



## ASSESSMENT BRIEF

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| <b>COURSE:</b> Bachelor of Business / Bachelor of Accounting   |  |
| <b>Unit:</b>   | Corporate Law  |
| <b>Unit Code:</b>  | CLAW314  |
| <b>Type of Assessment:</b>   | Assessment 3 – Individual Essay  |
| <b>Length/Duration:</b>  | Approximately 2,000 words  |
| <b>Course Learning Outcomes addressed:</b>   | 1 to 7   |
| <b>Unit Learning Outcomes addressed:</b>   | 1 to 7   |
| <b>Submission Date:</b>  | Week 10  |
| <b>Assessment Task:</b>  | This essay will be completed by each individual student and should be approximately 2,000 words. |
| <b>Total Mark:</b>   | 20 marks   |
| <b>Weighting:</b>  | 20%  |
| <p>Students are advised that <b>any submissions past the due date without an approved extension or without approved extenuating circumstances incurs a 5% penalty per calendar day</b>, calculated from the total mark<br/>           E.g. a task marked out of 40 will incur a 2 mark penalty <u>per calendar day</u>.</p> <p>More information, please refer to (<a href="#">Documents</a> &gt; <i>Student Policies and Forms</i> &gt; <i>POLICY – Assessment Policy &amp; Procedures – Login Required</i>)</p> |  |

## ASSESSMENT DESCRIPTION:

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

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

This is a study of the topic of insolvency of a company leading to its wind up by either the members or the creditors, or alternatively how a company might be saved from liquidation. In this presentation you are required to address the following issues:

- What are the signs that a company is insolvent, and what actions and proactivity is required of the directors in these circumstances?
- What are the potential liabilities of company directors in the event of a company becoming insolvent?
- What are the different avenues available to the company, in particular to the directors, if the company is presumed to be insolvent?
- What is the difference between voluntary and involuntary interventions by different parties concerned by the potential insolvency of the company?
- What might be a good outcome for a company other than being wound up by the creditors, and how might this be achieved?
- What are the statistics on insolvency regarding Australian companies?
- Are there any topical issues regarding insolvency of Australian companies?
- What is the role of ASIC and any other statutory authorities regarding an insolvent company?
- Make any appropriate observations regarding insolvency you believe might be relevant in this presentation, as a result of your reading and research. Refer to any real life situations in your presentation.

### Expectations

- Students are to read text books, cases, search the internet for articles and commentary, and to follow the guidance of the lecturer in their research and reading.
- Ensure your name and student number is clearly visible on your assignment.
- Keep a copy of your work for your records. ☑ Expression is important, and students should ensure that their essay displays appropriate clear expression and presentation.
- Students must reference materials appropriately (statute and case law), and ensure that any materials that are cited, quoted or referred to, have appropriate attribution (ie footnoted and with adequate indication of the use of any author's work). We will do some work on this in class.
- Each presentation must be individual work and students must not copy another student's work, or cut and paste work from books or the internet. Please be aware that plagiarism (the copying of someone else's work) is not acceptable in any professional practice.
- Please ask your lecturer for assistance if you are unsure about an aspect of this assessment.

## ASSESSMENT SUBMISSION:

This essay should be submitted by each individual student electronically.

## MARKING GUIDE (RUBRIC):

| Marking Criteria      | Marks and Lecturer Expectations                                    |   |  |  |   |
|-----------------------|--|---|--|--|---|
|                       | Fail<br>(0 – 49%)  | Pass<br>(50 – 64%)  | Credit<br>(65 – 74%)   | Distinction<br>(75 – 84%)  | High Distinction<br>(85 – 100%)   |
| <b>Interpretation</b> | 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.  |
| <b>Analysis</b>       | 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.   |
| <b>Assumptions</b>    | 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. |
| <b>Communication</b>  | 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. We strongly recommend you to refer to the Academic Learning Skills materials available in the Moodle. For details please click the link <http://moodle.kent.edu.au/kentmoodle/course/view.php?id=5> and download the file “Harvard Referencing Workbook”. 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. We recommend you work with your Academic Learning Support (ALS) site (<http://moodle.kent.edu.au/kentmoodle/course/view.php?id=5>) available in Moodle to ensure that you reference correctly.

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?](#) (thanks to La Trobe University for this video).