting, Russel has a number of questions relating to important issues surrounding the future of his business. Answer the following questions relating to Russel's matter:

- (1) What options does Russel have to structure the Pinnaclewear business? Name each business structure used in Australia that Russel can choose and then define and describe the basic characteristics of this business structure.
- (2) From the facts presented, identify the important issues that will arise as Russel chooses the best type/s of business structure/s and the factors that he will need to consider in choosing the right business structure for his business.

Note:

Question 3 will be released at the end of Week 5.

Marking Rubric
Individual Assignment

Total marks available: 40 marks	Excellent	Good	Satisfactory	Unsatisfactory
Identification of material facts involved in problem question (8 marks)	7.5 to 8 marks Completely identifies all relevant facts of case	6 to 7 marks Identifies most of the relevant facts of case	4 to 5.5 marks Identifies the basic relevant facts of the case but misses other relevant facts	Below 4 marks Does not identify relevant facts of case
Identification of legal issues / legal question and relevant law (10 marks)	9 to 10 marks Correctly identifies all relevant legal issues and are stated in the form of questions. Correctly identifies relevant and appropriate legal rules and case law, and states them in the form of statements	7 to 8 marks Issues correctly identified, but may contain extraneous information and are not stated in the form of questions. Legal rules and case law correctly identified, but may contain extraneous info and are not in the form of statements.	5 to 6 marks Issues are not completely identified. Legal rules and case law not correctly identified.	Below 5 marks Identifies incorrect or irrelevant issues. Identifies incorrect or irrelevant legal rules and case law.
Thorough yet succinct application of law to material facts (10 marks)	9 to 10 marks Correctly identifies facts; well-reasoned discussion relating facts to the rules and case law.	7 to 8 marks Correctly identifies facts. Not well reasoned.	5 to 6 marks Facts not correctly identified. Analysis incoherent.	Below 5 marks Scant to no analysis.
Citation and referencing (including minimum number of references) (8 marks)	7.5 to 8 marks Correctly cites minimum of 6 references, in-text and in reference list.	6 to 7 marks Has minimum of 6 references; or has occasional errors in formatting of in-text citations and reference list	4 to 5.5 marks Does not have minimum of 6 references or contains errors in formatting of in-text citations and reference list	Below 4 marks No referencing either in-text or in reference list; or cites inappropriate references; or all references not cited in the correct format.
Professional quality including language use and writing style	3.75 to 4 marks Professional language. No	3 to 3.5 marks Some mistakes. Does not detract	2.5 to 2.75 marks Many mistakes. Detracts from	Below 2 marks Reflects no real effort.

(4 marks)	grammatical, punctuation or spelling errors.	from understanding.	understanding. Sloppy.	
Deductions Excess word count (2 mark for every 25 words over) Under the word limit (2 mark for every 25 word under) Lacks minimum of 6 references (2 mark for every missing reference)				