



**BSBESB402**

# **Establish legal and risk management requirements of new business ventures**

**Assessment 2 of 2**  
Project



## Assessment Instructions

### Task overview

This assessment task is divided into four (4) parts. Read each question carefully before typing your response in the space provided.

### Additional resources and supporting documents

To complete this assessment, you will need:

- Fusion Graphix Business Plan
- Procurement Policy and Procedure
- Goods and Services Contract
- Risk Management Policy and Procedure

## Assessment Information

### Submission

You are entitled to three (3) attempts to complete this assessment satisfactorily. Incomplete assessments will not be marked and will count as one of your three attempts.

All questions must be responded to correctly to be assessed as satisfactory for this assessment.

Answers must be typed into the space provided and submitted electronically via the LMS. Hand-written assessments will not be accepted unless previously arranged with your assessor.

### Reasonable adjustment

Students may request a reasonable adjustment for assessment tasks.

Reasonable adjustment usually involves varying:

- the processes for conducting the assessment [e.g. allowing additional time]
- the evidence gathering techniques [e.g. oral rather than written questioning, use of a scribe, modifications to equipment]

However, the evidence collected must allow the student to demonstrate all requirements of the unit.

Refer to the Student Handbook or contact your Trainer for further information.



Please consider the environment before printing this assessment.

## Part 1

To complete this part, you will need to read the case study below and complete Activity 1, following the instructions provided.

### Case Study

Fusion Graphix is a Graphic Design Studio that offers B2B graphic design, web design and marketing services.

Fusion Graphix is preparing to launch a new service product to prospective and existing clients. In addition to providing graphic design, web design and marketing services, Fusion Graphix will also offer marketing training via online workshops. This will also provide networking opportunities and help to establish, build and maintain business relationships.

For the purpose of this assessment, you will play the role of Lionel Boyle, the Marketing Manager of Fusion Graphix.

As part of your role, you are responsible for:

1. Analysing business processes
2. Implementing business plans
3. Establishing effective networks
4. Identifying opportunities for business growth
5. Ensuring compliance with legislative and regulatory requirements
6. Creating policies and procedures to detect and minimise risk
7. Developing and reviewing procurement contracts

As part of the compliance review, John Lewis, the Studio Manager, has asked you to find the legal structure of Fusion Graphix using the company's business plan and the legal and regulatory requirements of its legal structure and explain its relationship with Fusion Graphix's current practices and procedures.

### Activity 1

Find out what is Fusion Graphix's legal structure and what are the legal and regulatory requirements that apply to this legal structure. You will need to access:

- Fusion Graphix Business Plan
- the official Australian Securities & Investment Commission website [www.asic.gov.au](http://www.asic.gov.au)
- The Australian Government Business website [www.business.gov.au](http://www.business.gov.au)

After locating and reviewing the document and the links above, use the **Fusion Graphix Legal and Regulatory Requirements** table below to record your findings and complete your compliance review.

(Table word count: 600 – 700 words)

### Assessor instructions: Students must

- Complete all the business details in the table correctly according to the Fusion Graphix Business Plan.
- Access the link: <https://asic.gov.au/for-business/small-business/starting-a-company/legal-requirements-for-companies/>

- List and explain all seven (7) legal and regulatory requirements according to ASIC (Australian Securities and Investment Commission)
- Explain the relationship between these seven (7) requirements and Fusion Graphix's current practices and procedures. Find out what needs to be clarified to ensure Fusion Graphix's compliance.

A sample answer is provided below.

Fusion Graphix Legal and Regulatory Requirements		
Business name:	Fusion Graphix	
Business structure:	Company	
ABN:	123 456 789	
GST:	Yes. Registered to pay GST	
Business Location:	1A King Street, Sydney, 2000, NSW	
Domain names:	<a href="http://www.fusiongraphix.au">www.fusiongraphix.au</a>	
Business owner(s):	Alan Smith	
Products/services:	Business 2 Business (B2B) graphic design, web design and marketing services	
<p>List seven (7) legal and regulatory requirements for Fusion Graphix in the space provided below and explain their relationship with CSBA's current practices and procedures. Use this link to help you locate them: <a href="https://asic.gov.au/for-business/small-business/starting-a-company/legal-requirements-for-companies/">https://asic.gov.au/for-business/small-business/starting-a-company/legal-requirements-for-companies/</a></p>		
Legal and regulatory requirement	Description of requirement (Word count: Up to 100 words per requirement listed)	How does this requirement relate to Fusion Graphix? What do you need to check to ensure Fusion Graphix complies with this requirement?  (Word count: Up to 100 words per requirement listed)
<a href="#">Set up a registered office, place of business and directors</a>	<p>You will need to set up a current registered office as ASIC will use this address to send documents to the company. Your principal place of business will be the location from which your company operates its business.</p> <p>A company must also inform ASIC of the name, date of birth and current residential address of all directors. Find out more on our <a href="#">checklist for registering a company</a>.</p> <p>Company directors must also personally comply with obligations under Australian law. Find out more about <a href="#">company director obligations</a> for small business.</p>	<p>Fusion Graphix's principal place of business is 1A King Street, Sydney, 2000, NSW.</p> <p>Fusion Graphix's CEO – Alan Smith. We need to confirm that he has provided ASIC of his name, date of birth as well as his residential address. Also, we will need to ensure that Alan complies with the company director obligations under the Australian law.</p>

<a href="#"><u>Create and maintain your business name</u></a>	<p>If the company conducts business using a business name, you must ensure that the business name is registered and renewed when the registration expires (everyone or three years). ASIC will send the company a business name renewal notice 30 days before the renewal is due.</p> <p>Find out how to <a href="#"><u>register a business name</u></a> and <a href="#"><u>renew and maintain your business name</u></a>.</p>	We need to ensure that CSBA has renewed the name registration.
<a href="#"><u>Update ASIC on key changes</u></a>	<p>You must notify ASIC of changes to the company's registered office, principal place of business, directors, and business names within 28 days to avoid late fees.</p> <p>Read more on how to <a href="#"><u>update your company details</u></a> with ASIC.</p>	We need to ensure that ASIC has been notified of any changes mentioned above.
<a href="#"><u>Keep financial records</u></a>	<p>A company must keep up-to-date financial records that correctly record and explain transactions and the company's financial position. Larger companies have additional obligations to lodge financial reports with ASIC.</p> <p>Find out more about <a href="#"><u>lodging financial reports</u></a> and <a href="#"><u>books and records</u></a>.</p>	We need to ensure Fusion Graphix has policies and procedures in place to record and explain their financial position and performance that could enable accurate financial statements to be prepared and audited.
<a href="#"><u>Pay fees to ASIC</u></a>	<p>Fees that companies must pay ASIC include company registration fees, annual review fees, lodgment fees and late fees. Find out more about <a href="#"><u>ASIC fees</u></a>.</p>	We need to check if Fusion Graphix has paid all the required fees to ASIC.
<a href="#"><u>Check annual statements</u></a>	<p>Each year, ASIC will send your company an annual statement. To remain a registered company, you will need to check the details on your company statement and update any changes with ASIC, pay the associated annual company review fee, and pass a solvency resolution stating that you have reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.</p> <p>Find out more about <a href="#"><u>annual statements</u></a>.</p>	<p>We need to ensure that Fusion Graphix's director have complete all three (3) steps to keep the company registered:</p> <p>Step 1: Pay company annual review fee</p> <p>Step 2: Check and update the company details</p> <p>Step 3: Pass and store a solvency resolution within two months of the annual review date</p>
<a href="#"><u>Get professional advice if you need it</u></a>	<p>Make sure you get trusted professional advice if you are uncertain about your legal obligations. Business.gov.au has some useful tips on how to find a <a href="#"><u>business adviser</u></a>.</p>	We need to understand where Fusion Graphix can get help, build a network of peers, and find a program that can help grow the business such as outsourcing tasks or finding grants and financial help.

## Part 2

To complete this part, you will need to read the case studies and complete Activity 1-4, following the instructions provided.

### Case Study

After you identified the business structure of Fusion Graphix and its legal and regulatory requirements, you sent an email to the Studio Manager, John Lewis, with all your findings.

John clarified that all seven (7) requirements identified have been met except for the number "3. Update ASIC on key changes". Alan Smith, the CEO, has changed his residential address recently, and he did not update ASIC. He has provided you with the updated information.

John thought that it would be beneficial for Fusion Graphix to have procedures in place to:

1. Ensure compliance
2. Store and maintain legal documents and business records
3. Identify areas of non-compliance and take corrective action

Therefore, John asked you to develop the following two (2) documents to cover the requirements above:

1. A checklist with all legal and regulatory requirements to be used quarterly from Fusion Graphix to ensure compliance, identify areas of non-compliance and suggestions for corrective action
2. A procedure to store and maintain legal documents and business records

### Activity 1

You will need to develop a **Legal and Regulatory Requirements Checklist** with all legal and regulatory requirements identified in Part 1. This checklist will need to be used by Fusion Graphix to ensure compliance, identify areas of non-compliance, and take corrective action when necessary.

[Approximate word count: 350 – 400 words]

**Assessor instructions:** Students must fill out all three (3) columns of the checklist following the instructions provided in the parentheses below. Number 3 Compliance status must be identified as "non-Compliant" according to the information provided in the Case Study.

A sample answer is provided below.

Legal and Regulatory Requirements Checklist		
Legal and Regulatory Requirements	Compliance Status	Corrective actions
<i>{Insert the seven (7) legislative and regulatory requirements identified in Part 1}</i>	<i>{Insert the compliance status by using the words "Compliant" or "Non-Compliant"}</i>	<i>{Insert the corrective actions that need to be undertaken in case of non – compliance. Add the links for <a href="http://www.asic.gov.au">www.asic.gov.au</a> and <a href="http://www.business.gov.au">www.business.gov.au</a> that explains how each requirement needs to be addressed}</i>

1. Set up a registered office, place of business and directors	Compliant	If there are any changes to the registered office, the place of business or the directors, ASIC needs to be notified. Company directors are now required by law to apply for a director identification number. More information about corrective actions can be found here: <a href="https://asic.gov.au/for-business/registering-a-company/before-you-register-a-company/checklist-for-registering-a-company/">https://asic.gov.au/for-business/registering-a-company/before-you-register-a-company/checklist-for-registering-a-company/</a>
2. Create and maintain your business name	Compliant	All companies need to renew their business name. ASIC sends a reminder 30 days before the renewal is due. Here is all the information needed to renew the company's name: <a href="https://asic.gov.au/for-business/renewing-your-business-name/">https://asic.gov.au/for-business/renewing-your-business-name/</a>
3. Update ASIC on key changes	Non-Compliant	Fusion Graphix needs to update ASIC on key changes within 28 days. The changes can be updated here: <a href="https://asic.gov.au/for-business/changes-to-your-company/">https://asic.gov.au/for-business/changes-to-your-company/</a>
4. Keep financial records	Compliant	Fusion Graphix must keep up-to-date financial records that correctly record and explain transactions and the company's financial position. Section 286 of the Corporations Act requires financial records to be kept for at least seven years after the transactions covered by the records are complete. More information about how to keep and maintain financial records can be found here: <a href="https://asic.gov.au/for-business/running-a-company/company-officeholder-duties/what-books-and-records-should-my-company-keep/">https://asic.gov.au/for-business/running-a-company/company-officeholder-duties/what-books-and-records-should-my-company-keep/</a>
5. Pay fees to ASIC	Compliant	All fees must be paid to ASIC under the Commonwealth laws. If Fusion Graphix failed to pay one of the fees required by ASIC, it will need to do so as soon as the missed payment is identified. More information about ASIC payments can be found here: <a href="https://asic.gov.au/for-business/payments-fees-and-invoices/asic-fees/">https://asic.gov.au/for-business/payments-fees-and-invoices/asic-fees/</a>
6. Check annual statements	Compliant	Each year, ASIC will send to Fusion Graphix an annual statement shortly after the annual review date. To keep Fusion Graphix registered, we must complete the following steps. <ul style="list-style-type: none"> <li>• <a href="#">Step 1: Pay your annual company review fee</a></li> <li>• <a href="#">Step 2: Check and update your company details</a></li> <li>• <a href="#">Step 3: Pass a solvency resolution</a></li> </ul> We must lodge charges with us within 28 days of the annual statement issue date, or a further late fee will apply.

		Company directors must pass and store a solvency resolution within two months of the annual review date unless we have lodged a financial report with ASIC in the past 12 months. For more details regarding annual statements, information can be found here: <a href="https://asic.gov.au/for-business/running-a-company/annual-statements/">https://asic.gov.au/for-business/running-a-company/annual-statements/</a>
7. Get professional advice if you need it	Compliant	Making sure you comply with all legal and regulatory requirements is particularly important, so getting professional advice on the more complex matters is crucial. Fusion Graphix needs to find ways to help the business grow. If non-compliance is identified and the current staff is unsure of how to solve the issue, Fusion Graphix needs to seek professional advice. More on how to get professional advice can be found here: <a href="https://business.gov.au/planning/new-businesses/get-help-for-your-business">https://business.gov.au/planning/new-businesses/get-help-for-your-business</a>

### Activity 2

You will need to send an email to John, explaining that you have completed the Legal and Regulatory Requirements checklist, you have identified the non-compliance and list the steps that need to be taken as a corrective action. Capture this in the email template below. Ensure you include the following in your email:

- 1) Provide a brief description summarising the purpose of the email
- 2) Explain that you have completed the Legal and Regulatory Requirements checklist,
- 3) Explain that you have identified the non-compliance
- 4) List the steps that need to be taken as a corrective action found here: Changing

[Approximate word count: 200 - 250 words]

**Assessor instructions:** Students must send an email to John, explaining that they have completed the Legal and Regulatory Requirements checklist, they have identified the non-compliance and list the steps that need to be taken as a corrective action. Their email needs to include the following key information:

- Include a greeting
- Include a date and time stamp for the email
- Specify the subject of the email
- Content of the email:
  - Provide a brief description summarising the purpose of the email
  - Explain that you have completed the Legal and Regulatory Requirements checklist,
  - Explain that you have identified the non-compliance
  - List the six (6) steps that need to be followed to change the officeholder's residential address.
- Complete the email footer specifying your name and position in line with the case study.

A sample answer is provided below.





## Email Template

To:	John Lewis, Studio Manager <<Add name[s] and position title of main email recipients here>>
From:	Jackie Spade, Administration Manager <<Add your name and position title here>>
CC:	<<Add names and position titles of carbon copy email recipients here>>
Date/time:	23.11.22, @11:30 a.m. <<Add the time and date of the email here>>
Subject:	Corrective action <<Add the subject of the email here>>
Attachments:	<<Add the name of any attachments here>>

Dear <<Add email recipient(s) name here>>,

<<Add message here>>

*Dear John,*

*I would like to let you know that I have completed the Legal and Regulatory Requirements checklist and I have identified the non-compliance of the legal and regulatory requirement 3. Update ASIC on key changes.*

*The corrective action recommended is to Update ASIC on your residential address within 28 days.*

*We need to implement the recommended corrective action to ensure compliance by following the steps below:*


- *You can change an officeholder's residential address online. You must have registered for online access and use your account details to log in.*
- *There are six (6) steps that need to be followed:*
  - *Step 1 - Once logged in, select 'Start new form' from the left-hand menu*

- *Step 2 - Select 'Change to Company Details' (494) from the list of forms*
- *Step 3 - Select 'Change of address' from the list*
- *Step 4 - Enter the details of the new address*
- *This includes the new address details and the date the address changed. Select 'Officeholders Address' from the list of options and select 'Next'.*
- *The address details you enter will be checked against Australia Post's standard address format. You may need to change the way you've entered the address before it's accepted.*
- *Step 5 - Select the officeholder that is being updated*
- *Step 6 - Review the changes, complete the declaration, and submit your transaction*
- *Once you've reviewed all information and made sure it's correct, select 'Next'. Once you complete the declaration, press 'Submit'.*

If you have any questions, please do not hesitate to contact me anytime.

*Regards,  
Jackie Spade  
Administration Manager*

Regards,  
<<Add your name here>>  
<<Add your job position here>>

	1 King Street, Sydney, NSW 2000 Phone: 02 987 654
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### Activity 3

You will need to create a procedure on how to store and maintain legal documents and business records using Fusion Graphix's Policy template below. Delete the questions in << >> after you enter your answers in the table.

[Approximate word count: 400 - 450 words]

**Assessor Instructions:** Students must fill out the table below. The questions inside << >> can help the students understand what needs to be included in each section. Students' words will vary, but their responses need to reflect the content provided in the sample answer.

A sample answer is provided below.

## Legal and Business Record-Keeping Procedure

### Purpose

<<What is the purpose of this document?>>  
<<Why does Fusion Graphix need it?>>

The purpose of Fusion Graphix's **Legal and Business Record Keeping Procedure** is to ensure that documents and records are appropriately created, managed, and stored in a manner that reflects business and regulatory compliance requirements.

### Responsibilities:

**Studio Manager, John Lewis Stead**

- Ensuring the effective implementation of the document and records management system.
- Ensuring that appropriate resources are provided for the management of documents and records.
- Ensuring information, training and instruction are provided on the document and records management system; and
- The review and final approval of all Fusion Graphix documentation

### Responsibilities:

**Document Controller, Jackie Spade**

- Managing the document control and records management process
- Checking the quality of documents
- Ensuring documents are developed using the correct styles and format
- Maintaining the document register
- Maintaining all Fusion Graphix records
- Ensuring that only approved current versions of documents are available for use; and
- Archiving of all obsolete documents and records.

### Responsibilities:

**Fusion Graphix Employees**

- Obtaining documents from the approved location
- Not making copies (uncontrolled documents) of documents; and
- Participating in reviews of documents as required.

### Document Creation

<<Who will need to be consulted for document creation?>>  
<<How to verify if the document already exists?>>  
<<What are the requirements for a new or additional document to be created?>>  
<<Add any other requirements relevant to document creation>>

The Studio Manager shall be consulted on the need for any documentation and verify if there is a document already existing within the System meeting the requirements of the request. Where no suitable document exists, the director shall arrange for the document controller to develop the new document.

The requirement for new or additional documents may be based on:

- Legislative requirements
- Internal or external audit findings
- Outcomes of workplace inspections and monitoring
- Industry or organisational best practice; or
- Changes in business activities and or structure.

The development of all documents shall include consultation and communication with workers who perform the work to ensure key risks are identified.

<b>Records Storage</b> << Explain where the documents should be stored >> << List the types of documents that need to be stored >>
All controlled documents are to be stored within the appropriate document libraries in / on the company server and made available to all employees via the company intranet. These files are stored on an electronic server system which is regularly backed up and archived. A library of external documents shall be maintained in / on the Company Server for access by employees. This may include: <ul style="list-style-type: none"> <li>• Legislation (Acts and Regulations)</li> <li>• Approved Codes of Practice</li> <li>• Australian Standards</li> <li>• Guidelines</li> <li>• Industry Codes</li> </ul>
<b>Document Approval</b> << Who will approve the document? << What needs to happen after the document is approved?>>
New or revised final draft documents shall be approved by the Studio Manager. Once approved, the final controlled document shall be released by the Document Controller via the Company intranet and communicating requirements to relevant personnel to allow implementation.
<b>Document Review</b> << How often will the documents be reviewed?>>
All documentation that forms part of Fusion Graphix shall be formally reviewed at least once every three months to ensure it is still up to date. Reviews may be scheduled or unscheduled.

#### Activity 4

To ensure the new Legal and Business Record Keeping Procedure on how to store and maintain legal documents and business records is being followed and implemented, you will need to send an email to all staff and inform them about it. You will need to use the Fusion Graphix Email template below.

Ensure you include the following in your email:

1. Provide a brief description summarising the purpose of the email
2. Explain the purpose of the new procedure
3. Ask them to send you an email confirming that they read and understood the procedure.

[Approximate word count: 50 – 100 words]

**Assessor instructions:** Students must compile an email to Isha, Fusion Graphix's legal advisor, including the following key information:

- Include a greeting
- Include a date and time stamp for the email
- Specify the subject of the email
- Content of the email:
  - Provide a brief description summarising the purpose of the email

- Explain the purpose of the new procedure
- Ask them to send you an email confirming that they read and understood the procedure.
- Complete the email footer specifying your name and position in line with the case study.

A sample answer is provided below.



## Email Template

To:	All staff
From:	Jackie Spade, Administration Manager
CC:	
Date/time:	10/05/2022, 9:30 a.m.
Subject:	New Legal and Business Record Keeping Procedure
Attachments:	Legal and Business Record Keeping Procedure.docx

To All Staff,

I have attached the new Legal and Business Record Keeping Procedure which includes instructions on how we will store and maintain legal documents and business records at Fusion Graphix moving forward.

The new procedure needs to be implemented when storing (and maintaining) legal documents and business records to ensure consistency across the board.

I would like you to all read it and send an email back to me confirming you understood every step included.

If you have any questions, please do not hesitate to contact me anytime.

Kind regards,  
Jackie Spade

	1 King Street, Sydney, NSW 2000 Phone: 02 987 654
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### Part 3

To complete this part, you will need to read the case study below and complete Activity 1-4, following the instructions for each activity.

#### Case Study

John, the studio manager, has informed you that due to changes to Fusion Graphix's working environment, a significant percentage of its employees will now start working from home. Therefore, Fusion Graphix needs to buy monitors to provide the necessary resources for the staff working from home.

After reviewing the received quotations from a few suppliers, Fusion Graphix has decided to award the contract of purchasing new monitors to TJ Jones Computer and Gaming Monitors and WebCams Pty Ltd. TJ Jones Computer and Gaming Monitors and WebCams Pty Ltd sold 15 monitors to Fusion Graphix for \$7,500. John mentioned that as the contract exceeded the amount of \$200, the Procurement and Policy Procedure needs to be checked.

John would like you to

1. Assess whether TJ Jones' end of life monitor disposal aligns with Fusion Graphix's business interests.
2. Consult with Isha, Fusion Graphix's legal advisor and seek legal advice before negotiating with Mr Jones.
3. Negotiate with Terry Jones (the business director) and secure a contractual procurement right where TJ Jones will take back the monitors purchased through them for their end-of-life responsible disposal.
4. Forward the amended contract to him to complete the contractual arrangement with TJ Jones.

#### Activity 1

Assess whether TJ Jones' end-of-life monitor disposal aligns with Fusion Graphix's business interests. To effectively complete your assessment, review the following documents:

- Fusion Graphix Business Plan
- Procurement Policy and Procedure
- Goods and Services Contract

After reviewing the documents, record the outcome of your assessment in the table provided and state whether taking back the monitors at their end of life protects Fusion Graphix's business interests in practising sustainability. You will also need to explain the points that need to be addressed according to the Procurement Policy and Procedure since the amount of monitors will exceed the \$200 limit.

(Approximate word count: 100 – 150 words)

#### Assessor instructions: Students must:

- Review:
  - Fusion Graphix Business Plan
  - Procurement Policy and Procedure
  - Goods and Services Contract Template
- Record the outcome of their assessment and clearly state whether taking back the monitors at their end of life protects Fusion Graphix's business interests in practising sustainability

- Explain the points that need to be addressed according to the IM010 Procurement Policy and Procedure when the amount of purchase exceeds \$200.

A sample answer is provided below.

Assessment Outcome
<p>After reviewing all the documents mentioned in the instructions the outcome of my assessment is that TJ Jones' end of life monitor disposal does not align with Fusion Graphix's business interests in practicing sustainability.</p> <p>According to the Procurement Policy and Procedure, if the purchase is greater than \$200 the following points need to be addressed:</p> <p>A Procurement Management Plan is required to be completed and approved by the General Manager.</p> <p>A minimum of three quotes must be sought from suppliers, with one quote being sought from a local supplier (if possible) using the Request for Quote Template.</p> <ol style="list-style-type: none"> <li>1) Evaluation should be documented in the Procurement Evaluation Template using the following selection criteria: <ul style="list-style-type: none"> <li>• Quality (Technical capability)</li> <li>• Sustainability</li> <li>• Value for money / price</li> </ul> </li> <li>2) The Goods and Service Contract Template should be used for the contractual agreement between Fusion Graphix and the supplier.</li> </ol>

## Activity 2

You will need to consult with Isha Khatri, Fusion Graphix's legal advisor and seek legal advice before negotiating with Mr TJ Jones. Seek legal advice from Isha Khatri to confirm whether requesting TJ Jones to dispose of monitors at their end of life conforms with other Fusion Graphix's legal documents. You will need to use the email template below. Ensure you include the following in your email:

- 1) Provide a brief description summarising the purpose of the email
- 2) Your assessment outcome (from Activity 1)
- 3) Your request for legal advice

(Approximate word count: 50 - 100 words)

**Assessor instructions:** Students must compile an email to Isha, Fusion Graphix's legal advisor, including the following key information:

- Include a greeting
- Include a date and time stamp for the email
- Specify the subject of the email
- Content of the email:
  - Provide a brief description summarising the purpose of the email
  - The assessment outcome (from Activity 1)
  - Request for legal advice
- Complete the email footer specifying your name and position in line with the case study.

A sample answer is provided below.



## Email Template

To:	Isha Khatri, Legal Advisor
From:	Jackie Spade, Administration Manager
CC:	
Date/time:	10/05/2022 / 10:30 a.m.
Subject:	Legal Advice
Attachments:	

To Isha,

Fusion Graphix would like to purchase monitors to provide the necessary resources to the staff working from home from TJ Jones Computer and Gaming Monitors and WebCams Pty Ltd.

John asked me to assess whether TJ Jones' end-of-life monitor disposal aligns with Fusion Graphix's business interests.

After reviewing all the relevant Fusion Graphix documents, the outcome of my assessment is that TJ Jones' end-of-life monitor disposal does not align with Fusion Graphix's business interests in practising sustainability.

It was suggested to seek legal advice from you to confirm requesting TJ Jones to dispose of monitors and ensure it conforms with other Fusion Graphix's legal documents.

I am looking forward to receiving your response.

Kind regards  
Jackie Spade

1 King Street, Sydney, NSW 2000



**Activity 3**

You will need to have a meeting with Terry Jones (the business director) to secure a contractual procurement right where TJ Jones will take back the monitors purchased through them for their end-of-life responsible disposal. In your meeting you need to ensure you:

- Include a brief description summarising the purpose of the meeting.
- Negotiate and secure contractual procurement rights for goods as required and according to Fusion Graphix's business plan and workplace procedures. More specifically, negotiate to secure Fusion Graphix's responsible disposal right.
- Use specific and relevant language to clearly articulate legal issues
- Use questioning and listening techniques to clarify solutions
- Participate in verbal negotiation using tone and language suitable to audience
- Complete any contractual arrangements according to Fusion Graphix's procedures and business plan

You are required to upload a video of yourself and one (1) other engaged in a short meeting to discuss the end-of-life responsible disposal of the monitors that will be purchased from TJ Jones. The participant will be Terry Jones (the business director). The participant must be fully briefed as outlined in the role-play instructions. Terry Jones will agree to include a term in the contract, accepting a contractual right for Fusion Graphix and agreeing to the responsible disposal of the monitors.

The meeting should be a maximum of 5 minutes.

**Assessor Instructions:** Students must follow the instructions of the activity and the role-play instructions.

**Role play instructions**

The role play/meeting must include at least 2 participants (including yourself), must not exceed 5 minutes duration, and must address all elements of the Observation Checklist below.

In this task you will participate in a role/play meeting with another student. These may be resourced using one of the following options:

A peer who you are already working with, in the industry your qualification relates to.

A fellow student who will play the role of TJ Jones. Please contact your fellow student via the Discussion Forum and coordinate your role play with them directly.

If you are unable to find a participant to play the role of TJ Jones, contact your assessor via the Discussion Forum who will discuss options for pairing up with another student to complete this task.

**Option 1: Peer participant**

Should you complete this task with your Peer, you must fully brief the participant, providing them with the context to the role play/meeting, a role outline to play and a copy of the observation checklist so that they can prepare for the recording.

The peer will need to state their name and job title at the start of the recording to inform consent.

**Option 2: Fellow student participant**

Fellow students participating in the recording must be provided with context to their role and responsibilities in the session and have reviewed the assessment activity and observation checklist so that they can prepare for the recording.

The student will need to state their name and that they are a student (as their job title) at the start of the recording to inform consent.

**Recording instructions**

Your role play must be recorded with all participant/s captured in a virtual room using a system such as Zoom, Skype or Teams.

Consent to participate in the recording must be captured for all participant/s at the start of the meeting. This is achieved by the student reading the following statement at the start of the recording, with all participants replying to their name and job title to inform consent.

*"This session/presentation is being recorded for assessment purposes for my course with Swinburne Open Education. This session will be recorded and submitted through my course online learning platform to my Assessor for grading. All participant/s in this session indicate their consent to be included in this recording by stating their name and job title."*

The time taken to capture consent at the start of the recording does not count towards the recording time limit.

Include this recording as part of your assessment submission.

**ASSESSOR OBSERVATION CHECKLIST: Part 3, Activity 3**

Students are required to upload a video of themselves and one (1) other engaged in a short meeting to discuss the end-of-life responsible disposal of the monitors that will be purchased from TJ Jones. The participant will be Terry Jones (the business director). The participant must be fully briefed as outlined in the role-play instructions. Terry Jones will agree to include a term in the contract, accepting a contractual right for Fusion Graphix and agreeing to the responsible disposal of the monitors.

The meeting should be a maximum of 5 minutes.

Students must demonstrate each of the performance criteria outlined in the observation checklist below.

ACTIVITY	SATISFACTORY YES / NO	ASSESSOR COMMENTS	
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**Task checklist**

Have a meeting with Terry Jones to discuss the end-of-life responsible disposal of the monitors that will be purchased from TJ Jones				
Negotiate and secure contractual procurement rights for goods and/or services as required and				

Commented [MG1]: this must be provided as instructions to other student role playing Jones

Commented [MG2]: this might need to be in black as earlier it says 'must address all elements of the observation checklist



according to the business plan and workplace procedures.				
Complete any contractual arrangements according to workplace procedures and business plan				
<b>Skills checklist</b>				
Students must use specific and relevant language to clearly articulate legal issues				
Students must use questioning and listening techniques to clarify solutions				
Participate in verbal negotiations using tone and language suitable to audience				

#### Activity 4

Terry Jones has agreed to include a term in the contract, accepting a contractual right for Fusion Graphix and agreeing with the responsible disposal of the monitors. In his email to you, he has asked you to create a new contract and include the agreed amendment for the sale of discussed monitors to Fusion Graphix. Using the Goods and Services Contract, you must include the new agreed term at the end of the contract under Section 32. Special Conditions.

- Access Goods and Services Contract
- Create the contract by inserting all the agreement details on the first page
- Add the new agreed term about the responsible disposal of monitors under section 32. Special Conditions

To create the contract, you will need the following information:

- Supplier's ABN, 123 456 789
- Warranty Period, 1 year
- Reports and Manuals, Included
- Notice Period for Termination for Convenience, 1 month
- Delivery and Installation date should be 5 days apart

Create the contract document, save and submit copy for assessment.

[Approximate word count: 400 - 450 words]

**Assessor instructions:** Students must create a new contract:

1. Use Fusion Graphix's M016 Goods and Services Contract
2. Insert all the agreement details on the first page
3. Add the new term under section 32. Special Conditions.

A sample answer is provided TM016 - Goods and Services Contract - Sample Answer.

## Part 4

To complete this part, you will need to read the case study below and complete Activity 1-5, following the instructions for each activity.

### Case Study

As more staff have decided to work from home, there is a need for new processes and procedures to be developed for Fusion Graphix. The new circumstances, however, have presented newly identified risks. John sent you the email below presenting you with the risks he identified and asking you to complete four (4) tasks to ensure Fusion Graphix mitigates the risks. Read his email below:



### Email Template

To:	Jackie Spade, Administration Manager
From:	John Lewis, Studio Manager
CC:	
Date/time:	11/05/2022, 10:30 a.m.
Subject:	Newly Identified Risks
Attachments:	

To Jackie,

As you have been informed, more Fusion Graphix staff have now decided to work from home. Fusion Graphix has developed new policies and procedures to be followed by the staff working from home. However, after reviewing the new business activities since we introduced the hybrid working model, I identified the following risks:

- Cybercrime and disruption to technology and software program
- Reduced productivity
- Poor Ergonomics

I would like you to:

- 1) Identify requirements to manage the risks above according to our business activities and send me an email with your response

- 2] Assess the probability and the impact of these risks
- 3] Develop a plan to prioritise and treat the risks
- 4] Implement procedures to mitigate risks according to risk treatment plan

Kind regards,  
John Lewis  
Studio Manager

 Fusion Graphix

1 King Street, Sydney, NSW 2000  
Phone: 02 987 654

### Activity 1

Access and read the Risk Management Policy and Procedure and send an email to John explaining the requirements to manage the risks he identified according to Fusion Graphix's business activities. You will need to use the email template below. Ensure you include the following in your email:

- 1] Include a brief description summarising the purpose of the email.
- 2] Discuss applicable risk management requirements according to our Risk Management Policy and Procedure

[Approximate word count: 150 - 200 words]

**Assessor instructions:** Students must compile an email to John including the following key information:

- Include a greeting
- Include a date and time stamp for the email
- Specify the subject of the email
- Content of the email:
  - Include a brief description summarising the purpose of the email.
  - Discuss applicable risk management requirements according to our Risk Management Policy and Procedure
- Complete the email footer specifying your name and position in line with the case study.

A sample answer is provided below.



## Email Template

To:	John Lewis, Studio Manager
From:	Jackie Spade, Administration Manager
CC:	
Date/time:	11/05/2022, 12:10 p.m.
Subject:	Risk Management Requirements
Attachments:	

To John,

Due to changes caused in our business activities by introducing the new "work from home" model and the new risks you identified, there is a requirement to manage these risks.


According to our Risk Management Policy and Procedure, we will need:

- To ensure risk management is adopted throughout Fusion Graphix as a prudent management practice.
- To ensure that all employees are made aware of the need to manage risk and to promote a culture of participation in that process.
- To protect the Fusion Graphix from adverse incidents, to reduce its exposure to loss and to mitigate and control loss should it occur.
- To ensure the ongoing unimpeded capacity of Fusion Graphix to fulfil its mission, perform its key functions, meet its objectives, and serve its customers.
- To reduce the costs of risk to Fusion Graphix

Our procedure for risk management covers all risk management requirements and needs to be implemented for the identified risks of the new business activities.

Kind regards,

Jackie Spade

	1 King Street, Sydney, NSW 2000 Phone: 02 987 654
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**Activity 2**

Assess the probability and the impact of the three (3) risks identified by John in the case study using the risk matrix below. Record the results for your assessment in the table under the Risk Matrix

[Approximate word count: 5 – 10 words]

Risk Matrix		Impact				
		Not Significant	Minor	Moderate	Major	Severe
Probability	Almost Certain	Medium	High	Very High	Very High	Very High
	Likely	Medium	High	High	Very High	Very High
	Possible	Low	Medium	High	High	Very High
	Unlikely	Low	Low	Medium	Medium	High
	Rare	Low	Low	Low	Low	Medium

**Assessor instructions:** Students must rate each risk and provide a result according to its probability and impact. Students' rating may vary but the students will need to provide ratings according to the risk matrix for probability, impact and result for each risk.

A sample answer is provided below.

Results of risk assessment		
Cybercrime and disruption to technology and software programs	Probability	Possible
	Impact	Major
	Result	High
Reduced productivity	Probability	Unlikely
	Impact	Moderate
	Result	Medium
Poor Ergonomics	Probability	Possible
	Impact	Minor
	Result	Low

### Activity 3

After reviewing the results of your risk assessment, John asked you to develop a risk treatment plan to prioritise and treat the identified risks. He proposed the following treatments for the identified risks:

- Up to date antivirus and malware software on the employees' devices
- Use of Asana, a project management software to track productivity
- Ergonomics checklist to be sent to all employees working from home. Request they implement every section of the checklist, tick the boxes, sign it, and send it back to Jackie Spade

Use the Risk Treatment Plan template below to complete the activity.

(Approximate word count: 90 – 110 words)

**Assessor instructions:** Students must fill out the Risk Treatment Plan. They will need to:

- Insert the risks in order of priority
- Add the risk treatments suggested by John
- Add how often the risk treatment should be reviewed
- Assign responsibility to appropriate staff members

A sample answer is provided below.



Risk Treatment Plan			
Insert risk in order of priority	Risk Treatment	Review [How often]	Person Responsible for review
1. Cybercrime and disruption to technology and software programs	At minimum, all employees should have up-to-date antivirus and malware software installed on their devices. Fusion Graphix will need to encrypt all sensitive data at rest and during transmission. Multi factor authentication should be standard for all credentials.	Every week	IT Team
2. Reduced productivity	Use of project management software that can track staff's activities. Fusion Graphix will start using Asana from next Monday. All employees need to install the software on their devices.	Fortnightly	HR Team
3. Poor Ergonomics	Ergonomics checklist to be sent to all staff working from home. Request they implement every section of the checklist, tick the boxes, sign it, and send it back to Jackie Spade	Monthly	Jackie Spade

#### Activity 4

Implement procedures to mitigate risks according to risk treatment plan. Send an email to all staff working from home explaining to them how to treat the identifying risks and ask them to fill out all the attached Fusion Graphix \_Ergonomics Checklist, sign them and send them back to you. You will need to use the email template below. Ensure you include the following in your email:

- 1) Include a brief description summarising the purpose of the email.
- 2) Explain what the identified risks are due to the new working environment
- 3) Provide them with the solutions offered in your Risk Treatment Plan
- 4) Ask them to fill out all the attached forms, sign them and send them back to you

[Approximate word count: 100 – 150 words]

**Assessor instructions:** Students must compile an email to all staff, including the following key information:

- Include a greeting
- Include a date and time stamp for the email
- Specify the subject of the email
- Content of the email:
  - Include a brief description summarising the purpose of the email.
  - Explain what the identified risks are due to the new working environment
  - Provide them with the solutions offered in your Risk Treatment Plan
  - Ask them to fill out all the attached forms, sign them and send them back to you
- Complete the email footer specifying your name and position in line with the case study.

A sample answer is provided below.



## Email Template

To:	All Staff (WFH – Working from Home)
From:	Jackie Spade, Administration Manager
CC:	
Date/time:	12/05/2022, 10:30 a.m.
Subject:	Risk management requirements
Attachments:	Ergonomics Checklist.docx

To All staff (WFH),

Due to changes to our working environment and the flexibility Fusion Graphix has given to employees to work from home, we have identified the following three (3) risks:

- Cybercrime and disruption to technology and software program
- Reduced productivity
- Poor Ergonomics

After careful review, Fusion Graphix has produced the following treatments to manage the risks:


At a minimum, all employees should have up-to-date antivirus and malware software installed on their devices. Fusion Graphix will need to encrypt all sensitive data at rest and during transmission. Multi-factor authentication should be standard for all credentials. Please update me once this step is complete.

Use of project management software that can track staff activities. Fusion Graphix will start using Asana from next Monday. Install the software on your device.

Ergonomics checklist. Can I please request you implement every section of the checklist, tick the boxes, sign it, and send it back to me?

Kind regards

Jackie Spade

	1 King Street, Sydney, NSW 2000 Phone: 02 987 654
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### Activity 5

Read the case study below, review Fusion Graphix's business goals and identify three (3) external risks. Fill out the table under the case study by inserting the risks you have identified (column 1), why this is a risk (column 2) and how they can affect negatively the goal identified in column 2 (column 3).

[Approximate word count: 200 - 300 words]

#### Case Study

John has requested you review Fusion Graphix's business goals and identify three (3) external risks and explain how they can affect the business goals negatively.

Fusion Graphix's business goals, according to the business plan, are listed below:

1. To become Australia's largest business consultancy firm.
2. To support business owners and their immediate and future needs.
3. To deliver a first-class customer experience to ensure high levels of customer satisfaction.
4. To remain up to date with the latest business compliance requirements

John has requested you fill out Fusion Graphix's table for identifying risks.

**Assessor Instructions:** Students must read the case study, review Fusion Graphix's business goals and identify three (3) external risks. Then they will need to fill out the table by inserting the risks they have identified (column 1), why this is a risk (column 2) and how the risk can affect the business negatively (column 3).

The students' answers will vary, but they need to:

- Identify three (3) external risks (approx. 30 – 40 words per column)
- Provide a clear explanation of why they think the risk they identified is a risk (approx. 100 – 120 words per column)
- Explain how it can affect the business negatively (approx. 70 - 80 words per column)

A sample answer is provided below.

### Identify Risks

Risks:	Why is this a risk?	Negative impact
Failing to become Australia's largest business consultancy firm	The competition for business consultancy firms in Australia is very high. There are businesses that have more resources available, and Fusion Graphix will not be able to compete on their level.	If Fusion Graphix is not able to compete with bigger consultancy firms on their level might end up losing its clientele.
Failing to deliver a first-class customer experience can result in negative feedback on social media	How people react or comment on social media can be out of the company's control. Now people can share their experiences publicly, and sometimes customers who do not necessarily get the exact outcome they are looking for, even if their request was unreasonable, can end up providing a negative review.	If Fusion Graphix receives a negative review on social media, it can affect customers' choice to use Fusion Graphix for their consultancy needs.
Failing to remain up to date with the latest business and compliance requirements	The cost of keeping up to date with the latest business and compliance requirements is very high, and it can be difficult for Fusion Graphix to keep up.	If Fusion Graphix fails to comply with the latest business and compliance requirements will impact the business operations and can even result in fines. Even worse, severe non-compliance can result in the business shutting down.

**Assessment checklist:**

Students must have completed all activities within this assessment before submitting. This includes:

Part 1: Identify legal and risk management requirements relating to business		
1	Fill out Fusion Graphix Legal and Regulatory Requirements table	<input type="checkbox"/>
Part 2: Implement procedures and processes to comply with legislative and regulatory requirements		
1	Develop a Legal and Regulatory Requirements Checklist	<input type="checkbox"/>
2	Email to John – Explain how the corrective action will be implemented	<input type="checkbox"/>
3	Create Legal and Business Record Keeping Procedure	<input type="checkbox"/>
4	Email to all staff – New Legal and Business Record Keeping Procedure	<input type="checkbox"/>
Part 3: Negotiate and arrange contracts		
1	Record Assessment outcome	<input type="checkbox"/>
2	Email to Isha – seek legal advice	<input type="checkbox"/>
3	Role play – Meeting with Terry Jones	<input type="checkbox"/>
4	Create new Goods and Services Contract	<input type="checkbox"/>
Part 4: Mitigate business risks		
1	Email to John – Explaining risk management requirements	<input type="checkbox"/>
2	Fill out the Results of Risk assessment table	<input type="checkbox"/>
3	Develop a risk treatment plan	<input type="checkbox"/>
4	Email to all staff (WFH) – Mitigate risks	<input type="checkbox"/>
5	Identify risks based on the case study	<input type="checkbox"/>



**Congratulations you have reached the end of Assessment 02!**

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