



# LAW 850

## Sustainable Corporate Governance and Financing

S2 Day 2018

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Lecturer

Vijaya Nagarajan

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Contact via (02)(8507911

W3A 626

Tuesday 9-12 or by appointment

Credit points

4

Prerequisites

Admission to MEnvLaw or MIntEnvLaw or MIntTrdeComLaw or MIntRel or MIntRelMIntTrdeComLaw or LLM or MIntLawGovPP or MSocEntre or GradCertSocEnt or GradDipIntRel or GradDipPP or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 32cp in LAW or LAWS units at 800 level)

Corequisites

Co-badged status

Unit description

The purpose of this unit is to introduce students to new economic and legal aspects of sustainable development. Markets, regulatory strategies, taxes, financial institutions, investment approaches and the insurance industry have responded to some aspects of this global challenge. This provides the wider context for the changing role and legal obligations of the modern corporation. Corporate approaches to environmental management are studied in the light of new economic realities, requirements, risks and standards such as ISO 14001.

## 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 and how it links to sustainability

Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform

Examine alternative regulatory modes and assess the role of law in achieving justice

Critically analyse and solve problems collaboratively

Assess the effectiveness of domestic laws and global norms in the Global South/ less developed states

## **General Assessment Information**

### **Participation**

Students will be required to participate in discussions during the intensive sessions. 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 timed assessments.

For all details on the Special Consideration policy and process please see:

<https://students.mq.edu.au/study/my-study-program/special-consideration>

When considering approval of an application for Special Consideration the course convener may grant the student extra time for completion of the assessment task or may require the student to satisfactorily complete a different exercise.

### **Research Essay**

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 timed 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.

### **Take Home Assessment**

The take home assessment will be released on 27th October 2018. It is then due for submission at 11.59pm on 11 November 2018

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 timed 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.

### **Macquarie Law School Policy on Assessment:**

Special Consideration: Applications for a Special Consideration are made electronically via [as k.mq.edu.au](https://k.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to

the Special Consideration policy and procedure (<https://students.mq.edu.au/study/my-study-program/special-consideration>) for complete details of the policy and a description of the supporting documentation required.

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

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

Plagiarism: 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="#"><u>Online Quiz</u></a>	0%	No	25/8/18
<a href="#"><u>Attendance and Participation</u></a>	15%	No	16/9/18
<a href="#"><u>Research Essay</u></a>	35%	No	8/10/18
<a href="#"><u>Take home assessment</u></a>	50%	No	11/11/18 at 11.59pm

### Online Quiz

Due: **25/8/18**

Weighting: **0%**

This is an online quiz that does not count towards the final result. It is made available for the purpose of giving early feedback on progress. Completion is strongly encouraged as it will assist students to engage with the unit content. This will be made available online for a duration of 4 nights opening at 9am on Monday 20/8/18 closing at 11.59pm on 25/8/18. You will be allocated one hour once you log in, to complete the quiz.

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

### Attendance and Participation

Due: **16/9/18**

Weighting: **15%**

Students will be required to participate in discussions in the intensive sessions.

Participation during the intensive sessions will be directed by the lecturer.

Intensive sessions are held as follows:

Saturday 15th and Sunday 16th of September in 23 Wallys Walk 205 Tutorial Room.

These sessions run from 9am to 4pm each day.

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 and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice
- Critically analyse and solve problems collaboratively
- Assess the effectiveness of domestic laws and global norms in the Global South/ less developed states

## Research Essay

Due: **8/10/18**

Weighting: **35%**

All students are required to complete a research essay. 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 must comply with the *Australian Guide to Legal Citation* (3rd ed). The Guide is available here <http://mulr.law.unimelb.edu.au/go/AGLC3>.

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 and how it links to sustainability

- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice
- Assess the effectiveness of domestic laws and global norms in the Global South/ less developed states

## Take home assessment

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

Weighting: **50%**

All students are required to complete a take home assessment. The take home assessment will be released on 27 October 2018 and is due at 11.59pm on 11 November 2018 and is to be submitted to Turnitin via iLearn.

The take home assessment questions will be made available on iLearn. A marking rubric and administrative requirements for this assessment will be made available on iLearn. The take home assessment will include one legal hypothetical and one essay question.

The take home assessment must comply with the *Australian Guide to Legal Citation* (3rd ed). The Guide is available here: <http://mulr.law.unimelb.edu.au/go/AGLC3>.

On successful completion you will be able to:

- Describe the context within which corporate governance operates
- Understand and critically appraise the current discourse on corporate governance and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice
- Critically analyse and solve problems collaboratively

## Delivery and Resources

### Attendance at intensive sessions

This unit is taught only in intensive mode. Intensive sessions will run from 9am until 4pm on 15th and 16th September.

Attendance at the intensive sessions is required for students if you wish to succeed in this course. Please do not enrol in this unit if you are unable to attend these sessions.

### Delivery

Lectures are recorded and will be released through iLearn.

### Resources

Students are required to have access to the following texts:

1. Christine Mallin, Corporate Governance, Oxford, 2015 (5th edition). This book can be obtained from multiple sources including the Co-op Bookshop, Zookal: <https://www.zookal.com/corporate-governance-685989/>; and Booktopia: <https://www.booktopia.com.au/corporate-governance-christine-mallin/prod9780198718024.html>.
2. Corporations Act 2001 (Cth) (you can access this online at [http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/ca2001172/](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/ca2001172/)).
3. Further readings on specific topics and case studies will be made available electronically through the library.

### 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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p)

[olicy-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>.

## 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>) 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>

## 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

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their



professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

### **Learning outcomes**

- Describe the context within which corporate governance operates
- Understand and critically appraise the current discourse on corporate governance and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice
- Critically analyse and solve problems collaboratively

### **Assessment tasks**

- Attendance and Participation
- Research Essay
- Take home assessment

## **PG - Discipline Knowledge and Skills**

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

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 and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform

### **Assessment tasks**

- Online Quiz
- Attendance and Participation
- Research Essay

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

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 and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice

### Assessment tasks

- Attendance and Participation
- Research Essay
- Take home assessment

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

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 and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform

- Examine alternative regulatory modes and assess the role of law in achieving justice
- Critically analyse and solve problems collaboratively

### **Assessment tasks**

- Online Quiz
- Attendance and Participation
- Research Essay
- Take home assessment

## **PG - Effective Communication**

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

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 and how it links to sustainability
- Discern problems and gaps in the manner in which the law seeks to govern for sustainability and consider reform
- Examine alternative regulatory modes and assess the role of law in achieving justice
- Critically analyse and solve problems collaboratively

### **Assessment tasks**

- Attendance and Participation
- Research Essay
- Take home assessment

## **PG - Engaged and Responsible, Active and Ethical Citizens**

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## **Learning outcomes**

- Describe the context within which corporate governance operates
- Examine alternative regulatory modes and assess the role of law in achieving justice

## **Assessment tasks**

- Attendance and Participation
- Research Essay
- Take home assessment