



## Assessment Task – Tutorial Questions

**Unit Code:** HI6027

**Unit Name:** Business and Corporate Law

**Assignment:** Tutorial Questions 2

**Due:** 11:30pm 26<sup>th</sup> June 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. Critically examine the main features of the Australian legal system;
2. Critically examine the foundations of Australian company law;
3. Critically discuss and apply contract and tort law in business circumstances;
4. Critically analyse the concept of corporate internal rules and management;
5. Critically discuss and apply the legal framework that regulates a company's dealings with outsiders;
6. Analyse the interaction between members' rights, directors' duties and corporate governance;
7. Analyse the procedures regarding external administration and winding up.

**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 for weeks 6 to 10 inclusive and submit these answers in a single document.

The questions to be answered are:

### **Week 6**

Barbara was a regular shopper at Egeey Supermarket, which was part of a large nationwide supermarket chain. She was there at least once a week and sometimes more often if the specials were really good.

When Barbara was there this week, she slipped on some grapes in the pet-food section in aisle 3, slipping and falling, and breaking her ankle. The store manager was not sure how the grapes got there or how long they had been there, but store policy was to do checks every 15 minutes of the floor in the fruit section. The store manager indicated that there were a number of spillages every week in the green grocery section of the store.

The store owner wishes to know:

- a) Whether Egeey Supermarket owes a duty of care to Barbara? (3.5 marks, maximum 200 words)
- b) If they do, has it breached that duty of care? (3.5 marks, maximum 200 words)
- c) Whether your answer would be different if Barbara had slipped on some grapes in the fruit section of the store. (3 marks, maximum 150 words)

### **Week 7**

Brown purchased a pair of woolen underpants from Underwear Galore in Adelaide. As a result of wearing the underpants without first washing them, he contracted dermatitis as the underpants contained bisulphite of soda, which it was found had been left in the underpants during the manufacturing process. The underpants had been packaged in a clear cellophane wrap, but the bisulphite of soda couldn't be seen on a reasonable inspection by either the retailer or the buyer.

Has Brown any remedy or remedies available to him against the retailer, Underwear Galore, under the Australian Consumer Law? Explain what Brown has to establish in order to succeed in an action and whether, in your opinion, he would be successful. (10 marks, maximum 500 words)

### **Week 8**

What are the advantages and disadvantages of becoming a franchisee? Should a person considering going into business the first time consider a franchise? Discuss. (10 marks, maximum 300 words)

### **Week 9**

What is the significance of *Salomon v A Salomon & Co Ltd* [1897] AC 22? What is the 'corporate veil' and when is it permitted to be lifted under the Corporations Act? (10 marks, maximum 250 words)

### **Week 10**

Tristan is considering buying shares in a company. Tristan asks you to explain to him what is meant by the terms 'member' and 'shareholder', and the different ways in which a person may become a member. He also asks you to explain who may be eligible to become a member, and how many members a company is permitted to have. Finally, Tristan asks: how does a person cease to be a member of a company? (10 marks, maximum 300 words)

**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 SafeAssign to assess their originality.

**Further Information:**

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