

Assessment Task – Tutorial Questions Assignment 1

Unit Code: HA3021

Unit Name: Corporations Law

Assignment: Tutorial Questions Assignment 1

Due: 11:30pm 15th May 2020

Weighting: 25%

Total Assignment Marks: 50 Marks

Purpose: This assignment is designed to assess your level of knowledge of the key topics covered in this unit

Unit Learning Outcomes Assessed:

1. Discuss the foundations of Australian Corporations Law and constitutional aspects and administration.
2. Apply legal principles to real case situations in the context of different types of business organizations and the legal issues that arise in day to day business.
3. Analyse the incorporation process and characteristics of corporate legal personality.
4. Demonstrate the legal principles for managing a company in particular the company's relationship with others.
5. Critically analyse the concept of corporate internal rules and management.
6. Analyse the role and responsibility of directors and members in the management of the company.
7. Analyse the interaction between members' rights, directors' duties and corporate governance.
8. Analyse the procedures regarding external administration and winding up.
9. Identify and analyse legal issues arising from the administration of a company.

Description: Each week students were provided with three tutorial questions of varying degrees of difficulty. These tutorial questions are available in the Tutorial Folder for each week on Blackboard. The Interactive Tutorials are designed to assist students with the process, skills and knowledge to answer the provided tutorial questions. Your task is to answer a selection of tutorial questions from weeks 1 to 5 inclusive and submit these answers in a single document.

The questions to be answered are:

Week 1 Question (10 marks)

Differentiate between a **sole trader, company** and a **partnership**. Support your answer to this by citing the **advantages** and **disadvantages** of using each business structure. (10 marks)

Week 2 Question (10 marks)

Teresa and Alison operate a partnership making and selling jam. A reduced supply of fruit has resulted in a fall in sales. Alison purchased a large supply of glass jars that must be paid for within 30 days. The funds are not available to meet this expense. Teresa was not consulted when Alison bought the jars and insists that Alison pay for them out of her personal savings.

What do you think will be the **legal consequences** here resulting from Teresa's decision **not** to consult Alison? (10 marks)

Week 3 Question (10 marks)

Provide a case summary of the case "Salomon v Salomon & Co Ltd [1897]" using the **IRAC** method. What was the significance of this case law in relation to the legal concept of **separate legal entity**? (10 marks)

Week 4 Question (10 marks)

When can the corporate veil be lifted under the **Corporations Act** to make directors liable for corporate debts? (10 marks)

Week 5 Question (10 marks)

Provide a case summary of the case "Lee v Lee's Air Farming Ltd [1960] UKPC 33" using the **IRAC** method. What legal principle came out of this case in relation to why the court lifted the corporate veil in this case? (10 marks)

Submission Directions:

The assignment has to be submitted via Blackboard. Each student will be permitted one submission to Blackboard only. **Each student needs to ensure that the document submitted is the correct one.**



Academic Integrity

Academic honesty is highly valued at Holmes Institute. Students must always submit work that represents their original words or ideas. If any words or ideas used in a class posting or assignment submission do not represent the student's original words or ideas, the student must cite all relevant sources and make clear the extent to which such sources were used. Written assignments that include material similar to course reading materials or other sources should include a citation including source, author, and page number.

In addition, written assignments that are similar or identical to those of another student in the class is also a violation of the Holmes Institute's Academic Conduct and Integrity Policy. The consequence for a violation of this policy can incur a range of penalties varying from a 50% penalty through to suspension of enrolment. The penalty would be dependent on the extent of academic misconduct and the student's history of academic misconduct issues. All assessments will be automatically submitted to Safe-Assign to assess their originality.

Further Information:

For further information and additional learning resources, students should refer to their Discussion Board for the unit.