



# LAWS536

## Modern Corporate Governance

S2 Day 2018

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Lecturer

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friday 3pm

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Credit points

3

Prerequisites

Corequisites

LAWS507 or LAWS510 or LAWS521 or LAWS523 or LAWS528 or LAWS529 or LAWS553 or LAWS557

Co-badged status

Unit description

In this unit, students will explore comparative approaches to corporate governance in Australia, Europe and Asia. Interdisciplinary materials are used to explore current debates on corporate governance, such as the effectiveness of different actors in governance, the role of litigation as a means of improving governance practices, and the manner in which sustainable practices can be encouraged. The specific challenges posed by global corporations are explored along with a critical evaluation of the current methods for regulating their actions. In this context the unit allows students to engage with both domestic and international regulatory frameworks of corporate laws and norms.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## General Assessment Information

### **PARTICIPATION**

Students will be required to participate in discussions during the tutorial sessions. In the absence of an application for Special Consideration that has been approved, any student who does not attend 80% of the tutorial sessions will have their participation mark reduced at the discretion of the convenor or tutor.

### **RESEARCH ESSAYS**

In the absence of an application for Special Consideration, any late submissions will be handled in accordance with the late penalty policy for the Faculty of Arts for non times assessments.

When considering approval of an application for Special Consideration the course convener may require the student to satisfactorily complete a different exercise to be completed at a time determined by the course convener.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

### **SPECIAL CONSIDERATION**

Applications for a Special Consideration are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration Policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

### **MODERATION POLICY**

Detailed marking rubrics will be made available on iLearn. All Fail papers will be double marked.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Online quiz</a>	10%	No	25/8/18
<a href="#">Participation</a>	15%	No	ongoing
<a href="#">Research Essay Part 1</a>	35%	No	at 11.59pm on 30/09/18
<a href="#">Research Essay Part 2</a>	40%	No	at 11.59pm 04/11/18

### Online quiz

Due: **25/8/18**

Weighting: **10%**

This is an online quiz that does count towards the final grade. It is made available for the purpose of giving early feedback on progress.

On successful completion you will be able to:

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres

### Participation

Due: **ongoing**

Weighting: **15%**

Students will be allocated a week for presentation of their area of research that will be covered in their final essay. These presentations of topics will take place from weeks 5 to 11.

Students will be required to participate in discussions in the weekly tutorial sessions. Their presentation mark can be modified up or down depending on participation and contribution to other people's presentations.

On successful completion you will be able to:

- Describe the context within which corporate governance operates
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- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## Research Essay Part 1

Due: **at 11.59pm on 30/09/18**

Weighting: **35%**

All students are required to complete a research essay. This essay will identify an area of interest, as approved by the lecturer, where there is a problem of modern corporate governance. Details of the essay and its requirements will be provided in more detail on iLearn.

The research essay is to be submitted to Turnitin via iLearn.

The research essay question will be made available on iLearn. A marking rubric and administrative requirements for this assessment will be made available on iLearn.

The essay will be a maximum of 2500 words (excluding footnotes).

On successful completion you will be able to:

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern

## Research Essay Part 2

Due: **at 11.59pm 04/11/18**

Weighting: **40%**

All students are required to complete a second research essay which will lead directly on from the first essay. This essay will provide solution to the area of corporate governance problem that has been identified in Research Essay Part 1.

The essay will be a maximum of 3000 words (excluding footnotes).

On successful completion you will be able to:

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international

spheres

- Examine alternative regulatory modes and assess their application

## Delivery and Resources

### Attendance at intensive sessions

This unit is taught by a two hour weekly lecture and a one hour tutorial.

For external students there will be a two day On Campus Session on dates stated in the Macquarie University timetable. It is expected that the external students will listen to all recorded lectures.

Attendance is not compulsory at the tutorials. However there is a participation mark included in the final mark. Absence from tutorials will affect this mark. It is expected that you would attend at least 80% of the tutorials.

### Delivery

Lectures are recorded and will be available through ilearn.

### Resources

Students are required to have access to the following texts:

1. duPlessis JJ, Hargovan A and Harris J, *Principles of Contemporary Governance*, Cambridge University Press 2018 (4th ed).
2. Corporations Act 2001 (Cth) (you can access this online).

### Technology Use

1. Online units can be accessed at: <http://ilearn.mq.edu.au/>.
2. A computer with internet access is required. Students must possess basic computer skills including internet browsing and word processing.
3. Students are advised that a mobile device will not be sufficient to complete the coursework for this unit.
4. Please consult teaching staff for any further, more specific requirements.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)

- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

Attendance at OCS is compulsory for external students.

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcome

- Examine alternative regulatory modes and assess their application

#### Assessment tasks

- Participation
- Research Essay Part 1
- Research Essay Part 2

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern



- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

## Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1
- Research Essay Part 2

## Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application

## Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1
- Research Essay Part 2

## Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1
- Research Essay Part 2

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

### Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1
- Research Essay Part 2

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

### Learning outcomes

- Describe the context within which corporate governance operates
- Review and critique existing regulatory strategies in the domestic and international spheres
- Understand and critically appraise the current discourse on corporate governance
- Discern problems and gaps in the manner in which the law seeks to govern
- Examine alternative regulatory modes and assess their application
- Analyse and solve problems collaboratively

## Assessment tasks

- Online quiz
- Participation
- Research Essay Part 1
- Research Essay Part 2

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcome

- Discern problems and gaps in the manner in which the law seeks to govern

## Assessment tasks

- Participation
- Research Essay Part 1
- Research Essay Part 2

## Changes from Previous Offering

addition of online quiz. Moved from OCS to weekly teaching mode.