

ASSESSMENT BRIEF

COURSE: Bachelor of Business / Bachelor of Accounting	
Unit:	Corporate Law
Unit Code:	CLAW314
Type of Assessment:	Assessment 3 – Individual Essay Writing
Length/Duration:	Approximately 2,000 words
Course Learning Outcomes addressed:	1, 3, 4, 5, 6, 7
Unit Learning Outcomes addressed:	1 to 7
Assessment Task:	This essay will be completed by each individual student and should be approximately 2,000 words.
Total Mark:	20 marks
Weighting:	20%
<p style="text-align: center;">Students are advised that any submissions past the due date without an approved extension or without approved extenuating circumstances incurs a 5% penalty <u>per calendar day</u>, calculated from the total mark E.g. a task marked out of 40 will incur a 2 mark penalty <u>per calendar day</u>.</p> <p style="text-align: center;">More information, please refer to (Documents > <i>Student Policies and Forms</i> > <i>POLICY - Assessment Policy & Procedures - Login Required</i>)</p>	

ASSESSMENT DESCRIPTION:

It's a piece of writing focused on answering a question or task. Crystallising around the question or task an essay expands with reasoned argument. It should support the answer/s with evidence, relevant examples, supporting evidences and information from academic texts or credible sources.

This essay will be designed to test the student's research skills and deal with a practical real life scenario in a corporate law context. The student will need to be aware of and have a good knowledge of the corporate regulatory environment.

THE QUESTION

ASX provide corporate governance principles to listed companies and corporate guidance to unlisted companies. Mr Mach has been appointed as a Corporate Governance expert by ASIC (Australian Security & Investment Commission). He is being asked to provide the advice to the legal committee of CAMAC as to the role and effectiveness of ASX principles. Mr Mach has approached you as a consultant to seek your opinion. He wants you to write a briefing paper that will explain the following:

- Corporate governance and its importance in corporate sector
- The structure and purpose of corporate governance principles and recommendation provided by ASX
- Outline ASX "if not, why not" approach
- ASX monitoring process in regard to the implementation of governance principles in the corporate world
- Summary on the history and the evolution of the ASX Governance Principles and recommendations tracing the changes to the current edition 2014.
- The connection between listing rules and ASX principles
- Making disclosures regarding implementation of corporate governance principles is very crucial for a listed company. The briefing paper should discuss the possible sources for making disclosures
- Corporate social responsibility is not an area to be monitored by ASX yet (it is not a part of governance principles yet). Should it be delegated to ASX by amending the list of governance principles? Briefing paper should include your opinion.
- The principles are applicable to ASX listed companies only. In your opinion, should these principles be applicable to non-listed public companies as well?

Guide for Brief Writing

A short introduction is recommended. The conclusion will have to encompass all of the material discussed and analysed. Your topic is corporate governance so the need is to take into consideration the alternatives to corporate governance and what their value or cost would be.

If you consider that there are problems, such that the law is not facilitating corporate governance, then you should say so and explain the shortcomings and discuss in detail the cost benefits of the alternatives. You must use academic comment to support any argument. Correct citation and a wide source of referencing is expected.

Be advised that simple quoting from a textbook will not be rewarded. Textbooks use original source materials such as cases and refereed articles; therefore, you will need to refer to these original sources to support your argument.

ASSESSMENT SUBMISSION:

This is an individual assignment.

All materials MUST be submitted electronically in Microsoft Word format. Other formats may not be readable by markers. Please be aware that any assessments submitted in other formats will be considered LATE and will lose marks until it is presented in MS Word. No paper based or hardcopy submission will be accepted.

MARKING GUIDE :

Marking Criteria	Marks and Lecturer Expectations				
	Fail (0 - 49%)	Pass (50 - 64%)	Credit (65 - 74%)	Distinction (75-84%)	High Distinction (85 - 100%)
Interpretation	Does not apply the law accurately to a meaningful degree.	Accurately applies the law in some instances.	Accurately applies the law in most instances.	Accurately applies the law to a large extent.	Accurately applies the law in all instances.
Analysis	Does not use correct analysis at all or only minimally.	Uses basic analysis.	Uses mostly correct analysis.	Uses largely correct analysis.	Uses entirely correct analysis.
Assumptions	Does not attempt to describe assumptions.	Some errors in assumptions or assumptions overlooked	Describes incomplete assumptions and provides rationale to explain each assumption.	Explicitly describes assumptions and provides strong rationale to explain assumptions.	Explicitly describes assumptions and provides comprehensive rationale to explain assumptions.
Communication	Communicates ineffectively. Includes no relevant legal references.	Explanation may be missing or difficult to follow in places. Includes some relevant legal references.	Explanation somewhat ambiguous or unclear. Includes most of the relevant legal references.	Gives a fairly complete response. Includes nearly all relevant legal references.	Gives a complete response with a clear explanation. Includes all relevant legal references.

GENERAL NOTES FOR ASSIGNMENTS

Assignments should usually incorporate a formal introduction, main points and conclusion, and will be fully referenced including a reference list.

The work must be fully referenced with in-text citations and a reference list at the end. Appropriate academic writing and referencing are inevitable academic skills that you must develop and demonstrate.

We recommend a minimum of **FIVE** references, unless instructed differently by your lecturer. Unless specifically instructed otherwise by your lecturer, any paper with less than FIVE references may be failed. Work that includes sources that are not properly referenced according to the “Harvard Referencing Workbook” will be penalised.

Marks will be deducted for failure to adhere to the word count – as a general rule you may go over or under by 10% than the stated length.

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](#)

PLAGIARISM: HOW TO AVOID IT

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 encyclopaedias 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 government departments, research institutes such as the NHMRC, or international organisations such as the World Health Organisation (WHO). 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?](#) .
