

#### New South Wales

## Miscellaneous Acts Amendment (Directors' Liability) Bill 2012

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

Two key concepts relating to corporations are as follows:

- A corporation has a separate identity from that of a director or manager of the corporation. Consequently, a director or manager is not criminally responsible for an offence committed by a corporation, unless separate provision for this exists.
- A person (including a director or manager) can be prosecuted as an accessory
  to the commission of an offence by a corporation (for example, by aiding and
  abetting its commission). This is referred to as accessorial liability in this
  explanatory note.

Individual Acts impose a more stringent liability (referred to as *executive liability* in this explanatory note) on a director or manager of a corporation for an offence committed by the corporation under the Act concerned. Three types of executive liability that create an offence on the part of the director or manager when a corporation commits an offence have been identified, as follows:

• Type 1 executive liability. This requires the prosecution to prove every element of the offence alleged to have been committed by the director or

manager, including the element (the *responsibility element*) that he or she failed to take all reasonable steps to prevent or stop the commission of the offence by the corporation. The taking of reasonable steps was often previously referred to as using due diligence.

- Type 2 executive liability. This provides that the responsibility element is to be presumed without the need for further proof, unless the director or manager adduces or points to evidence that suggests a reasonable possibility that there was no such failure to take reasonable steps.
- Type 3 executive liability. This provides that the responsibility element is to be presumed without the need for further proof, and the director or manager bears the burden of proving, on the balance of probabilities, that there was no such failure to take reasonable steps.

The object of this Bill is to amend certain Acts that impose executive liability, and to amend certain regulations made under those Acts, so as:

- (a) to change the type of liability that is imposed for certain offences under those Acts and regulations, from executive liability to accessorial liability, and
- (b) to change the type of executive liability that is imposed for certain offences under those Acts and regulations, from type 3 executive liability to type 1 executive liability, and
- (c) to include, in or near each provision creating an offence committed by a corporation that gives rise to executive liability, a note drawing attention to that liability, and
- (d) to include, where practicable, standard provisions for executive liability and accessorial liability, and
- (e) to make other minor or consequential amendments.

No provision for type 2 executive liability is contained in the Acts and regulations amended by the Bill.

No provision for type 3 executive liability is contained in the Acts and regulations amended by the Bill, except that the Bill continues current arrangements for some specified offences under the *Protection of the Environment Operations Act 1997*, under which a person who is a director or manager is taken to have contravened a provision contravened by a corporation, unless the person satisfies the court that the person:

- was not in a position to influence the conduct of the corporation in relation to its contravention of the provision, or
- used all due diligence to prevent the contravention by the corporation.

That Act also contains provision for type 1 executive liability and accessorial liability.

The Bill relates to a COAG agreement with respect to the harmonisation across Australian jurisdictions of legislation imposing executive liability.

### Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

#### Schedule 1 Amendment of Acts and Regulations

Schedule 1 amends the following Acts and Regulations to give effect to the object set out in the Overview above:

Animal Research Act 1985

Building and Construction Industry Long Service Payments Act 1986

Children and Young Persons (Care and Protection) Act 1998

Classification (Publications, Films and Computer Games) Enforcement Act 1995

Contaminated Land Management Act 1997

Conveyancers Licensing Act 2003

Drug Misuse and Trafficking Act 1985

Drug Misuse and Trafficking Regulation 2011

Duties Act 1997

Electricity (Consumer Safety) Act 2004

Environmentally Hazardous Chemicals Act 1985

Explosives Act 2003

Food Act 2003

Forestry Act 1916

Funeral Funds Act 1979

Gaming Machines Act 2001

Health Insurance Levies Act 1982

Heritage Act 1977

Jury Act 1977

Landlord and Tenant (Amendment) Act 1948

Liquor Act 2007

Loan Fund Companies Act 1976

Long Service Leave Act 1955

Long Service Leave (Metalliferous Mining Industry) Act 1963

Mining Act 1992

Motor Dealers Act 1974

Motor Vehicle Repairs Act 1980

National Parks and Wildlife Act 1974

Native Vegetation Act 2003

Payroll Tax Act 2007

Pesticides Act 1999

Printing and Newspapers Act 1973

Property, Stock and Business Agents Act 2002

Protection of the Environment Operations Act 1997

Racing Administration Act 1998

Rural Workers Accommodation Act 1969

Security Industry Act 1997

Sydney Water Catchment Management Act 1998

Sydney Water Catchment Management Regulation 2008

Taxation Administration Act 1996

Threatened Species Conservation Act 1995

Unlawful Gambling Act 1998

Valuers Act 2003

Veterinary Practice Act 2003

Water Industry Competition Act 2006

Workplace Injury Management and Workers Compensation Act 1998



## New South Wales

# Miscellaneous Acts Amendment (Directors' Liability) Bill 2012

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New South Wales

## Miscellaneous Acts Amendment (Directors' Liability) Bill 2012

No , 2012

#### A Bill for

An Act to amend various Acts and Regulations to implement COAG reforms relating to the criminal liability of directors.

#### Clause 1 Miscellaneous Acts Amendment (Directors' Liability) Bill 2012

The	Legislature of New South Wales enacts:	1
1	Name of Act	2
	This Act is the Miscellaneous Acts Amendment (Directors' Liability) Act 2012.	3
2	Commencement	5
	This Act commences on a day or days to be appointed by proclamation.	6

Sch	nedule	e 1 Amendment of Acts and Regulations	1			
1.1	Anim	al Research Act 1985 No 123	2			
[1]	Sectio	n 46 Unlawfully carrying on the business of animal research	3			
	Insert a	at the end of section 46 (1):	4			
		<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 58.	5 6 7 8			
[2]	Sectio resear	n 47A Keeping animals with intention of using them for animal	9 10			
	Insert a	at the end of section 47A (1):	11			
		<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 58.	12 13 14 15			
[3]		n 48 Unlawfully supplying animals for use in connection with I research	16 17			
	Insert at the end of the section:					
		<b>Note.</b> An offence against subsection (1) or (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 58.	19 20 21 22			
[4]	Sectio	ns 58 and 58A	23			
	Omit s	ection 58. Insert instead:	24			
		Liability of directors etc for offences by corporation—offences attracting executive liability	25 26			
		(1) For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	27 28 29			
		(a) section 46 (1),	30			
		(b) section 47A (1),	31			
		(c) section 48 (1) or (2).	32			
		(2) A person commits an offence against this section if:	33			
		(a) a corporation commits an executive liability offence, and	34			
		(b) the person is:	35			
		(i) a director of the corporation, or	36			

		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	1 2 3 4
	(c)	the p	person:	5
		(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	6 7 8
		(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	9 10
			penalty: The maximum penalty for the executive fence if committed by an individual.	11 12
(3)			ution bears the legal burden of proving the elements of against this section.	13 14
(4)		n who	the against this section can only be prosecuted by a con bring a prosecution for the executive liability	15 16 17
(5)	exect	ative 1	n does not affect the liability of the corporation for the liability offence, and applies whether or not the is prosecuted for, or convicted of, the executive fence.	18 19 20 21
(6)	relati direc acces or are	ng to tors of ssories e other	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence rwise concerned in, or party to, the commission of the iability offence.	22 23 24 25 26 27
(7)	In thi	is secti	ion:	28
			as the same meaning it has in the <i>Corporations Act</i> e Commonwealth.	29 30
	liabil any)	ity off	esteps, in relation to the commission of an executive fence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the ces:	31 32 33 34
	(a)	actio	on towards:	35
		(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	36 37 38
		(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	39 40 41

		(b)	agent traini enabl exect	n towards ensuring that the corporation's employees, ts and contractors are provided with information, ing, instruction and supervision appropriate to them to le them to comply with the provision creating the utive liability offence so far as the provision is ant to them,	1 2 3 4 5 6
		(c)	action	n towards ensuring that:	7
		. ,	(i)	the plant, equipment and other resources, and	8
			(ii)	the structures, work systems and other processes,	9
			execu	ant to compliance with the provision creating the utive liability offence are appropriate in all the mstances,	10 11 12
		(d)	action	n towards creating and maintaining a corporate	13
				re that does not direct, encourage, tolerate or lead to	14
				compliance with the provision creating the executive ity offence.	15 16
58A	Liab the c	ility of commi	directession	ors etc for offences by corporation—accessory to of the offences	17 18
	(1)	again comr	ist this nitted	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 58.	19 20 21 22
	(2)	A per	rson co	ommits an offence against this section if:	23
		(a)	a cor	poration commits a corporate offence, and	24
		(b)	the p	erson is:	25
		. ,	(i)	a director of the corporation, or	26
			(ii)	an individual who is involved in the management of	27
				the corporation and who is in a position to influence	28
				the conduct of the corporation in relation to the commission of the corporate offence, and	29 30
		(c)	the p	erson:	31
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	32 33
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	34 35 36
			(iii)	conspires with others to effect the commission of the corporate offence, or	37 38

		<ul> <li>(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.</li> <li>Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.</li> </ul>	1 2 3 4 5
	(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	6
	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	8 9
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	10 11 12
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	13 14 15 16
1.2	Building Act 1986	and Construction Industry Long Service Payments No 19	18 19
[1]	Section 16	A Employer to notify Corporation of employment of workers	20
	Insert at the	end of the section:  Note. An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 63.	21 22 23 24 25
[2]	Section 39	Offence for failure to pay long service levy	26
	Insert at the	e end of the section:	27
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 63.	28 29 30 31

[3]	Sect	ions 6	63 and 63A	1		
	Omit	section	on 63. Insert instead:	2		
	63	Liability of directors etc for offences by corporation—offences attracting executive liability				
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:  (a) section 16A,	5 6 7 8		
			(b) section 39.	9		
		(2)	A person commits an offence against this section if:	10		
		(-)	(a) a corporation commits an executive liability offence, and	11		
			(b) the person is:	12		
			(i) a director of the corporation, or	13		
			(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	14 15 16 17		
			(c) the person:	18		
			(i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	19 20 21		
			(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	22 23		
			Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	24 25		
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	26 27		
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	28 29 30		
		(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	31 32 33 34		
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence	35 36 37 38		

1

				wise concerned in, or party to, the commission of the ability offence.	1 2
	(7)	In thi	s secti	on:	3
				is the same meaning it has in the <i>Corporations</i> The Commonwealth.	4 5
		liabil any)	ity off	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the ees:	6 7 8 9
		(a)	action	n towards:	10
			(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	11 12 13
			(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	14 15 16
		(b)	agent traini enabl exect	n towards ensuring that the corporation's employees, its and contractors are provided with information, ing, instruction and supervision appropriate to them to le them to comply with the provision creating the lative liability offence so far as the provision is ant to them,	17 18 19 20 21 22
		(c)	action	n towards ensuring that:	23
			(i)	the plant, equipment and other resources, and	24
		(d)	execu	the structures, work systems and other processes, ant to compliance with the provision creating the ative liability offence are appropriate in all the mstances, in towards creating and maintaining a corporate	25 26 27 28 29
		(u)	cultu- non-c	re that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive ity offence.	30 31 32
63A				ors etc for offences by corporation—accessory to of the offences	33 34
	(1)	again comr	ist this nitted	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 63.	35 36 37 38
	(2)	A per	rson co	ommits an offence against this section if:	39
	,	(a)		poration commits a corporate offence, and	40

		(b) the p	person is:	1
		(i)	a director of the corporation, or	2
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	3 4 5 6
		(c) the p	person:	7
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	8
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	10 11 12
		(iii)	conspires with others to effect the commission of the corporate offence, or	13 14
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	15 16 17
			penalty: The maximum penalty for the corporate committed by an individual.	18 19
	(3)		ution bears the legal burden of proving the elements of e against this section.	20 21
	(4)		ce against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	22 23
	(5)	corporate of	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	24 25 26
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	27 28 29 30 31
1.3	Children No 157	and Youn	g Persons (Care and Protection) Act 1998	32 33
[1]	Section 10	5 Publicatio	on of names and identifying information	34
	Insert at the	end of secti	ion 105 (2):	35
		Note. An off	fence against subsection (2) committed by a corporation is a liability offence attracting executive liability for a director or in involved in the management of the corporation—see	36 37 38 39

[2]	Section 136 Restriction on who may provide statutory out-of-home care	1
	Insert at the end of section 136 (2):	2
	<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	3 4 5 6
[3]	Section 138 Persons who may arrange for provision of statutory or supported out-of-home care	7 8
	Insert at the end of the section:	9
	<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	10 11 12 13
[4]	Section 154 Restriction on who may provide supported out-of-home care	14
	Insert at the end of the section:	15
	<b>Note.</b> An offence against subsection (3) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	16 17 18 19
[5]	Section 156B Restrictions on who may provide or arrange voluntary out-of-home care	20 21
	Insert at the end of the section:	22
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	23 24 25 26
[6]	Section 173 Medical examination of children in need of care and protection	27 28
	Insert at the end of section 173 (2):	29
	<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	30 31 32 33
[7]	Section 175 Special medical treatment	34
	Insert at the end of section 175 (1):	35
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 258.	36 37 38 39

[8]	Section 185 Provision and exchange of information	1
	Insert at the end of section 185 (2A):	2
	<b>Note.</b> An offence against subsection (2A) committed by a corporation is	3
	an executive liability offence attracting executive liability for a director or	4
	other person involved in the management of the corporation—see section 258.	5 6
[9]	Section 222 Endangering children in employment	7
	Insert at the end of the section:	8
	Note. An offence against this section committed by a corporation is an	9
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	10 11
	section 258.	12
[10]	Section 223 Certain employers of children to be authorised	13
	Insert at the end of the section:	14
	Note. An offence against this section committed by a corporation is an	15
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	16 17
	section 258.	18
[11]	Section 228 Neglect of children and young persons	19
	Insert at the end of the section:	20
	<b>Note.</b> An offence against this section committed by a corporation is an	21
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	22 23
	section 258.	24
[12]	Section 230 Tattooing of children and young persons	25
	Insert at the end of section 230 (2):	26
	Note. An offence against subsection (2) committed by a corporation is	27
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	28 29
	section 258.	30
[13]	Section 230A Body piercing of children	31
	Insert at the end of section 230A (2):	32
	Note. An offence against subsection (2) committed by a corporation is	33
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	34 35
	section 258.	36
[14]	Section 241 Powers exercisable on entry and inspection	37
	Insert at the end of the section:	38
	<b>Note.</b> An offence against subsection (2) committed by a corporation is	39
	an executive liability offence attracting executive liability for a director or	40

				person involved in the management of the corporation—see on 258.	1 2	
[15]	Sect	ion 25	4 Disc	closure of information	3	
	Inser	t at the	e end o	of section 254 (1):	4	
			Note	An offence against subsection (1) committed by a corporation is	5	
			an ex other	Recutive liability offence attracting executive liability for a director or person involved in the management of the corporation—see	6 7	
				on 258.	8	
[16]	Sect	ions 2	258–25	S8AB	9	
	Omi	t section	on 258.	. Insert instead:	10	
	258			ity of directors etc for offences by corporation—offences ting executive liability		
		(1)		the purposes of this section, an executive liability offence is	13	
				ffence against any of the following provisions of this Act that symmitted by a corporation:	14	
			(a)	section 105 (2),	15	
			(b)	section 136 (2), section 136 (2),	16 17	
			(c)	section 138 (2),		
			(d)	section 154 (3),	18	
			(e)	section 154 (5),	19 20	
			(f)	section 173 (2),	20	
			(g)	section 175 (2), section 175 (1),	21	
			(b)	section 175 (1), section 185 (2A),	23	
			(i)	section 222,	24	
			(i)	section 223 (1)–(4),	25	
			(k)	section 228,	26	
			(1)	section 230 (2),	27	
			(m)	section 230A (2),	28	
			(n)	section 241 (2),	29	
			(o)	section 254 (1).	30	
		(2)	A pe	erson commits an offence against this section if:	31	
			(a)	a corporation commits an executive liability offence, and	32	
			(b)	the person is:	33	
				(i) a director of the corporation, or	34	

(3)

(4)

(5)

(6)

(7)

provision,

	(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	1 2 3 4
(c)	the p	erson:	5
(-)	(i)	knows or ought reasonably to know that the	6
	( )	executive liability offence (or an offence of the	7
		same type) would be or is being committed, and	8
	(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	9 10
		penalty: The maximum penalty for the executive ence if committed by an individual.	11 12
		ution bears the legal burden of proving the elements of against this section.	13 14
The	offenc	e against this section can only be prosecuted by a	15
perso	on who	o can bring a prosecution for the executive liability	16
offer	ice.		17
		n does not affect the liability of the corporation for the	18
		liability offence, and applies whether or not the	19
		is prosecuted for, or convicted of, the executive	20
	lity off		21
This	sectio	n does not affect the application of any other law	22
		the criminal liability of any persons (whether or not	23
		or other managers of the corporation) who are to the commission of the executive liability offence	24 25
		wise concerned in, or party to, the commission of the	25 26
		iability offence.	27
In th	is secti	ion:	28
direc	ctor ha	as the same meaning it has in the Corporations	29
Act 2	2001 of	f the Commonwealth.	30
		steps, in relation to the commission of an executive	31
		fence, includes, but is not limited to, such action (if	32
		he following kinds as is reasonable in all the	33
	mstan		34
(a)		n towards:	35
	(i)	assessing the corporation's compliance with the	36
		provision creating the executive liability offence,	37
	(::)	and	38
	(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the	39 40

		(b)	agent traini enabl execu	n towards ensuring that the corporation's employees, is and contractors are provided with information, ing, instruction and supervision appropriate to them to e them to comply with the provision creating the utive liability offence so far as the provision is ant to them,	3 3 2 5
		(c)	action	n towards ensuring that:	7
			(i)	the plant, equipment and other resources, and	8
			(ii)	the structures, work systems and other processes,	9
			execu	ant to compliance with the provision creating the ative liability offence are appropriate in all the mstances,	10 11 12
		(d)	action	n towards creating and maintaining a corporate	13
		, ,		re that does not direct, encourage, tolerate or lead to	14
				compliance with the provision creating the executive ity offence.	15 16
			naon	tty offenee.	10
258AA	Liab the c	ility of commi	directorission of	ors etc for offences by corporation—accessory to of the offences	17 18
	(1)	agair	nst this mitted	soses of this section, a <i>corporate offence</i> is an offence at Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 258.	19 20 21 22
	(2)	A pe	rson co	ommits an offence against this section if:	23
		(a)	a cor	poration commits a corporate offence, and	24
		(b)	the pe	erson is:	25
			(i)	a director of the corporation, or	26
			(ii)	an individual who is involved in the management of	27
			. ,	the corporation and who is in a position to influence	28
				the conduct of the corporation in relation to the commission of the corporate offence, and	29 30
		(c)	the po	erson:	31
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	32 33
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	34 35 36
			(iii)	conspires with others to effect the commission of the corporate offence, or	37 38

			(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	2
			Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	į
	(	(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	-
	(	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	<b>{</b>
	(	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	10 11 12
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	13 14 18 16 17
258A	B E	Evide	nce as to state of mind of corporation	18
		(1)	Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular state of mind, is evidence that the corporation had that state of mind.	19 20 27 22 23
	(	(2)	In this section, the <i>state of mind</i> of a person includes:	24
			(a) the knowledge, intention, opinion, belief or purpose of the person, and	25 26
			(b) the person's reasons for the intention, opinion, belief or purpose.	27 28
1.4 C	Class Enfor	ifica cem	tion (Publications, Films and Computer Games) ent Act 1995 No 63	29 30
S	ectio	n 62		3
C	Omit tl	ne sec	tion. Insert instead:	32
(	62 I t	Liabil the co	ity of directors etc for offences by corporation—accessory to ommission of the offences	30 34
	(	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation.	35 36 37

(2)	A person commits an offence against this section if:					
	(a) a corporation commits a corporate offence, and					
	(b) th	ne person is:	3			
	(	i) a director of the corporation, or	4			
	(i	i) an individual who is involved in the management of the corporation and who is in a position to influence	5			
		the conduct of the corporation in relation to the commission of the corporate offence, and	7			
	(c) th	ne person:	ç			
		aids, abets, counsels or procures the commission of the corporate offence, or	10 11			
	(i	i) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	12 13 14			
	(ii	i) conspires with others to effect the commission of the corporate offence, or	15 16			
	(iv	v) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	17 18 19			
	Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.					
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.					
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.					
(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.					
(6)	relating directors	ction does not affect the application of any other law to the criminal liability of any persons (whether or not s or other managers of the corporation) who are ed in, or party to, the commission of the corporate	29 30 31 32 33			
Contami	nated La	and Management Act 1997 No 140	34			
Section 14	Manager	ment orders	35			
Insert at the	end of se	ection 14 (6):	36			
	Note. An	offence against subsection (6) committed by a corporation is	37 38			

1.5

[1]

			other section		involved in the management of the corporation—see	1 2	
[2]	Sect	ion 28	Ongo	ing ma	nintenance orders	3	
	Inser	t at the	e end o	f section	on 28 (4):	4	
					ence against subsection (4) committed by a corporation is	5	
			an ex other	ecutive person	liability offence attracting executive liability for a director or involved in the management of the corporation—see	6 7	
				n 98.	Ç ,	8	
[3]	Sect	ion 60	Duty	to repo	ort contamination	9	
	Inser	t at the	e end o	f the se	ection:	10	
			Note.	An off	rence against subsection (1) or (2) committed by a	11	
					s an executive liability offence attracting executive liability or or other person involved in the management of the	12 13	
			corpo	ration—	-see section 98.	14	
[4]	Sect	ions 9	8-98B	}		15	
	Omit	section	on 98. l	nsert in	nstead:	16	
	98	Liab attra	ability of directors etc for offences by corporation—offences tracting executive liability				
		(1)	For t	he purp	poses of this section, an executive liability offence is	19	
					gainst any of the following provisions of this Act that	20	
					d by a corporation:	21	
			(a)		on 14 (6),	22	
			(b)		on 28 (4),	23	
			(c)		on 60 (1) or (2).	24	
		(2)	A pe	rson co	mmits an offence against this section if:	25	
			(a)	a corp	poration commits an executive liability offence, and	26	
			(b)	the pe	erson is:	27	
				(i)	a director of the corporation, or	28	
				(ii)	an individual who is involved in the management of	29	
					the corporation and who is in a position to influence the conduct of the corporation in relation to the	30 31	
					commission of the executive liability offence, and	32	
			(c)	the pe	erson:	33	
				(i)	knows or ought reasonably to know that the	34	
					executive liability offence (or an offence of the same type) would be or is being committed, and	35	
					same type, would be of is being committed, and	36	

	(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	1 2
	Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	3 4
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	5 6
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	7 8 9
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	10 11 12 13
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.	14 15 16 17 18 19
(7)	In this section:	20
	<i>director</i> has the same meaning it has in the <i>Corporations Act 2001</i> of the Commonwealth.	21 22
	<b>reasonable steps</b> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	23 24 25 26
	(a) action towards:	27
	<ul> <li>assessing the corporation's compliance with the provision creating the executive liability offence, and</li> </ul>	28 29 30
	(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	31 32 33
	(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	34 35 36 37 38 39

		(c)	actio	n towards ensuring that:	1
			(i)	the plant, equipment and other resources, and	2
			(ii)	the structures, work systems and other processes,	3
				ant to compliance with the provision creating the	4
				utive liability offence are appropriate in all the	5
				imstances,	6
		(d)		on towards creating and maintaining a corporate	7
				are that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive	8
				lity offence.	10
98A				tors etc for offences by corporation—accessory to of the offences	11 12
	(1)			poses of this section, a <i>corporate offence</i> is an offence	13
				s Act or the regulations that is capable of being	14
		comr	nittea lity off	by a corporation, whether or not it is an executive ence referred to in section 98.	15 16
	(2)			ommits an offence against this section if:	17
	(2)	(a)		rporation commits a corporate offence, and	
					18
		(b)	•	person is:	19
			(i)	a director of the corporation, or	20
			(ii)	an individual who is involved in the management of the corporation and who is in a position to influence	21 22
				the conduct of the corporation in relation to the	23
				commission of the corporate offence, and	24
		(c)	the p	person:	25
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	26 27
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	28 29 30
			(iii)	conspires with others to effect the commission of the corporate offence, or	31 32
			(iv)	is in any other way, whether by act or omission,	33
				knowingly concerned in, or party to, the commission of the corporate offence.	34 35
		May	imum	penalty: The maximum penalty for the corporate	
				committed by an individual.	36 37
	(3)	The p	orosect ffence	ution bears the legal burden of proving the elements of against this section.	38 39

		(4)	The off person	fence against this section can only be prosecuted by a who can bring a prosecution for the corporate offence.	1		
		(5)	corpora	ction does not affect the liability of the corporation for the te offence, and applies whether or not the corporation is sted for, or convicted of, the corporate offence.	3 4 5		
		(6)	relating director	ection does not affect the application of any other law g to the criminal liability of any persons (whether or not rs or other managers of the corporation) who are ned in, or party to, the commission of the corporate	6 7 8 9 10		
	98B	Evid	ence as	to state of mind of corporation	11		
		(1)	admissi agent of had, at a	It limiting any other law or practice regarding the libility of evidence, evidence that an officer, employee or fa corporation (while acting in his or her capacity as such) any particular time, a particular state of mind, is evidence corporation had that state of mind.	12 13 14 15		
		(2)	In this s	section, the <i>state of mind</i> of a person includes:	17		
				he knowledge, intention, opinion, belief or purpose of the person, and	18 19		
				he person's reasons for the intention, opinion, belief or burpose.	20 21		
1.6	Cor	ıveya	ncers L	icensing Act 2003 No 3	22		
[1]	Sect	ion 15	5 Offenc	es by persons other than principal offenders	23		
	Insert at the end of the section:						
		(2)		on does not commit an offence because of this section for or omission that is an offence under section 160.	25 26		
[2]	Sect	ion 16	0		27		
	Omi	t the se	ction. Ins	sert instead:	28		
	160			rectors etc for offences by corporation—accessory to ion of the offences	29 30		
		(1)	against	purposes of this section, a <i>corporate offence</i> is an offence this Act or the regulations that is capable of being ted by a corporation.	31 32 33		
		(2)	A perso	on commits an offence against this section if:	34		
			(a) a	corporation commits a corporate offence, and	35		

		(b) the p	person is:	,
		(i)	a director of the corporation, or	:
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	; ;
		(c) the p	person:	-
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	;
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	10 1: 1:
		(iii)	conspires with others to effect the commission of the corporate offence, or	1; 14
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	19 10 11
		Maximum offence if of	penalty: The maximum penalty for the corporate committed by an individual.	18 19
	(3)		ution bears the legal burden of proving the elements of e against this section.	20
	(4)		ce against this section can only be prosecuted by a co can bring a prosecution for the corporate offence.	22
	(5)	corporate of	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	24 29 20
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	2° 26 29 30 3°
1.7	Drug Mis	use and 1	Frafficking Act 1985 No 226	32
[1]	Section 19 Wales	Aiding, abe	etting etc commission of offence in New South	3: 34
	Insert at the	end of the s	section:	3
	(2)		loes not commit an offence because of this section for omission that is an offence under section 43B.	36

[2]		ion 20 th Wal	Aiding, abetting etc commission of offence outside New es	1 2		
	Inser	t at the	end of the section:	3		
		(2)	A person does not commit an offence because of this section for any act or omission that is an offence under section 43B.	4 5		
[3]	Sect Wale		Aiding, abetting etc commission of offence in New South	6 7		
	Inser	t at the	end of the section:	8		
		(2)	A person does not commit an offence because of this section for any act or omission that is an offence under section 43B.	9 10		
[4]			Conspiring to commit and aiding etc commission of offence w South Wales	11 12		
	Inser	t at the	e end of the section:	13		
		(2)	A person does not commit an offence because of this section for any act or omission that is an offence under section 43B.	14 15		
[5]	Sect	ion 36	Contravention of Act etc by corporations	16		
	Omit	t the se	ction.	17		
[6]	Sect	ion 36	ZB	18		
	Omit the section. Insert instead:					
;	36ZB Evide		lence as to state of mind of corporation			
		(1)	This section applies in relation to proceedings for an offence committed by a corporation under this Part or regulations made under this Part.	21 22 23		
		(2)	Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular state of mind, is evidence that the corporation had that state of mind.	24 25 26 27 28		
		(3)	In this section, the <i>state of mind</i> of a person includes:	29		
			(a) the knowledge, intention, opinion, belief or purpose of the person, and	30 31		
			(b) the person's reasons for the intention, opinion, belief or purpose.	32 33		

[7]	Sect	ions 4	43A and 43B	1
	Inser	t after	section 43:	2
	43A		oility of directors etc for offences by corporation—offences acting executive liability	3 4
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against the regulations:	5 6
			(a) that is prescribed by the regulations as an offence to which this section applies, and	7 8
			(b) that is committed by a corporation.	9
		(2)	A person commits an offence against this section if:	10
			(a) a corporation commits an executive liability offence, and	11
			(b) the person is:	12
			(i) a director of the corporation, or	13
			(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the	14 15 16
			commission of the executive liability offence, and	17
			<ul><li>(c) the person:</li><li>(i) knows or ought reasonably to know that the</li></ul>	18 19
			executive liability offence (or an offence of the same type) would be or is being committed, and	20 21
			(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	22 23
			Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	24 25
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	26 27
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	28 29 30
		(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	31 32 33 34
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence	35 36 37 38

		or are otherwise concerned in, or party to, the commission of the executive liability offence.	1 2
	(7)	In this section:	3
		director has the same meaning it has in the Corporations Act 2001 of the Commonwealth.	4 5
		reasonable steps, in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	6 7 8 9
		(a) action towards:	10
		(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	11 12 13
		(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	14 15 16
		(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	17 18 19 20 21 22
		(c) action towards ensuring that:	23
		<ul> <li>(i) the plant, equipment and other resources, and</li> <li>(ii) the structures, work systems and other processes,</li> <li>relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,</li> </ul>	24 25 26 27 28
		(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	29 30 31 32
43B		lity of directors etc for offences by corporation—accessory to ommission of the offences	33 34
	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation, whether or not it is an executive liability offence referred to in section 43A.	35 36 37 38
	(2)	A person commits an offence against this section if:  (a) a corporation commits a corporate offence, and	39 40

	(b)	(b) the person is:			
		(i)	a director of the corporation, or	2	
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	3 4 5 6	
	(c)	the p	erson:	7	
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	8 9	
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	10 11 12	
		(iii)	conspires with others to effect the commission of the corporate offence, or	13 14	
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	15 16 17	
			penalty: The maximum penalty for the corporate ommitted by an individual.	18 19	
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.				
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.				
(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.				
(6)	relati direc	ing to to to tors of erned	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	27 28 29 30 31	

1.8	Drug Misuse and Trafficking Regulation 2011  Clause 7A  Insert after clause 7:			
	7A	Liability of directors etc for offences by corporation—offences attracting executive liability		
		An offence against clause 5, 6 or 7 is prescribed as an offence to which section 43A of the Act applies.	<del>.</del>	
		<b>Note.</b> An offence against clause 5, 6 or 7 committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 43A of the Act.	10 10 1-	
1.9	Duti	es Act 1997 No 123	12	
[1]	Secti	on 25 Aggregation of dutiable transactions	13	
	Inser	at the end of section 25 (6):	14	
		<b>Note.</b> An offence against subsection (6) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act 1996</i> .	15 16 17 18	
[2]	Secti	on 218C Multi-jurisdictional statement	19	
	Insert at the end of section 218C (1):			
		<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act 1996</i> .	2° 2° 2° 2°	
[3]	Secti	on 248 Insurers must be registered	2	
	Inser	at the end of the section:	26	
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act 1996</i> .	27 28 29 30	
[4]		on 251 Cessation of business and cancellation of registration by surer	3 <sup>2</sup>	
	Insert at the end of section 251 (1):			
		<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act</i> 1996.	34 39 30 31	

[5]	Section 262 Lodgment of statement of dutiable value	1			
	Insert at the end of the note to the section:	2			
	An offence against this section committed by a corporation is an	3			
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	4 5			
	section 121 of the <i>Taxation Administration Act 1996</i> .	6			
[6]	Section 270 Exemptions for motor dealers	7			
	Insert at the end of section 270 (4):				
	Note. An offence against subsection (4) committed by a corporation is	9			
	an executive liability offence attracting executive liability for a director or	10			
	other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act</i> 1996.	11 12			
[7]	Section 286 Limitation on use of designated stamps	13			
	Insert at the end of section 286 (1):	14			
	Note. An offence against subsection (1) committed by a corporation is	15			
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	16 17			
	section 121 of the <i>Taxation Administration Act 1996</i> .	18			
[8]	Section 296 Stamping of instruments after execution				
	Insert at the end of section 296 (1):				
	Note. An offence against subsection (1) committed by a corporation is	21			
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	22 23			
	section 121 of the <i>Taxation Administration Act 1996</i> .	24			
[9]	Section 301 Registration of transactions and instruments	25			
	Insert at the end of section 301 (1):	26			
	Note. An offence against subsection (1) committed by a corporation is	27			
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	28 29			
	section 121 of the <i>Taxation Administration Act 1996</i> .	30			
1.10	Electricity (Consumer Safety) Act 2004 No 4	31			
[1]	Section 16 Electrical articles must meet certain standards before they	32			
	can be sold				
	Insert at the end of section 16 (1):	34			
	<b>Note.</b> An offence against subsection (1) committed by a corporation is	35			
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	36 37			
	section 45.	38			

[2]	Section 20 Person must not give false acquisition guarantee	1	
	Insert at the end of section 20 (1):	2	
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 45.	3 4 5 6	
[3]	Section 24 Persons must comply with notices issued under this Division	7	
	Insert at the end of the section:	8	
	<b>Note.</b> An offence against subsection (1), (2) or (3) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 45.	9 10 11 12	
[4]	Section 27 Prohibition of the sale of certain electrical articles and the labelling of such articles	13 14	
	Insert at the end of section 27 (4):	15	
	<b>Note.</b> An offence against subsection (4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 45.	16 17 18 19	
[5]	Section 31 Electrical installation work to comply with regulations	20	
	Insert at the end of section 31 (1):		
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 45.	22 23 24 25	
[6]	Sections 45 and 45A	26	
	Omit section 45. Insert instead:	27	
	45 Liability of directors etc for offences by corporation—offences attracting executive liability	28 29	
	(1) For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	30 31 32	
	(a) section 16 (1),	33	
	(b) section 20 (1),	34	
	(c) section 24 (1)–(3),	35	
	(d) section 27 (4),	36	
	(e) section 31 (1).	37	

(2)	A person commits an offence against this section if:				
	(a) a corporation commits an executive liability offence, and				
	(b)	the p	person is:	3	
		(i)	a director of the corporation, or	4	
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	5 6 7 8	
	(c)	c) the person:			
		(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	10 11 12	
		(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	13 14	
	Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.				
(3)		prosecution bears the legal burden of proving the elements of offence against this section.			
(4)	perso	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.			
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.			22 23 24 25	
(6)	relati direct acces or ar	ing to ctors of ssories e other	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence wise concerned in, or party to, the commission of the iability offence.	26 27 28 29 30 31	
(7)	In th	is secti	ion:	32	
			as the same meaning it has in the <i>Corporations</i> f the Commonwealth.	33 34	
			esteps, in relation to the commission of an executive fence, includes, but is not limited to, such action (if	35 36	

			1 2
	(a)	action towards:	3
		(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	4 5 6
		(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	7 8 9
	(b)	action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	10 11 12 13 14 15
	(c)	action towards ensuring that:	16
		(i) the plant, equipment and other resources, and	17
			18
		relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,	19 20 21
	(d)	action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	22 23 24 25
			26 27
(1)	agair comi	nst this Act or the regulations that is capable of being mitted by a corporation, whether or not it is an executive	28 29 30 31
(2)	A pe	erson commits an offence against this section if:	32
	(a)	a corporation commits a corporate offence, and	33
	(b)	the person is:	34
	. ,	(i) a director of the corporation, or	35
		(ii) an individual who is involved in the management of	36
		the corporation and who is in a position to influence	37
		the conduct of the corporation in relation to the commission of the corporate offence, and	38 39
	(1)	(b) (c) (d)  Liability of the comm (1) For again compliabin (2) A per (a)	(i) assessing the corporation's compliance with the provision creating the executive liability offence, and  (ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,  (b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,  (c) action towards ensuring that:  (i) the plant, equipment and other resources, and  (ii) the structures, work systems and other processes, relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,  (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.  Liability of directors etc for offences by corporation—accessory to the commission of the offences  (1) For the purposes of this section, a corporate offence is an offence against this Act or the regulations that is capable of being committed by a corporation, whether or not it is an executive liability offence referred to in section 45.  (2) A person commits an offence against this section if:  (a) a corporation commits a corporate offence, and  (b) the person is:  (i) a director of the corporation, or  (ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the

		(c) the p	erson:	1
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	2
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	4 5 6
		(iii)	conspires with others to effect the commission of the corporate offence, or	7 8
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	9 10 11
			penalty: The maximum penalty for the corporate ommitted by an individual.	12 13
	(3)		ation bears the legal burden of proving the elements of against this section.	14 15
	(4)		e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	16 17
	(5)	corporate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	18 19 20
	(6)	relating to directors of	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	21 22 23 24 25
1.11	Environm	nentally Ha	azardous Chemicals Act 1985 No 14	26
[1]	Section 26	Orders to b	e observed	27
	Insert at the	end of the se	ection:	28
		executive lia	ence against this section committed by a corporation is an bility offence attracting executive liability for a director or a involved in the management of the corporation—see	29 30 31 32
[2]	Section 32	Licence cor	nditions	33
	Insert at the	end of section	on 32 (2):	34
		an executive	ence against subsection (2) committed by a corporation is liability offence attracting executive liability for a director or in involved in the management of the corporation—see	35 36 37 38

[3]	Sections 53 and 53A						
	Omit	sectio	n 53. l	Insert i	nstead:	2	
	53				tors etc for offences by corporation—offences tive liability	3 4	
		(1)	an of	fence a	poses of this section, an <i>executive liability offence</i> is against any of the following provisions of this Act that ed by a corporation: on 26,	5 6 7 8	
			(b)	secti	on 32 (2).	9	
		(2)	A pe	rson co	ommits an offence against this section if:	10	
			(a)	a cor	rporation commits an executive liability offence, and	11	
			(b)	the p	erson is:	12	
				(i)	a director of the corporation, or	13	
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	14 15 16 17	
			(c)	the p	erson:	18	
			. ,	(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	19 20 21	
				(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	22 23	
					penalty: The maximum penalty for the executive ence if committed by an individual.	24 25	
		(3)			ution bears the legal burden of proving the elements of against this section.	26 27	
		(4)		on who	e against this section can only be prosecuted by a can bring a prosecution for the executive liability	28 29 30	
		(5)	exec	utive	n does not affect the liability of the corporation for the liability offence, and applies whether or not the is prosecuted for, or convicted of, the executive ence.	31 32 33 34	
		(6)	relati direc	ing to ctors o	the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence	35 36 37 38	

		or are otherwise concerned in, or party to, the commission of the executive liability offence.	2
	(7)	In this section:	;
	( )	director has the same meaning it has in the Corporations Act 2001 of the Commonwealth.	
		reasonable steps, in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	
		(a) action towards:	10
		(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	11 12 13
		<ul> <li>(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,</li> </ul>	14 15 16
		(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	17 18 19 20 27 22
		(c) action towards ensuring that:	23
		<ul> <li>(i) the plant, equipment and other resources, and</li> <li>(ii) the structures, work systems and other processes,</li> <li>relevant to compliance with the provision creating the executive liability offence are appropriate in all the</li> </ul>	24 25 26 27
		circumstances,  (d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	28 29 30 31 32
53A		lity of directors etc for offences by corporation—accessory to ommission of the offences	33 34
	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation, whether or not it is an executive liability offence referred to in section 53.	36 36 37 38
	(2)	A person commits an offence against this section if:	39
	` /	(a) a corporation commits a corporate offence, and	40

		(b) the p	person is:	•
		(i)	a director of the corporation, or	2
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	; , ,
		(c) the p	person:	<u>-</u>
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	<b>8</b>
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	10 11 12
		(iii)	conspires with others to effect the commission of the corporate offence, or	1; 14
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	19 16 17
			penalty: The maximum penalty for the corporate committed by an individual.	18 19
	(3)		ution bears the legal burden of proving the elements of against this section.	20 21
	(4)		ce against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	22 23
	(5)	corporate o	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	24 25 26
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	27 28 29 30 31
1.12	Explosive	es Act 200	03 No 39	32
[1]	Section 6 L precursors		quired for handling explosives and explosive	33 34
	Insert at the	end of secti	on 6 (1):	35
		an executive	fence against subsection (1) committed by a corporation is a liability offence attracting executive liability for a director or n involved in the management of the corporation—see	36 37 38 39

[2]	Sect	ions 3	3 and 33A	1
	Omit	sectio	on 33. Insert instead:	2
	33		ility of directors etc for offences by corporation– cting executive liability	<b>–offences</b> 3
		(1)	For the purposes of this section, an <i>executive liable</i> an offence against any of the following provisions of is committed by a corporation:	of this Act that 6
			section 6 (1)	8
		(2)	A person commits an offence against this section i	
			(a) a corporation commits an executive liability	offence, and 10
			(b) the person is:	11
			(i) a director of the corporation, or	12
			(ii) an individual who is involved in the me the corporation and who is in a position the conduct of the corporation in recommission of the executive liability	on to influence 14 elation to the 15
			(c) the person:	17
			(i) knows or ought reasonably to knows or executive liability offence (or an osame type) would be or is being common type)	ffence of the 19
			(ii) fails to take all reasonable steps to p the commission of that offence.	revent or stop 21
			Maximum penalty: The maximum penalty for liability offence if committed by an individual.	the executive 23
		(3)	The prosecution bears the legal burden of proving the offence against this section.	he elements of 25
		(4)	The offence against this section can only be properson who can bring a prosecution for the execution offence.	
		(5)	This section does not affect the liability of the corp executive liability offence, and applies whethe corporation is prosecuted for, or convicted of, liability offence.	er or not the 31
		(6)	This section does not affect the application of a relating to the criminal liability of any persons (v directors or other managers of the corporationaccessories to the commission of the executive liability of are otherwise concerned in, or party to, the commexecutive liability offence.	whether or not 35 on) who are 36 ability offence 37

In this section:

(7)

				s the same meaning it has in the <i>Corporations</i> the Commonwealth.	2
		liabilit	ty offor	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the est.)	4 5 6 7
		(a)	action	n towards:	8
			(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	9 10 11
			(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	12 13 14
		` ,	agent traini enabl execu	n towards ensuring that the corporation's employees, is and contractors are provided with information, ing, instruction and supervision appropriate to them to e them to comply with the provision creating the ative liability offence so far as the provision is ant to them,	15 16 17 18 19 20
		(c)	action	n towards ensuring that:	21
			(i)	the plant, equipment and other resources, and	22
			(ii)	the structures, work systems and other processes,	23
			execu	ant to compliance with the provision creating the ative liability offence are appropriate in all the mstances,	24 25 26
		, ,	cultui non-c	n towards creating and maintaining a corporate re that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive ity offence.	27 28 29 30
33A				ors etc for offences by corporation—accessory to of the offences	31 32
	(1)	agains comm	t this	osses of this section, a <i>corporate offence</i> is an offence of Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 33.	33 34 35 36
	(2)	A pers	son co	ommits an offence against this section if:	37
		(a)	a corj	poration commits a corporate offence, and	38
		(b)	the po	erson is:	39
			(i)	a director of the corporation, or	40

		(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	
		(c) the person:	į.
		(i) aids, abets, counsels or procures the commission of the corporate offence, or	<del>(</del>
		(ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	8 9 10
		(iii) conspires with others to effect the commission of the corporate offence, or	1 <sup>-</sup>
		(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	1; 14 1!
		Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	16 17
	(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	18 19
	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	20 2
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	22 23 24
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	29 20 21 28 29
1.13	Food Act	2003 No 43	30
[1]	Section 13	Handling of food in unsafe manner	3
	Insert at the	end of the section:	32
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 122.	33 34 38 36

[2]	Section 14 Sale of unsafe food	1
	Insert at the end of the section:	2
	Note. An offence against this section committed by a corporation is an	3
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	4 5
	section 122.	6
[3]	Section 15 False description of food	7
	Insert at the end of the section:	8
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability for a director or	9
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	10 11
	section 122.	12
[4]	Section 16 Handling and sale of unsafe food	13
	Insert at the end of the section:	14
	<b>Note.</b> An offence against this section committed by a corporation is an	15
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	16 17
	section 122.	18
[5]	Section 17 Handling and sale of unsuitable food	19
	Insert at the end of the section:	20
	<b>Note.</b> An offence against subsection (1) or (2) committed by a	21
	corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the	22 23
	corporation—see section 122.	24
[6]	Section 18 Misleading conduct relating to sale of food	25
	Insert at the end of the section:	26
	Note. An offence against subsection (1), (2) or (3) committed by a	27
	corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the	28 29
	corporation—see section 122.	30
[7]	Section 19 Sale of food not complying with purchaser's demand	31
	Insert at the end of section 19 (1):	32
	Note. An offence against subsection (1) committed by a corporation is	33
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	34 35
	section 122.	36
[8]	Section 20 Sale of unfit equipment or packaging or labelling material	37
	Insert at the end of the section:	38
	Note. An offence against this section committed by a corporation is an	39
	executive liability offence attracting executive liability for a director or	40

			other person involved in the management of the corporation—see section 122.	
[9]	Secti	on 21	Compliance with Food Standards Code	;
	Inser	t at the	e end of the section:	4
			<b>Note</b> . An offence against subsection (1)–(4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 122.	- -
[10]	Secti	on 35	Failure to comply with emergency order	9
	Inser	t at the	e end of the section:	10
			<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 122.	1: 12 1; 14
[11]	Secti	on 64	Contravention of prohibition order	15
	Inser	t at the	e end of the section:	16
			<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 122.	17 18 19 20
[12]	Secti	on 10	4 Offences relating to food safety schemes	2
	Inser	t at the	e end of the section:	22
			<b>Note.</b> An offence against subsection (1)–(4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 122.	20 24 28 20
[13]	Secti	ons 1	22–122B	27
	Omit	sectio	on 122. Insert instead:	28
	122		ility of directors etc for offences by corporation—offences cting executive liability	29 30
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	3 <sup>3</sup>
			(a) section 13,	34
			(b) section 14,	35
			(c) section 15,	36
			(d) section 16,	37
			(e) section 17 (1) or (2),	38

	(f)	section 18 (1)–(3),	1
	(g)	section 19 (1),	2
	(h)	section 20,	3
	(i)	section 21 (1)–(4),	4
	(j)	section 35,	5
	(k)	section 64,	6
	(1)	section 104 (1)–(4).	7
(2)	A pe	erson commits an offence against this section if:	8
	(a)	a corporation commits an executive liability offence, and	9
	(b)	the person is:	10
		(i) a director of the corporation, or	11
		(ii) an individual who is involved in the management of	12
		the corporation and who is in a position to influence the conduct of the corporation in relation to the	13
		commission of the executive liability offence, and	14 15
	(c)	the person:	16
		(i) knows or ought reasonably to know that the	17
		executive liability offence (or an offence of the	18
		same type) would be or is being committed, and  (ii) fails to take all reasonable steps to prevent or stop	19
		the commission of that offence.	20 21
		imum penalty: The maximum penalty for the executive lity offence if committed by an individual.	22 23
(3)		prosecution bears the legal burden of proving the elements of offence against this section.	24 25
(4)		offence against this section can only be prosecuted by a on who can bring a prosecution for the executive liability nce.	26 27 28
(5)	exec	section does not affect the liability of the corporation for the cutive liability offence, and applies whether or not the oration is prosecuted for, or convicted of, the executive lity offence.	29 30 31 32
(6)	relati direct access or ar	section does not affect the application of any other law sing to the criminal liability of any persons (whether or not ectors or other managers of the corporation) who are assories to the commission of the executive liability offence the otherwise concerned in, or party to, the commission of the cutive liability offence.	33 34 35 36 37 38

(7) In this	s section:	1
	tor has the same meaning it has in the Corporations 001 of the Commonwealth.	2
liabili any)	<i>nable steps</i> , in relation to the commission of an executive ity offence, includes, but is not limited to, such action (if of the following kinds as is reasonable in all the mstances:	4 5 6 7
(a)	action towards:	8
	(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	9 10 11
	(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	12 13 14
(b)	action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	15 16 17 18 19 20
(c)	action towards ensuring that:	21
	(i) the plant, equipment and other resources, and	22
	(ii) the structures, work systems and other processes,	23
	relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,	24 25 26
(d)	action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	27 28 29 30
	directors etc for offences by corporation—accessory to ssion of the offences	31 32
again comn	ne purposes of this section, a <i>corporate offence</i> is an offence st this Act or the regulations that is capable of being nitted by a corporation, whether or not it is an executive ity offence referred to in section 122.	33 34 35 36
(2) A per	rson commits an offence against this section if:	37
(a)	a corporation commits a corporate offence, and	38
(b)	the person is:	39
( )	(i) a director of the corporation, or	40

		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence	1 2
			the conduct of the corporation in relation to the commission of the corporate offence, and	3 4
		(c) the p	person:	5
		(i)	aids, abets, counsels or procures the commission of	6
		, ,	the corporate offence, or	7
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	8 9 10
		(iii)	conspires with others to effect the commission of the corporate offence, or	11 12
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	13 14 15
			penalty: The maximum penalty for the corporate committed by an individual.	16 17
	(3)		ution bears the legal burden of proving the elements of against this section.	18 19
	(4)		the against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	20 21
	(5)	corporate of	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	22 23 24
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	25 26 27 28 29
122B	Evid	ence as to s	state of mind of corporation	30
	(1)	admissibili agent of a c had, at any	imiting any other law or practice regarding the ty of evidence, evidence that an officer, employee or corporation (while acting in his or her capacity as such) particular time, a particular state of mind, is evidence	31 32 33 34
		that the cor	poration had that state of mind.	35

		(2)	In thi	is secti	on, the <i>state of mind</i> of a person includes:	1
			(a)		nowledge, intention, opinion, belief or purpose of the on, and	2
			(b)	the p	erson's reasons for the intention, opinion, belief or ose.	4 5
1.14	Fore	estry	Act 1	916 1	No 55	6
[1]	Secti	on 29	Penal	ty for	unlawfully working sawmill	7
	Omit	section	1 29 (3	3).		8
[2]	Secti	on 49				9
	Insert	t after s	section	n 48:		10
	49				ors etc for offences by corporation—accessory to of the offences	11 12
		(1)	agair	ist this	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	13 14 15
		(2)	A pe	rson co	ommits an offence against this section if:	16
			(a)	a cor	poration commits a corporate offence, and	17
			(b)	•	erson is:	18
				(i)	a director of the corporation, or	19
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	20 21 22 23
			(c)	the p	erson:	24
			( )	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	25 26
				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	27 28 29
				(iii)	conspires with others to effect the commission of the corporate offence, or	30 31
				(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	32 33 34
					penalty: The maximum penalty for the corporate ommitted by an individual.	35 36

		(3)			ution bears the legal burden of proving the elements of against this section.	1 2
		(4)			te against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	3 4
		(5)	corpo	orate o	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	5 6 7
		(6)	relati direc	ing to tors of erned	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	8 9 10 11 12
1.15	Fun	eral F	und	s Act	1979 No 106	13
	Secti	ion 90				14
	Omit	the se	ction.	Insert	instead:	15
	90				tors etc for offences by corporation—accessory to of the offences	16 17
		(1)	agair	ist thi	poses of this section, a <i>corporate offence</i> is an offence s Act or the regulations that is capable of being by a corporation.	18 19 20
		(2)	A pe	rson co	ommits an offence against this section if:	21
			(a)	a cor	rporation commits a corporate offence, and	22
			(b)	the p	person is:	23
				(i)	a director of the corporation, or	24
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	25 26 27 28
			(c)	the p	person:	29
				(i)	aids, abets, counsels or procures the commission of the corporate offence, or	30 31
				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	32 33 34
				(iii)	conspires with others to effect the commission of the corporate offence, or	35 36

		(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	2
		Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	
	(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	-
	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	<b>8</b>
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	10 11 12
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	10 14 10 10 17
1.16 Gan	ning	Machines Act 2001 No 127	18
[1] Sect	ion 19	9A	19
Inser	t after	section 199:	20
199A	Liab the c	ility of directors etc for offences by corporation—accessory to commission of the offences	2° 22
	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation.	23 24 25
	(2)	A person commits an offence against this section if:	26
		(a) a corporation commits a corporate offence, and	27
		(b) the person is:	28
		(i) a director of the corporation, or	29
		(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	30 31 32 33
		(c) the person:	34
		(i) aids, abets, counsels or procures the commission of the corporate offence, or	3: 36

		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	2
		(iii)	conspires with others to effect the commission of the corporate offence, or	
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	- - - 8
		Maximum offence if of	penalty: The maximum penalty for the corporate committed by an individual.	10
	(3)		ution bears the legal burden of proving the elements of against this section.	1 <sup>-</sup> 12
	(4)		te against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	1; 14
	(5)	corporate o	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	15 16 17
	(6)	of this Act of persons (w	n does not affect the application of any other section or any other law relating to the criminal liability of any whether or not directors or other managers of the a) who are concerned in, or party to, the commission of the offence.	18 19 20 27 22
[2]	Section 20	0 Offences	by corporate hoteliers	23
	Omit sectio	n 200 (2). In	sert instead:	24
	(2)	(whether be regulations hotel, each corporation	er that is a corporation is taken to have contravened by act or omission) a provision of this Act or the by reason of a contravention by the manager of the person who occupies a position of authority in the is taken to have contravened the provision if the wingly authorised or permitted the contravention.	29 20 21 29 20 30
[3]	Section 20 body	1 Liability o	f secretary of club and members of governing	3 <sup>-</sup> 32
	Omit sectio	n 201 (1). In	sert instead:	33
	(1)	secretary a whether or taken to ha	ntravenes a provision of this Act or the regulations, the nd members of the governing body of the club are, not the club is convicted for the contravention, each ave contravened the provision if the person charged authorised or permitted the contravention.	34 38 36 37 38

[4]	Section 202 Liability of management and directors of corporate holders of gaming-related licences									
	Omit	Omit section 202 (1). Insert instead:								
		(1)	perso in the corpo have	ravener on who ne man oration conti	er of a gaming-related licence that is a corporation is a provision of this Act or the regulations, each is a director of the corporation or who is concerned agagement of the corporation is, whether or not the inhas been convicted for the contravention, taken to ravened the provision if the person knowingly or permitted the contravention.	2 5 7 8 9				
1.17	Heal	th In	sura	nce L	evies Act 1982 No 159	11				
	Secti	on 11	Requ	ireme	nt to furnish a monthly return	12				
	Insert	at the	Note exect other	. An off utive lia	ection: ence against this section committed by a corporation is an ability offence attracting executive liability for a director or in involved in the management of the corporation—see of the <i>Taxation Administration Act 1996</i> .	13 14 15 16 17				
1.18	Heri	tage	Act 1	1977	No 136	18				
	Secti	on 159	9			19				
	Omit the section. Insert instead:									
					ors etc for offences by corporation—accessory to of the offences	21 22				
		(1)	agair	nst thi	coses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	23 24 25				
		(2)	A pe	rson co	ommits an offence against this section if:	26				
			(a)	a cor	poration commits a corporate offence, and	27				
			(b)	•	erson is:	28				
				(i)	a director of the corporation, or	29				
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	30 31 32 33				
			(c)	the p	erson:	34				
				(i)	aids, abets, counsels or procures the commission of the corporate offence, or	35 36				

				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	1 2 3		
				(iii)	conspires with others to effect the commission of the corporate offence, or	4 5		
				(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	6 7 8		
					penalty: The maximum penalty for the corporate ommitted by an individual.	9 10		
		(3)			ation bears the legal burden of proving the elements of against this section.	11 12		
		(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	13 14		
		(5)	corpo	rate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	15 16 17		
		(6)	relatir direct	ng to to ors orned	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	18 19 20 21 22		
1.19	Jury	Act	1977	No 1	8	23		
	Secti	ion 70				24		
	Omit the section. Insert instead:							
	70		Liability of directors etc for offences by corporation—accessory to the commission of the offences					
		(1)	agains	st this	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	28 29 30		
		(2)	A per	son co	ommits an offence against this section if:	31		
			(a)	a cor	poration commits a corporate offence, and	32		
			(b)	the p	erson is:	33		
				(i)	a director of the corporation, or	34		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence	35 36		

				the conduct of the corporation in relation to the commission of the corporate offence, and	1 2
			(c) the p	erson:	3
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	4 5
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	6 7 8
			(iii)	conspires with others to effect the commission of the corporate offence, or	9 10
			(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	11 12 13
				penalty: The maximum penalty for the corporate ommitted by an individual.	14 15
		(3)		ation bears the legal burden of proving the elements of against this section.	16 17
	(4)		e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	18 19	
		(5)	corporate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	20 21 22
		(6)	relating to directors of	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	23 24 25 26 27
1.20	Lan	dlord	and Tena	nt (Amendment) Act 1948 No 25	28
[1]	Secti	ion 95	Offences ar	nd penalties	29
	Omit	sectio	n 95 (4).		30
[2]	Secti	ion 95	A		31
- <b>-</b>	Inser	t after	section 95:		32
	95A			ors etc for offences by corporation—accessory to of the offences	33 34
		(1)	against this	poses of this section, a <i>corporate offence</i> is an offence s Act or the regulations that is capable of being by a corporation.	35 36 37

(2)	A pe	rson co	ommits an offence against this section if:	1					
	(a)	a cor	poration commits a corporate offence, and	2					
	(b)	the p	erson is:	3					
	(-)	(i)	a director of the corporation, or	4					
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the	5 6 7					
			commission of the corporate offence, and	8					
	(c)	the p	erson:	9					
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	10 11					
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	12 13 14					
		(iii)	conspires with others to effect the commission of the corporate offence, or	15 16					
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	17 18 19					
	Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.								
(3)			ation bears the legal burden of proving the elements of against this section.	22 23					
(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	24 25					
(5)	corp	orate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	26 27 28					
(6)	relati direc	ing to ctors of erned	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	29 30 31 32 33					

1.21	Liqu	ıor A	ct 20	07 No	90	1		
[1]	Secti	ions 7	1 and	71A		2		
	Omit	sectio	n 71.	Insert i	instead:	3		
	71	Liability of directors etc for offences by corporation—accessory to the commission of the offences						
		(1)	agair com	nst thi	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation (including a licensee that is a n).	6 7 8 9		
		(2)	A pe	erson c	ommits an offence against this section if:	10		
			(a)	a cor	poration commits a corporate offence, and	11		
			(b)	the p	person is:	12		
				(i)	a director of the corporation, or	13		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	14 15 16 17		
			(c)	the p	person:	18		
				(i)	aids, abets, counsels or procures the commission of the corporate offence, or	19 20		
				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	21 22 23		
				(iii)	conspires with others to effect the commission of the corporate offence, or	24 25		
				(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	26 27 28		
					penalty: The maximum penalty for the corporate committed by an individual.	29 30		
		(3)			ution bears the legal burden of proving the elements of against this section.	31 32		
		(4)			te against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	33 34		
		(5)	corp	orate o	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	35 36 37		

		(6)	relati direc	ing to tors of erned	the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	1 2 3 4 5		
	71A	Evid	ence a	as to s	tate of mind of corporation	6		
		(1)	admi agen had,	ssibilit t of a co at any	miting any other law or practice regarding the cy of evidence, evidence that an officer, employee or orporation (while acting in his or her capacity as such) particular time, a particular state of mind, is evidence poration had that state of mind.	7 8 9 10 11		
		(2)	In th	is secti	on, the <i>state of mind</i> of a person includes:	12		
		. ,	(a)		nowledge, intention, opinion, belief or purpose of the on, and	13 14		
			(b)	the p	person's reasons for the intention, opinion, belief or ose.	15 16		
[2]	Sect	ion 72	Corpo	orate l	icences—interpretative provisions	17		
	regis	tered c	lub is	not a	purposes of section 71, a person who is a director of a person who occupies a position of authority in that on 72 (1).	18 19 20		
1.22	Loa	n Fur	nd Co	mpa	nies Act 1976 No 94	21		
	Secti	ion 67				22		
	Omit the section. Insert instead:							
	67	Liabi the c	lity of ommi	direct ssion	ors etc for offences by corporation—accessory to of the offences	24 25		
		(1)	agair	ist this	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	26 27 28		
		(2)	A pe	rson co	ommits an offence against this section if:	29		
		. ,	(a)	a cor	poration commits a corporate offence, and	30		
			(b)	the p	erson is:	31		
				(i)	a director of the corporation, or	32		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	33 34 35 36		

		(c) the pe	erson:	1
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	2
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	5 6
		(iii)	conspires with others to effect the commission of the corporate offence, or	<del>7</del> 8
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	9 10 11
			penalty: The maximum penalty for the corporate ommitted by an individual.	12 13
	(3)		ation bears the legal burden of proving the elements of against this section.	14 15
	(4)		e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	16 17
	(5)	corporate of	does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	18 19 20
	(6)	relating to t directors o	n does not affect the application of any other law the criminal liability of any persons (whether or not r other managers of the corporation) who are in, or party to, the commission of the corporate	21 22 23 24 25
1.23	Long Ser	vice Leave	e Act 1955 No 38	26
[1]	Section 4 L	ong service	leave	27
	Insert at the	end of the se	ection:	28
		a corporation for a director	ence against this Act arising under this section committed by is an executive liability offence attracting executive liability or or other person involved in the management of the see section 10A.	29 30 31 32
[2]	Section 8 R	ecords to b	e kept by employers	33
	Insert at the	end of the se	ection:	34
		a corporation for a director	ence against this Act arising under this section committed by is an executive liability offence attracting executive liability or or other person involved in the management of the see section 10A.	35 36 37 38

	0 1	40	Develope and ofference						
[3]			Penalties and offences	1					
	Omit	section	n 10 (4).	2					
[4]	Sections 10A and 10B								
	Inser	t after	section 10:	4					
	10A	Liabi attra	lity of directors etc for offences by corporation—offences cting executive liability	5 6					
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against this Act arising under any of the following provisions of this Act that is committed by a corporation:	7 8 9					
			(a) section 4,	10					
			(b) section 8.	11					
		(2)	A person commits an offence against this section if:	12					
			(a) a corporation commits an executive liability offence, and	13					
			(b) the person is:	14					
			(i) a director of the corporation, or	15					
			(ii) an individual who is involved in the management of	16					
			the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	17 18 19					
			(c) the person:	20					
			(i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	21 22 23					
			(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	24 25					
			Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	26 27					
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	28 29					
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	30 31 32					
		(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	33 34 35 36					

10B

(6)	relat direct acce or ar	ing to ctors of ssories e other	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence wise concerned in, or party to, the commission of the iability offence.	1 2 3 4 5 6
(7)	In th	is secti	ion:	7
			as the same meaning it has in the <i>Corporations</i> f the Commonwealth.	8 9
	liabi any)	lity off	esteps, in relation to the commission of an executive fence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the ces:	10 11 12 13
	(a)	actio	n towards:	14
		(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	15 16 17
		(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	18 19 20
	(b)	agen train enab exec	on towards ensuring that the corporation's employees, its and contractors are provided with information, ing, instruction and supervision appropriate to them to le them to comply with the provision creating the utive liability offence so far as the provision is cant to them,	21 22 23 24 25 26
	(c)	actio	n towards ensuring that:	27
		(i)	the plant, equipment and other resources, and	28
		(ii)	the structures, work systems and other processes,	29
		exec	rant to compliance with the provision creating the utive liability offence are appropriate in all the imstances,	30 31 32
	(d)	cultu non-	on towards creating and maintaining a corporate are that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive lity offence.	33 34 35 36
Liab the c	ility of	direct	ors etc for offences by corporation—accessory to of the offences	37 38
(1)	For t	he purp est this	poses of this section, a <i>corporate offence</i> is an offence s Act or the regulations that is capable of being	39 40

offence.

1.24	Lon No		vice	Leave	e (Metalliferous Mining Industry) Act 1963	1		
[1]	Sect	ion 4 I	ong s	service	eleave	3		
	Inser	t at the	e end o	of the se	ection:	4		
			a cor for a	poration directo	ence against this Act arising under this section committed by is an executive liability offence attracting executive liability or or other person involved in the management of the see section 10A.	5 6 7 8		
[2]	Sect	ion 8 I	Recor	ds to b	e kept by employer	9		
	Inser	t at the	e end o	of the se	ection:	10		
			a cor for a	poration directo	ence against this Act arising under this section committed by is an executive liability offence attracting executive liability or or other person involved in the management of the see section 10A.	11 12 13 14		
[3]	Sect	ion 10	Pena	Ities aı	nd offences	15		
	Omit section 10 (4).							
[4]	Sect	ions 1	0A an	d 10B		17		
	Insert after section 10:							
	10A	Liab attra	Liability of directors etc for offences by corporation—offences attracting executive liability					
		(1)	an o	ffence	poses of this section, an <i>executive liability offence</i> is against this Act arising under any of the following of this Act that is committed by a corporation:	21 22 23		
			(a)	section	on 4,	24		
			(b)	section	on 8.	25		
		(2)	A pe	erson co	ommits an offence against this section if:	26		
			(a)	a cor	poration commits an executive liability offence, and	27		
			(b)	the p	erson is:	28		
				(i)	a director of the corporation, or	29		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	30 31 32 33		
			(c)	the p	erson:	34		
			` '	(i) <sup>1</sup>	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	35 36 37		

	(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	1 2
	Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	3 4
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	5 6
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	7 8 9
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	10 11 12 13
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.	14 15 16 17 18 19
(7)	In this section:	20
	<i>director</i> has the same meaning it has in the <i>Corporations Act 2001</i> of the Commonwealth.	21 22
	<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	23 24 25 26
	(a) action towards:	27
	(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	28 29 30
	(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	31 32 33
	(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	34 35 36 37 38 39

		(c)	actio	on towards ensuring that:	1
			(i)	the plant, equipment and other resources, and	2
			(ii)	the structures, work systems and other processes,	3
				vant to compliance with the provision creating the	4
				utive liability offence are appropriate in all the	5
		. •		imstances,	6
		(d)		on towards creating and maintaining a corporate are that does not direct, encourage, tolerate or lead to	7
				compliance with the provision creating the executive	8
				lity offence.	10
10B				tors etc for offences by corporation—accessory to of the offences	11 12
	(1)			poses of this section, a <i>corporate offence</i> is an offence	13
				s Act or the regulations that is capable of being	14
		comi	mittea lity off	by a corporation, whether or not it is an executive fence referred to in section 10A.	15 16
	(2)				
	(2)	_		ommits an offence against this section if:	17
		(a)		poration commits a corporate offence, and	18
		(b)	•	person is:	19
			(i)	a director of the corporation, or	20
			(ii)	an individual who is involved in the management of	21
				the corporation and who is in a position to influence the conduct of the corporation in relation to the	22 23
				commission of the corporate offence, and	24
		(c)	the p	person:	25
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	26 27
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	28 29 30
			(iii)	conspires with others to effect the commission of the corporate offence, or	31 32
			(iv)	is in any other way, whether by act or omission,	33
				knowingly concerned in, or party to, the commission of the corporate offence.	34 35
		May	imum	penalty: The maximum penalty for the corporate	
				committed by an individual.	36 37
	(3)	The p	prosect ffence	ution bears the legal burden of proving the elements of against this section.	38 39

		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	1 2
		(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	3 4 5
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	6 7 8 9 10
1.25	Mini	ing A	ct 1992 No 29	11
[1]	Sect	ion 240	OC Breach of direction	12
	Inser	t at the	end of the section:	13
			<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 378F.	14 15 16 17
[2]	Secti hold		8D Contravention of condition of authorisation—offence by	18 19
	Inser	t at the	end of section 378D (1):	20
			<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 378F.	21 22 23 24
[3]	Secti	ions 3	78F and 378FA	25
	Omit	section	n 378F. Insert instead:	26
3	378F		lity of directors etc for offences by corporation—offences cting executive liability	27 28
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	29 30 31
			(a) section 240C,	32
			(b) section 378D (1).	33
		(2)	A person commits an offence against this section if:	34
			(a) a corporation commits an executive liability offence, and	35
			(b) the person is:	36
			(i) a director of the corporation, or	37

(3)

(4)

(5)

(6)

(7)

provision,

	(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	1 2 3 4
(c)	the p	erson:	5
(-)	(i)	knows or ought reasonably to know that the	6
	( )	executive liability offence (or an offence of the same type) would be or is being committed, and	7 8
	(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	9 10
		penalty: The maximum penalty for the executive ence if committed by an individual.	11 12
		ation bears the legal burden of proving the elements of against this section.	13 14
	on who	e against this section can only be prosecuted by a can bring a prosecution for the executive liability	15 16 17
corpo	utive 1	n does not affect the liability of the corporation for the liability offence, and applies whether or not the is prosecuted for, or convicted of, the executive ence.	18 19 20 21
relati direct access or are	ing to tors of ssories e other	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence wise concerned in, or party to, the commission of the ability offence.	22 23 24 25 26 27
In thi	is secti	on:	28
		as the same meaning it has in the <i>Corporations</i> f the Commonwealth.	29 30
liabil any)	lity off	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if ne following kinds as is reasonable in all the ees:	31 32 33 34
(a)	actio	n towards:	35
	(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	36 37 38
	(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the	39

		(b)	agent trainin enable execu	n towards ensuring that the corporation's employees, is and contractors are provided with information, ing, instruction and supervision appropriate to them to e them to comply with the provision creating the titive liability offence so far as the provision is ant to them,	; ;
		(c)	action	n towards ensuring that:	
			(i)	the plant, equipment and other resources, and	;
			(ii)	the structures, work systems and other processes,	9
			execu	ant to compliance with the provision creating the utive liability offence are appropriate in all the mstances,	1( 1: 1:
		(d)	action	n towards creating and maintaining a corporate	1;
				re that does not direct, encourage, tolerate or lead to	14
				compliance with the provision creating the executive ity offence.	1: 10
			Haom	ty offence.	10
378FA	Liabi the c	ility of commi	directo ssion o	ors etc for offences by corporation—accessory to of the offences	17 18
	(1)	agair	nst this mitted l	Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 378F.	19 20 22 22
	(2)	A pe	rson co	mmits an offence against this section if:	23
	` ′	(a)		poration commits a corporate offence, and	24
		(b)		erson is:	2
		( )	(i) 1	a director of the corporation, or	20
			(ii)	an individual who is involved in the management of	2
			. ,	the corporation and who is in a position to influence	28
				the conduct of the corporation in relation to the commission of the corporate offence, and	29 30
		(c)	the pe	erson:	3
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	32 33
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	34 38 36
			(iii)	conspires with others to effect the commission of the corporate offence, or	3 <sup>-</sup>

			M	(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	1 2 3
					penalty: The maximum penalty for the corporate ommitted by an individual.	5
		(3)			ation bears the legal burden of proving the elements of against this section.	6 7
		(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	3 9
		(5)	corpo	orate of	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	10 11 12
		(6)	relati direc	ng to to tors o erned	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	13 14 15 16 17
1.26	Moto	or De	alers	Act	1974 No 52	18
	Secti	on 54				19
	Omit	the se	ction.	Insert i	instead:	20
	54				ors etc for offences by corporation—accessory to of the offences	21 22
		(1)	agair	st this	poses of this section, a <i>corporate offence</i> is an offence as Act or the regulations that is capable of being by a corporation.	23 24 25
		(2)	A pe	rson co	ommits an offence against this section if:	26
			(a)	a cor	poration commits a corporate offence, and	27
			(b)	the p	erson is:	28
				(i)	a director of the corporation, or	29
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	30 31 32 33
			(c)	the p	erson:	34
			. /	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	35 36

		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	
		(iii)	conspires with others to effect the commission of the corporate offence, or	4
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	<del>(</del> -
			penalty: The maximum penalty for the corporate ommitted by an individual.	9 10
	(3)		ation bears the legal burden of proving the elements of against this section.	1 <sup>-</sup> 12
	(4)		e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	1; 14
	(5)	corporate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	15 16 17
	(6)	relating to directors of	the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	18 19 20 2 <sup>2</sup> 22
1.27	Motor Ve	hicle Repa	airs Act 1980 No 71	23
[1]	Section 15	Licences		24
	Insert at the	end of section	on 15 (1):	25
		an executive	ence against subsection (1) committed by a corporation is liability offence attracting executive liability for a director or involved in the management of the corporation—see	26 27 28 29
[2]	Section 22	Tradespers	on's certificate	30
	Insert at the	end of the se	ection:	3
		corporation if	ence against subsection (1), (3) or (4) committed by a s an executive liability offence attracting executive liability or or other person involved in the management of the see section 88.	32 33 34 38

[3]	Sect	ions 8	88 and 88A	1
	Omi	t sectio	on 88. Insert instead:	2
	88		ility of directors etc for offences by corporation—offences acting executive liability	3 4
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	5 6 7
			(a) section 15 (1),	8
			(b) section 22 (1), (3) or (4).	9
		(2)	A person commits an offence against this section if:	10
			(a) a corporation commits an executive liability offence, and	11
			(b) the person is:	12
			(i) a director of the corporation, or	13
			(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	14 15 16 17
			(c) the person:	18
			(i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	19 20 21
			(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	22 23
			Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	24 25
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	26 27
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	28 29 30
		(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	31 32 33 34
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence	35 36 37 38

		or are otherwise concerned in, or party to, the commission of the executive liability offence.	1 2
	(7)	In this section:	3
		<i>director</i> has the same meaning it has in the <i>Corporations Act</i> 2001 of the Commonwealth.	4 5
		<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	6 7 8 9
		(a) action towards:	10
		(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	11 12 13
		(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	14 15 16
		(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	17 18 19 20 21 22
		<ul> <li>(c) action towards ensuring that:</li> <li>(i) the plant, equipment and other resources, and</li> <li>(ii) the structures, work systems and other processes,</li> <li>relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,</li> </ul>	23 24 25 26 27 28
		(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	29 30 31 32
88A		oility of directors etc for offences by corporation—accessory to commission of the offences	33 34
	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation, whether or not it is an executive liability offence referred to in section 88.	35 36 37 38
	(2)	A person commits an offence against this section if:	39
	` '	(a) a corporation commits a corporate offence, and	40

		(b)	the pe	erson is:		•
			(i)	a director of the corporation, or		2
			(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and		
		(c)	the pe	erson:		7
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or		9
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	1	1 ( 1 :
			(iii)	conspires with others to effect the commission of the corporate offence, or		13 14
			(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	1	1 <del>1</del> 1 7
				penalty: The maximum penalty for the corporate ommitted by an individual.		18
	(3)			tion bears the legal burden of proving the elements of against this section.		2(
	(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.		22 23
	(5)	corpo	orate of	does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	2	24 25 26
	(6)	relati direc	ng to to tors of erned	n does not affect the application of any other law he criminal liability of any persons (whether or not r other managers of the corporation) who are in, or party to, the commission of the corporate	2 2 3	28 28 30 31
1.28	National	Parks	s and	Wildlife Act 1974 No 80	3	32
[1]	Section 86 places	Harm	ing or	desecrating Aboriginal objects and Aboriginal		33 34
	Insert at the	end o	f the se	ection:	3	3
		corpo for a	ration is directo	ence against subsection (1), (2) or (4) committed by a s an executive liability offence attracting executive liability r or other person involved in the management of the see section 175B.	3	36 37 38 38

[2]	Section 90J Failure to comply with conditions	1
	Insert at the end of the section:	2
	<b>Note.</b> An offence against subsection (1) or (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	3 4 5 6
[3]	Section 91AA Director-General may make stop work order	7
	Insert at the end of section 91AA (6):	8
	<b>Note.</b> An offence against subsection (6) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	9 10 11 12
[4]	Section 91G Failure to comply with interim protection order	13
	Insert at the end of the section:	14
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	15 16 17 18
[5]	Section 91Q Failure to comply with remediation direction	19
	Insert at the end of section 91Q (1):	20
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	21 22 23 24
[6]	Section 91R Delay or obstruction of remediation direction	25
	Insert at the end of the section:	26
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	27 28 29 30
[7]	Section 99 Harming threatened interstate fauna	31
	Insert at the end of section 99 (1):	32
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	33 34 35 36

[8]	Section 118A Harming or picking threatened species, endangered populations or endangered ecological communities	1 2
	Insert at the end of the section:	3
	<b>Note.</b> An offence against subsection (1) or (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	4 5 6 7
[9]	Section 118B Buying, selling or possessing threatened species or endangered population	8 9
	Insert at the end of section 118B (1):	10
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	11 12 13 14
[10]	Section 118C Damage to critical habitat	15
	Insert at the end of section 118C (1):	16
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	17 18 19 20
[11]	Section 118D Damage to habitat of threatened species, endangered populations or endangered ecological communities	21 22
	Insert at the end of section 118D (1):	23
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	24 25 26 27
[12]	Section 133 Conditions and restrictions attaching to licences and certificates and variation of licences and certificates	28 29
	Insert at the end of section 133 (4):	30
	<b>Note.</b> An offence against subsection (4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	31 32 33 34
[13]	Section 156A Offence of damaging reserved land	35
	Insert at the end of section 156A (1):	36
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	37 38 39 40

[14]	Sect	ions 1	75B ar	nd 175	c	1
	Omit	section	on 175E	3. Inse	rt instead:	2
	175B	Liab attra	ility of ecting e	direct execut	ors etc for offences by corporation—offences ive liability	3 4
		(1)	an of	fence a	coses of this section, an <i>executive liability offence</i> is against any of the following provisions of this Act that d by a corporation:	5 6 7
			(a)		on 86 (1), (2) or (4),	8
			(b)		on 90J (1) or (2),	9
			(c)		on 91AA (6),	10
			(d)		on 91G,	11
			(e)		on 91Q (1),	12
			(f)		on 91R,	13
			(g)	section	on 99 (1),	14
			(h)		on 118A (1) or (2),	15
			(i)	section	on 118B (1),	16
			(j)	section	on 118C (1),	17
			(k)	section	on 118D (1),	18
			(1)		on 133 (4),	19
			(m)	section	on 156A (1).	20
		(2)	A per	son co	ommits an offence against this section if:	21
			(a)	a corp	poration commits an executive liability offence, and	22
			(b)	the po	erson is:	23
				(i)	a director of the corporation, or	24
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	25 26 27 28
			(c)	the pe	erson:	29
			(-)	(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	30 31 32
				(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	33 34
					penalty: The maximum penalty for the executive ence if committed by an individual.	35 36

(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	1 2
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	3 4 5
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	6 7 8 9
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.	10 11 12 13 14
(7)	In this section:	16
	<i>director</i> has the same meaning it has in the <i>Corporations Act</i> 2001 of the Commonwealth.	17 18
	reasonable steps, in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	19 20 21 22
	(a) action towards:	23
	<ul> <li>(i) assessing the corporation's compliance with the provision creating the executive liability offence, and</li> </ul>	24 25 26
	(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	27 28 29
	(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	30 31 32 33 34 35
	(c) action towards ensuring that:	36
	(i) the plant, equipment and other resources, and	37
	(ii) the structures, work systems and other processes,	38
	relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,	39 40 41

			(d)	action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating the executive liability offence.	2 3
	175C	Evid	ence a	as to state of mind of corporation	!
		(1)	admi agen had,	hout limiting any other law or practice regarding the issibility of evidence, evidence that an officer, employee or at of a corporation (while acting in his or her capacity as such) at any particular time, a particular state of mind, is evidence the corporation had that state of mind.	{ - { } 1(
		(2)	In th	his section, the <i>state of mind</i> of a person includes:	1.
			(a)	the knowledge, intention, opinion, belief or purpose of the person, and	12 13
			(b)	the person's reasons for the intention, opinion, belief or purpose.	14 15
[15]	Secti	ion 17	6B An	ncillary offences	16
	Inser	t at the	e end o	of the section:	17
		(2)		erson does not commit an offence because of this section for act or omission that is an offence under section 176C.	18 19
[16]	Secti	ion 17	6C		20
	Inser	t after	section	on 176B:	2
	176C	Liabi	ility of commi	f directors etc for offences by corporation—accessory to ission of the offences	22 23
		(1)	agair com	the purposes of this section, a <i>corporate offence</i> is an offence nst this Act or the regulations that is capable of being mitted by a corporation, whether or not it is an executive ility offence referred to in section 175B.	24 25 26 27
		(2)	A pe	erson commits an offence against this section if:	28
			(a)	a corporation commits a corporate offence, and	29
			(b)	the person is:	30
				(i) a director of the corporation, or	3
				(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the	3; 3; 34
				commission of the corporate offence, and	35

		(c) the p	person:	1
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	2
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	4 5 6
		(iii)	conspires with others to effect the commission of the corporate offence, or	7 8
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	9 10 11
			penalty: The maximum penalty for the corporate committed by an individual.	12 13
	(3)		ution bears the legal burden of proving the elements of against this section.	14 15
	(4)		te against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	16 17
	(5)	corporate o	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	18 19 20
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	21 22 23 24 25
1.29	Native Ve	getation	Act 2003 No 103	26
[1]	Section 12	Clearing re	quiring approval	27
	Insert at the	end of the s	ection:	28
		executive lia	ence against this section committed by a corporation is an ability offence attracting executive liability for a director or n involved in the management of the corporation—see	29 30 31 32
[2]	Section 37	Director-Ge	eneral may make "stop work" order	33
	Insert at the	end of secti	on 37 (5):	34
		an executive	Tence against subsection (5) committed by a corporation is a liability offence attracting executive liability for a director or in involved in the management of the corporation—see	35 36 37 38

[3]	Sect	ion 38	Direc	tions	for remedial work	1
	Inser	t at the	Note an ex other	. An off	on 38 (4): ence against subsection (4) committed by a corporation is liability offence attracting executive liability for a director or in involved in the management of the corporation—see	2 3 4 5 6
[4]	Sect	ions 4	5 and	45A		7
	Omit	sectio	n 45.	Insert i	nstead:	8
	45	Liabi attra	lity of	f direct	tors etc for offences by corporation—offences tive liability	9 10
		(1)	an of	ffence a mmitte section section	poses of this section, an <i>executive liability offence</i> is against any of the following provisions of this Act that ed by a corporation: on 12, on 37 (5), on 38 (4).	11 12 13 14 15
		(2)	A pe	erson co a cor	ommits an offence against this section if: poration commits an executive liability offence, and	17 18
			(b)	the p (i) (ii)	a director of the corporation, or an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	19 20 21 22 23 24
			(c)	the p (i) (ii)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and fails to take all reasonable steps to prevent or stop the commission of that offence.	25 26 27 28 29 30
			Max liabi	imum lity off	penalty: The maximum penalty for the executive ence if committed by an individual.	31 32
		(3)			ution bears the legal burden of proving the elements of against this section.	33 34
		(4)		on who	e against this section can only be prosecuted by a can bring a prosecution for the executive liability	35 36 37

(5)	exect	itive 1	does not affect the liability of the corporation for the iability offence, and applies whether or not the is prosecuted for, or convicted of, the executive ence.	1 2 3 4
(6)	relati direct acces or are	ng to totors of sories e other	n does not affect the application of any other law the criminal liability of any persons (whether or not r other managers of the corporation) who are to the commission of the executive liability offence wise concerned in, or party to, the commission of the ability offence.	5 6 7 8 9 10
(7)	In thi	s secti	on:	11
			s the same meaning it has in the <i>Corporations</i> the Commonwealth.	12 13
	liabil any)	ity off	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the trees:	14 15 16 17
	(a)	action	n towards:	18
		(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	19 20 21
		(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	22 23 24
	(b)	agent traini enabl execu	n towards ensuring that the corporation's employees, is and contractors are provided with information, in instruction and supervision appropriate to them to be them to comply with the provision creating the attive liability offence so far as the provision is ant to them,	25 26 27 28 29 30
	(c)	action	n towards ensuring that:	31
		(i)	the plant, equipment and other resources, and	32
		(ii)	the structures, work systems and other processes,	33
		exect	ant to compliance with the provision creating the ative liability offence are appropriate in all the mstances,	34 35 36
	(d)	cultur non-c	n towards creating and maintaining a corporate re that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive ity offence.	37 38 39 40

45A	Liabi	lity of direction	ctors etc for offences by corporation—accessory to n of the offences	1			
	(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation, whether or not it is an executive liability offence referred to in section 45.					
	(2)	A person	commits an offence against this section if:	7			
		(a) a co	orporation commits a corporate offence, and	8			
		(b) the	person is:	9			
		(i)	a director of the corporation, or	10			
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	11 12 13 14			
		(c) the	person:	15			
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	16 17			
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	18 19 20			
		(iii)	conspires with others to effect the commission of the corporate offence, or	21 22			
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	23 24 25			
			n penalty: The maximum penalty for the corporate committed by an individual.	26 27			
	(3)		cution bears the legal burden of proving the elements of e against this section.	28 29			
	(4)		ace against this section can only be prosecuted by a no can bring a prosecution for the corporate offence.	30 31			
	(5)	corporate	on does not affect the liability of the corporation for the offence, and applies whether or not the corporation is d for, or convicted of, the corporate offence.	32 33 34			
	(6)	relating to directors	on does not affect the application of any other law of the criminal liability of any persons (whether or not or other managers of the corporation) who are lin, or party to, the commission of the corporate	35 36 37 38 39			

1.30	Payroll Tax Act 2007 No 21	1
	Schedule 2 NSW specific provisions	2
	Insert at the end of clause 18 (8):	3
	<b>Note.</b> An offence against subclause (8) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121 of the <i>Taxation Administration Act</i> 1996.	4 5 6 7
1.31	Pesticides Act 1999 No 80	8
[1]	Section 7 Injury to persons or damage to property resulting from pesticide use	9 10
	Insert at the end of section 7 (1):	11
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	12 13 14 15
[2]	Section 8 Harm to animals or plants resulting from pesticide use	16
	Insert at the end of section 8 (1):	17
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	18 19 20 21
[3]	Section 9 Material harm to endangered, vulnerable or protected animals	22
	Insert at the end of section 9 (1):	23
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	24 25 26 27
[4]	Section 10 Injury to persons or damage to property resulting from pesticide use	28 29
	Insert at the end of section 10 (1):	30
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	31 32 33 34
[5]	Section 11 Harm to animals or plants resulting from pesticide use	35
	Insert at the end of section 11 (1):	36
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or	37 38

	other person involved in the management of the corporation—see section 112.	1 2
[6]	Section 12 Possession of unregistered pesticide	3
	Insert at the end of the note to the section:	4
	An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	5 6 7 8
[7]	Section 13 Use of unregistered pesticide	9
	Insert at the end of the note to the section:	10
	An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	11 12 13 14
[8]	Section 14 Requirement to read approved label and permit	15
	Insert at the end of section 14 (2):	16
	<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	17 18 19 20
[9]	Section 15 Using pesticide contrary to approved label	21
	Insert at the end of the note to section 15 (1):	22
	An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	23 24 25 26
[10]	Section 17 Use or possession of restricted pesticides	27
	Insert at the end of the note to the section:	28
	An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	29 30 31 32
[11]	Section 19 Environment Protection Authority may direct clean-up action	33
	Insert at the end of section 19 (4):	34
	<b>Note.</b> An offence against subsection (4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	35 36 37 38

[12]	Section 25 Offence	
	Insert at the end of the section:	2
	Note. An offence against this section committed by a corporation is an	;
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	
	section 112.	Ć
[13]	Section 39 Operation of pesticide control order	-
	Insert at the end of section 39 (4):	8
	<b>Note.</b> An offence against subsection (4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	10 11 12
[14]	Section 41 Destruction of pesticides	13
	Insert at the end of section 41 (2):	14
	<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or	15 16
	other person involved in the management of the corporation—see section 112.	17
[15]	Section 42 Defective equipment	19
	Insert at the end of section 42 (4):	20
	<b>Note.</b> An offence against subsection (4) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	2 <sup>2</sup> 22 24 24
[16]	Section 59 Contravention of conditions	2
	Insert at the end of the section:	26
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	25 28 29 30
[17]	Section 65 Prohibited residue orders	3
	Insert at the end of section 65 (5):	32
	<b>Note.</b> An offence against subsection (5) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 112.	3; 34 38

[18]	Sect	ion 11	1 Cau	sing or	permitting offence	1	
	Inser	t at the	e end o	f the se	ection:	2	
		(2)			bes not commit an offence because of this section for mission that is an offence under section 112A.	3	
[19]	Sect	ions 1	12–11	2B		5	
	Omit section 112. Insert instead:						
	112	Liab attra	ility of	direct	ors etc for offences by corporation—offences ive liability	7 8	
		(1)	an of	fence a	poses of this section, an <i>executive liability offence</i> is gainst any of the following provisions of this Act that d by a corporation:	9 10 11	
			(a)		on 7 (1),	12	
			(b)		on 8 (1),	13	
			(c)		on 9 (1),	14	
			(d)		on 10 (1),	15	
			(e)		on 11 (1),	16	
			(f)	sectio	·	17	
			(g)	sectio		18	
			(h)		on 14 (2),	19	
			(i)		on 15 (1),	20	
			(j)	sectio		21	
			(k)		on 19 (4),	22	
			(1)	sectio		23	
			(m)	sectio	on 39 (4),	24	
			(n)		on 41 (2),	25	
			(o)		on 42 (4),	26	
			(p)	sectio	on 59,	27	
			(q)	sectio	on 65 (5).	28	
		(2)	A pe	rson co	mmits an offence against this section if:	29	
			(a)	a corp	poration commits an executive liability offence, and	30	
			(b)	the pe	erson is:	31	
				(i)	a director of the corporation, or	32	
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence	33 34	

		the conduct of the corporation in relation to the commission of the executive liability offence, and	1 2
	(c) the p	erson:	3
	(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the	4 5
		same type) would be or is being committed, and	6
	(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	7 8
		penalty: The maximum penalty for the executive ence if committed by an individual.	9 10
(3)		ation bears the legal burden of proving the elements of against this section.	11 12
(4)		e against this section can only be prosecuted by a can bring a prosecution for the executive liability	13 14 15
(5)	This section executive	n does not affect the liability of the corporation for the liability offence, and applies whether or not the is prosecuted for, or convicted of, the executive lence	16 17 18 19
(6)	This section relating to directors of accessories or are other	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are to the commission of the executive liability offence wise concerned in, or party to, the commission of the ability offence.	20 21 22 23 24 25
(7)	In this secti	on:	26
		as the same meaning it has in the <i>Corporations</i> of the Commonwealth.	27 28
	liability off	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the ces:	29 30 31 32
	(a) action	n towards:	33
	(i)	assessing the corporation's compliance with the	34
	. ,	provision creating the executive liability offence, and	35 36
	(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	37 38 39

		(b)	agent traini enabl execu	n towards ensuring that the corporation's employees, is and contractors are provided with information, ing, instruction and supervision appropriate to them to e them to comply with the provision creating the utive liability offence so far as the provision is ant to them,	1 2 3 4 5
		(c)	action	n towards ensuring that:	7
			(i)	the plant, equipment and other resources, and	8
			(ii)	the structures, work systems and other processes,	9
			execu	ant to compliance with the provision creating the ative liability offence are appropriate in all the mstances,	10 11 12
		(d)	action	n towards creating and maintaining a corporate	13
		. ,		re that does not direct, encourage, tolerate or lead to	14
				compliance with the provision creating the executive ity offence.	15 16
112A	Liab the d	ility of commi	directorsion of	ors etc for offences by corporation—accessory to of the offences	17 18
	(1)	agair com	nst this mitted	poses of this section, a <i>corporate offence</i> is an offence so Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 112.	19 20 21 22
	(2)	A pe	rson co	ommits an offence against this section if:	23
	, ,	(a)	a cor	poration commits a corporate offence, and	24
		(b)	the pe	erson is:	25
		. ,	(i)	a director of the corporation, or	26
			(ii)	an individual who is involved in the management of	27
				the corporation and who is in a position to influence	28
				the conduct of the corporation in relation to the commission of the corporate offence, and	29 30
		(c)	the pe	erson:	31
		,	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	32 33
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	34 35 36
			(iii)	conspires with others to effect the commission of the corporate offence, or	37 38

		<ul> <li>(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.</li> <li>Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.</li> </ul>	1 2 3 4
	(3)	The prosecution bears the legal burden of proving the elements of	5 6
		the offence against this section.	7
	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	8 9
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	10 11 12
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	13 14 15 16 17
112	2B Evide	ence as to state of mind of corporation	18
	(1)	Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular state of mind, is evidence that the corporation had that state of mind.	19 20 21 22 23
	(2)	In this section, the <i>state of mind</i> of a person includes:	24
		(a) the knowledge, intention, opinion, belief or purpose of the person, and	25 26
		(b) the person's reasons for the intention, opinion, belief or purpose.	27 28
1.32 F	Printing a	and Newspapers Act 1973 No 46	29
S	Section 6 L	iability of directors etc of corporations	30
C	Omit the se	ction.	31

1.33	Prop	erty,	Sto	ck an	d Business Agents Act 2002 No 66	1
[1]	Secti	on 213	3 Offe	ences l	by persons other than principal offenders	2
	Insert	at the	end o	of the s	ection:	3
		(2)			oes not commit an offence because of this section for omission that is an offence under section 218.	4 5
[2]	Secti	on 218	3			6
	Omit	the sec	ction.	Insert	instead:	7
	218				ors etc for offences by corporation—accessory to of the offences	8
		(1)	agai	nst this	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	10 11 12
		(2)	A pe	erson co	ommits an offence against this section if:	13
			(a)	a cor	poration commits a corporate offence, and	14
			(b)	the p	erson is:	15
				(i)	a director of the corporation, or	16
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	17 18 19 20
			(c)	the p	erson:	21
			, ,	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	22 23
				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	24 25 26
				(iii)	conspires with others to effect the commission of the corporate offence, or	27 28
				(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	29 30 31
					penalty: The maximum penalty for the corporate ommitted by an individual.	32 33
		(3)			ution bears the legal burden of proving the elements of against this section.	34 35
		(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	36 37

	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	:
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	! !
1.34	Protectio	n of the Environment Operations Act 1997 No 156	,
[1]	Section 47	Licensing requirement—scheduled development work	10
	Insert at the	e end of section 47 (1):	1.
		<b>Note.</b> An offence against subsection (1) committed by a corporation is	1:
		an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	1; 14
		section 169A.	1
[2]	Section 48 (premises-	Licensing requirement—scheduled activities based)	10 17
	Insert at the	e end of the section:	18
		Note. An offence against subsection (2) committed by a corporation is	19
		an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	20 21 21
[3]	Section 49 premises-k	Licensing requirement—scheduled activities (not pased)	23 24
	Insert at the	e end of section 49 (2):	2
		Note. An offence against subsection (2) committed by a corporation is	20
		an offence attracting special executive liability for a director or other person involved in the management of the corporation—see	2 <sup>-</sup> 28
		section 169.	29
[4]	Section 64	Failure to comply with condition	30
	Insert at the	e end of section 64 (1):	3
		<b>Note.</b> An offence against subsection (1) committed by a corporation is	32
		an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	33 34 38
[5]	Section 66 information	Conditions requiring monitoring, certification or provision of n, and related offences	36
	Insert at the	end of the section:	38
		<b>Note.</b> An offence against subsection (2) or (4) committed by a corporation is an offence attracting special executive liability for a	39

	director or other person involved in the management of the corporation—see section 169.	1 2
[6]	Section 86 Notice for breach of licensing requirements	3
	Insert at the end of the section:	4
	Note. An offence against subsection (3) committed by a corporation is	5
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	6 7
	section 169A.	8
[7]	Section 91 Clean-up by occupiers or polluters	9
	Insert at the end of the section:	10
	Note. An offence against subsection (5) committed by a corporation is	11
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	12 13
	section 169A.	14
[8]	Section 97 Offence	15
	Insert at the end of the section:	16
	Note. An offence against this section committed by a corporation is an	17
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	18 19
	section 169A.	20
[9]	Section 102 Offence	21
	Insert at the end of the section:	22
	<b>Note.</b> An offence against this section committed by a corporation is an	23
	offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	24 25
[10]	Section 112 Obstruction of persons	26
	Insert at the end of the section:	27
	Note. An offence against this section committed by a corporation is an	28
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	29 30
	section 169A.	31
[11]	Section 113 False or misleading statements in reports	32
	Insert at the end of the section:	33
	<b>Note.</b> An offence against this section committed by a corporation is an	34
	offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	35 36

[12]	Section 115 Disposal of waste—harm to environment	1
	Insert at the end of section 115 (1):	2
	Note. An offence against subsection (1) committed by a corporation is	3
	an offence attracting special executive liability for a director or other	4
	person involved in the management of the corporation—see section 169.	5 6
[13]	Section 116 Leaks, spillages and other escapes	7
	Insert at the end of the section:	8
	Note. An offence against subsection (1) or (2) committed by a	9
	corporation is an offence attracting special executive liability for a director or other person involved in the management of the	10 11
	corporation—see section 169.	12
[14]	Section 117 Emission of ozone depleting substances	13
	Insert at the end of section 117 (1):	14
	Note. An offence against subsection (1) committed by a corporation is	15
	an offence attracting special executive liability for a director or other person involved in the management of the corporation—see	16 17
	section 169.	18
[15]	Section 120 Prohibition of pollution of waters	19
	Insert at the end of section 120 (1):	20
	Note. An offence against subsection (1) committed by a corporation is	21
	an offence attracting special executive liability for a director or other person involved in the management of the corporation—see	22 23
	section 169.	24
[16]	Section 132 Maximum penalty for air pollution offences	25
	Insert at the end of the section:	26
	Note 1. An offence against section 124, 125, 126 or 128 committed by a	27
	corporation is an offence attracting special executive liability for a director or other person involved in the management of the	28 29
	corporation—see section 169.	30
	Note 2. An offence against section 129 committed by a corporation is an	31
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	32 33
	section 169A.	34
[17]	Section 141 Maximum penalty for noise offences	35
	Insert at the end of the section:	36
	Note. An offence against section 136, 137, 139 or 140 committed by a	37
	corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the	38 39
	corporation—see section 169A.	39 40

[18]	Section 142A Pollution of land	1
	Insert at the end of section 142A (1):	2
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	3 4 5 6
[19]	Section 143 Unlawful transporting or depositing of waste	7
	Insert at the end of section 143 (1):	8
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	9 10 11 12
[20]	Section 144 Use of land as waste facility without lawful authority	13
	Insert at the end of section 144 (1):	14
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	15 16 17 18
[21]	Section 144AA False or misleading information about waste	19
	Insert at the end of section 144AA (1):	20
	<b>Note.</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	21 22 23 24
[22]	Section 152 Offence	25
	Insert at the end of the section:	26
	<b>Note.</b> An offence against this section committed by a corporation is an offence attracting special executive liability for a director or other person involved in the management of the corporation—see section 169.	27 28 29
[23]	Section 153A Duty of licence holder to prepare pollution incident response management plan	30 31
	Insert at the end of the section:	32
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	33 34 35 36

[24]	Section 153B EPA may direct other persons to prepare pollution incident response management plan	1 2
	Insert at the end of section 153B (2):	3
	<b>Note</b> . An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	4 5 6 7
[25]	Section 153D Keeping of plan	8
	Insert at the end of the section:	9
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	10 11 12 13
[26]	Section 153E Testing of plan	14
	Insert at the end of the section:	15
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	16 17 18 19
[27]	Section 153F Implementation of plan	20
	Insert at the end of the section:	21
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	22 23 24 25
[28]	Section 155 Sale of motor vehicles	26
	Insert at the end of the section:	27
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	28 29 30 31
[29]	Section 156 Sale of motor vehicles without anti-pollution devices	32
	Insert at the end of the section:	33
	<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 169A.	34 35 36 37

## Schedule 1 Amendment of Acts and Regulations

[30]	Section 16	7 Con	trol equipment	1
	Insert at the	Note. an ex other	of section 167 (4):  An offence against subsection (4) committed by a corporation is secutive liability offence attracting executive liability for a director or person involved in the management of the corporation—see on 169A.	2 3 4 5 6
[31]	Section 16	8 Anci	illary offences	7
	Insert at the	e end o	of the section:	8
	(2)		erson does not commit an offence because of this section for act or omission that is an offence under section 169B.	9 10
[32]	Section 16 offences a	9 Liab ttractii	oility of directors etc for offences by corporation— ng special executive liability	11 12
	Omit "any	provisi	ion of this Act or the regulations" from section 169 (1).	13
	Insert inste	ad "a p	provision of this Act attracting special executive liability".	14
[33]	Section 16	9 (1A)		15
	Insert after	section	n 169 (1):	16
	(1A)		he purposes of this section, each of the following provisions et <i>special executive liability</i> :	17 18
		(a)	section 49 (2),	19
		(b)	section 64 (1),	20
		(c)	section 66 (2) or (4),	21
		(d)	section 102,	22
		(e)	section 113,	23
		(f)	section 115 (1),	24
		(g)	section 116 (1) or (2),	25
		(h)	section 117 (1),	26
		(i)	section 120 (1),	27
		(j)	section 124,	28
		(k)	section 125,	29
		(1)	section 126,	30
		(m)	section 128,	31
		(n)	section 142A (1),	32
		(o)	section 143 (1),	33

			(p) (q)	section 144 (1), section 152.	1
[34]	Sect	ion 16	9 (4) a	and (5)	3
		t the su	` '	• •	4
ro <b>-</b> 1					_
[35]		ions 1			5
	Inser	t after	section	n 169:	6
	169A	Liab attra	ility of cting	f directors etc for offences by corporation—offences executive liability generally	7
		(1)	an of	the purposes of this section, an <i>executive liability offence</i> is ffence against any of the following provisions of this Act that immitted by a corporation:	9 10 11
			(a)	section 47 (1),	12
			(b)	section 48 (2),	13
			(c)	section 86 (3),	14
			(d)	section 91 (5),	15
			(e)	section 97,	16
			(f)	section 112,	17
			(g)	section 129,	18
			(h)	section 136,	19
			(i)	section 137,	20
			(j)	section 139,	21
			(k)	section 140,	22
			(1)	section 144AA (1),	23
			(m)	section 153A,	24
			(n)	section 153B (2),	25
			(0)	section 153D,	26
			(p)	section 153E,	27
			(q)	section 153F, section 155,	28
			(r)	section 156,	29
			(s) (t)	section 136, section 167 (4).	30 31
		(2)			
		(2)	A pe (a)	erson commits an offence against this section if:  a corporation commits an executive liability offence, and	32
			(a)	a corporation commits an executive matrix offence, and	33

(b) the person is:

	(i) a director of the corporation, or	2				
	(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the	3 4 5				
	commission of the executive liability offence, and	6				
	(c) the person:	7				
	(i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	8 9 10				
	(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	11 12				
	Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	13 14				
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	15 16				
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.					
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.					
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.	24 25 26 27 28 29				
(7)	In this section:	30				
( )	<i>director</i> has the same meaning it has in the <i>Corporations Act 2001</i> of the Commonwealth.	31 32				
	<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:	33 34 35 36				
	(a) action towards:	37				
	(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	38 39 40				

			(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	1 2 3	
		(b)	agent traini enabl exect	n towards ensuring that the corporation's employees, its and contractors are provided with information, ing, instruction and supervision appropriate to them to le them to comply with the provision creating the utive liability offence so far as the provision is ant to them,	4 5 6 7 8 9	
		(c)	action	n towards ensuring that:	10	
			(i)	the plant, equipment and other resources, and	11	
			(ii)	the structures, work systems and other processes,	12	
				ant to compliance with the provision creating the	13	
				utive liability offence are appropriate in all the mstances,	14 15	
		(d)		n towards creating and maintaining a corporate	16	
		(u)	cultu	re that does not direct, encourage, tolerate or lead to	17	
				compliance with the provision creating the executive	18	
			liabil	ity offence.	19	
169B	Liability of directors etc for offences by corporation—accessory to the commission of the offences					
	(1)	agair comi	the purposes of this section, a <i>corporate offence</i> is an offence ast this Act or the regulations that is capable of being mitted by a corporation, whether or not it is an offence red to in section 169 or 169A.			
	(2)	A pe	rson co	ommits an offence against this section if:	26	
		(a)	a cor	poration commits a corporate offence, and	27	
		(b)	the p	erson is:	28	
			(i)	a director of the corporation, or	29	
			(ii)	an individual who is involved in the management of	30	
				the corporation and who is in a position to influence	31	
				the conduct of the corporation in relation to the commission of the corporate offence, and	32 33	
		(c)	the p	erson:	34	
		(0)	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	35 36	
			(ii)	induces, whether by threats or promises or	37	
				otherwise, the commission of the corporate offence,	38	
				or	39	

			(iii) conspires with others to effect the commission of the corporate offence, or			
			(iv) is in any other way, whether by act or omission,	· · · · · · · · · · · · · · · · · · ·		
			knowingly concerned in, or party to, the commission of the corporate offence.			
			Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	( -		
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	8		
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	10 1		
		(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.			
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	19 10 17 18 19		
	169C	Evid	ence as to state of mind of corporation	20		
		(1)	Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular state of mind, is evidence that the corporation had that state of mind.	2° 2° 2° 2° 2°		
		(2)	In this section, the <i>state of mind</i> of a person includes:	26		
			(a) the knowledge, intention, opinion, belief or purpose of the person, and	27 28		
			(b) the person's reasons for the intention, opinion, belief or purpose.	29 30		
[36]	Section others		5 Liability of appropriate regulatory authority, State and	3 <sup>2</sup>		
	Omit '	Omit "section 169 (Offences by corporations)" from section 305 (2) (b).				
	Insert	instea	nstead "sections 169–169B".			

1.35 Rac	ing A	dminist	ration Act 1998 No 114	1			
Sections 36B and 36BA							
Omi	Omit section 36B. Insert instead:						
36B	Liability of directors etc for offences by corporation—accessory to the commission of the offences						
	(1)	against t	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation.				
	(2)	A person	A person commits an offence against this section if:				
		(a) a c	orporation commits a corporate offence, and	10			
		(b) the	person is:	11			
		(i)	a director of the corporation, or	12			
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	13 14 15 16			
		(c) the	person:	17			
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	18 19			
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	20 21 22			
		(iii)	conspires with others to effect the commission of the corporate offence, or	23 24			
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	25 26 27			
			m penalty: The maximum penalty for the corporate f committed by an individual.	28 29			
	(3)		ecution bears the legal burden of proving the elements of ce against this section.	30 31			
	(4)		nce against this section can only be prosecuted by a ho can bring a prosecution for the corporate offence.	32 33			
	(5)	corporate	ion does not affect the liability of the corporation for the offence, and applies whether or not the corporation is ed for, or convicted of, the corporate offence.	34 35 36			

	(6)	relati direc	ing to to took tors of the tor	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	1 2 3 4
36BA	Evid	ence a	s to s	tate of mind of corporation	6
	(1)	admi agen had,	ssibilit t of a co at any	miting any other law or practice regarding the cy of evidence, evidence that an officer, employee or orporation (while acting in his or her capacity as such) particular time, a particular state of mind, is evidence poration had that state of mind.	7 8 9 10 11
	(2)	In th	is secti	on, the <i>state of mind</i> of a person includes:	12
		(a)		nowledge, intention, opinion, belief or purpose of the on, and	13 14
		(b)	the p	person's reasons for the intention, opinion, belief or ose.	15 16
1.36 Rur	al Wo	rkers	s Acc	ommodation Act 1969 No 34	17
Sect	ion 22				18
Omi	t the se	ction.	Insert i	instead:	19
22				ors etc for offences by corporation—accessory to of the offences	20 21
	(1)	agair	ist this	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	22 23 24
	(2)	A pe	rson co	ommits an offence against this section if:	25
		(a)	a cor	poration commits a corporate offence, and	26
		(b)	the p	erson is:	27
			(i)	a director of the corporation, or	28
			(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	29 30 31 32
		(c)	the p	erson:	33
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	34 35

			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	2 3
			(iii)	conspires with others to effect the commission of the corporate offence, or	
			(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	<del>(</del> <del>-</del> {
				penalty: The maximum penalty for the corporate committed by an individual.	10
		(3)		ution bears the legal burden of proving the elements of e against this section.	11 12
		(4)		ce against this section can only be prosecuted by a co can bring a prosecution for the corporate offence.	13 14
		(5)	corporate of	n does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	15 16 17
		(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	18 19 20 2 <sup>2</sup> 22
1.37	Sec	urity	Industry A	Act 1997 No 157	23
	Sect	ion 44			24
	Omit	the se	ction. Insert	instead:	25
	44			tors etc for offences by corporation—accessory to of the offences	26 27
		(1)	against thi	poses of this section, a <i>corporate offence</i> is an offence is Act or the regulations that is capable of being by a corporation.	28 29 30
		(2)	A person c	ommits an offence against this section if:	3′
			(a) a con	rporation commits a corporate offence, and	32
			(b) the p	person is:	33
			(i)	a director of the corporation, or	34
			(ii)	an individual who is involved in the management of the corporation and who is in a position to influence	35 36

			the conduct of the corporation in relation to the commission of the corporate offence, and	1
		(c) the pe	erson:	;
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	4
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	- - - 8
		(iii)	conspires with others to effect the commission of the corporate offence, or	9 10
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	1: 12 1;
		Maximum poffence if co	penalty: The maximum penalty for the corporate ommitted by an individual.	14 15
	(3)	The prosecut the offence a	tion bears the legal burden of proving the elements of against this section.	16 17
	(4)		e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	18 19
	(5)	corporate of	does not affect the liability of the corporation for the fence, and applies whether or not the corporation is or, or convicted of, the corporate offence.	20 2 <sup>2</sup> 22
	(6)	relating to the directors or	does not affect the application of any other law the criminal liability of any persons (whether or not to other managers of the corporation) who are n, or party to, the commission of the corporate	23 24 25 26 27
1.38	Sydney W	/ater Catcl	hment Management Act 1998 No 171	28
[1]	Section 628 certain acti		action by occupiers or persons carrying on	29 30
	Insert at the	end of the se	ction:	3.
		an executive I	nce against subsection (5) committed by a corporation is liability offence attracting executive liability for a director or involved in the management of the corporation—see	32 33 34 38
[2]	Section 62F	Preventive	action	36
	Insert at the	end of the se	ction:	37
		<b>Note.</b> An offe an executive I	nce against subsection (6) committed by a corporation is liability offence attracting executive liability for a director or	38 39

				r persor on 64B.	n involved in the management of the corporation—see	1 2		
[3]	Sect	ion 64	Offer	nce to d	discharge into works	3		
	Inser	Insert at the end of section 64 (1):						
			Note an ex other	. An offe xecutive	ence against subsection (1) committed by a corporation is liability offence attracting executive liability for a director or involved in the management of the corporation—see	5 6 7 8		
[4]	Sect	ions 6	4B an	d 64C		9		
	Omit	sectio	n 64B	3. Insert	instead:	10		
			Liability of directors etc for offences by corporation—offences attracting executive liability					
		(1)	For	the purp	poses of this section, an <i>executive liability offence</i> is:	13		
			(a)		fence against any of the following provisions of this hat is committed by a corporation:	14 15		
				(i)	section 62B (5),	16		
				(ii)	section 62F (6),	17		
				(iii)	section 64 (1), or	18		
			(b)	an of	fence against the regulations:	19		
				(i)	that is prescribed by the regulations as an offence to which this section applies, and	20 21		
				(ii)	that is committed by a corporation.	22		
		(2)	A pe	erson co	ommits an offence against this section if:	23		
			(a)	a cor	poration commits an executive liability offence, and	24		
			(b)	the p	erson is:	25		
				(i)	a director of the corporation, or	26		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	27 28 29 30		
			(c)	the p	erson:	31		
			` /	(i)	knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	32 33 34		
				(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	35 36		
					penalty: The maximum penalty for the executive ence if committed by an individual.	37 38		

(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.							
(4)		ffence against this section can only be prosecuted by a who can bring a prosecution for the executive liability e.	3 4 5					
(5)	execut	ection does not affect the liability of the corporation for the ive liability offence, and applies whether or not the ation is prosecuted for, or convicted of, the executive y offence.	6 7 8 9					
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.							
(7)	In this	section:	16					
	<i>director</i> has the same meaning it has in the <i>Corporations Act 2001</i> of the Commonwealth.							
	<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:							
	(a) a	action towards:	23					
		(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	24 25 26					
		(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	27 28 29					
	1	action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	30 31 32 33 34 35					
	(c)	action towards ensuring that:	36					
	. ,	(i) the plant, equipment and other resources, and	37					
		(ii) the structures, work systems and other processes,	38					
	(	relevant to compliance with the provision creating the executive liability offence are appropriate in all the circumstances,						

			(d)	cultui non-c	n towards creating and maintaining a corporate re that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive ity offence.			
	64C	Evid	ence a	as to st	tate of mind of corporation	į		
		(1)	admi agen had,	issibilit t of a co at any p	miting any other law or practice regarding the cy of evidence, evidence that an officer, employee or orporation (while acting in his or her capacity as such) particular time, a particular state of mind, is evidence poration had that state of mind.	6 - 8 9 10		
		(2)	In th	is section	on, the <i>state of mind</i> of a person includes:	1		
			(a)		nowledge, intention, opinion, belief or purpose of the on, and	1; 1;		
			(b)	the popurpo	person's reasons for the intention, opinion, belief or ose.	14 19		
[5]	Sect	ion 67	Perso	ons cau	using offences	16		
	Inser	t at the	e end o	of the se	ection:	17		
		(3)			oes not commit an offence because of this section for omission that is an offence under section 67A.	18 19		
[6]	Section 67A							
	Insert after section 67:							
	67A	Liab the c	ility of commi	directo	ors etc for offences by corporation—accessory to of the offences	22 23		
		(1)	agair comi	nst this mitted	posses of this section, a <i>corporate offence</i> is an offence as Act or the regulations that is capable of being by a corporation, whether or not it is an executive tence referred to in section 64B.	24 25 26 27		
		(2)	A pe	rson co	ommits an offence against this section if:	28		
			(a)	a corp	poration commits a corporate offence, and	29		
			(b)	the pe	erson is:	30		
				(i)	a director of the corporation, or	3		
				(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the	32 33 34		
					commission of the corporate offence, and	3!		

	(c) the p	erson:	1
	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	2
	(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	4 5 6
	(iii)	conspires with others to effect the commission of the corporate offence, or	<del>7</del> 8
	(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	9 10 11
			12 13
(3)			14 15
(4)			16 17
(5)	corporate o	ffence, and applies whether or not the corporation is	18 19 20
(6)	relating to directors of	the criminal liability of any persons (whether or not or other managers of the corporation) who are	21 22 23 24 25
ney V	Vater Cato	chment Management Regulation 2008	26
se 23 ( dule 2	Certain cond land	duct prohibited on Schedule 1 land and	27 28
after	clause 23 (3)	:	29
(3A)	Note. An off corporation if or a director	which section 64B of the Act applies.  fence against subclause (1) (f) or (g) committed by a s an executive liability offence attracting executive liability or or other person involved in the management of the	30 31 32 33 34 35
	(4) (5) (6)  mey V se 23 (dule 2) after 6	(i) (ii) (iii) (iv)  Maximum offence if content offence if content of corporate of person who corporate of prosecuted (6) This section corporate of prosecuted (6) This section corporate of concerned offence.  Maximum offence of corporate of corporate of person who corporate of concerned offence.  The Water Catchesia (3)  An offence offence to whote. An offence to whote. An offence of corporation if or a director of corporation if or a director.	(i) aids, abets, counsels or procures the commission of the corporate offence, or  (ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or  (iii) conspires with others to effect the commission of the corporate offence, or  (iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.  Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.  (3) The prosecution bears the legal burden of proving the elements of the offence against this section.  (4) The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.  (5) This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.  (6) This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.  They Water Catchment Management Regulation 2008  See 23 Certain conduct prohibited on Schedule 1 land and dule 2 land  Fafter clause 23 (3):

1.40	Taxation A	Administration Act 1996 No 97	1					
[1]	Section 10 F	Requirement for full and true disclosure of relevant facts and ces	2					
	Insert at the end of section 10 (1):							
		<b>Note</b> . An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	5 6 7 8					
[2]	Section 41 I	Effect of approval	9					
	Insert at the	end of the section:	10					
		<b>Note</b> . An offence against subsection (1) or (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	11 12 13 14					
[3]	Section 42 S	Stamping of instruments	15					
	Insert at the	end of section 42 (2):	16					
		<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	17 18 19 20					
[4]	Section 49	Additional records	21					
	Insert at the	end of section 49 (2):	22					
		<b>Note.</b> An offence against subsection (2) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	23 24 25 26					
[5]	Section 50 I	nclusion of false or misleading information	27					
	Insert at the	end of the section:	28					
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	29 30 31 32					
[6]	Section 54 \	Wilfully destroying records	33					
	Insert at the	end of the section:	34					
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 121.	35 36 37 38					

[7]	Section 55 Knowingly giving false or misleading information	1
	Insert at the end of the section:	2
	Note. An offence against this section committed by a corporation is an	3
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	4
	section 121.	5 6
[8]	Section 56 Deliberately omitting information	7
	Insert at the end of the section:	8
	Note. An offence against this section committed by a corporation is an	9
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	10 11
	section 121.	12
[9]	Section 57 Failure to lodge documents	13
	Insert at the end of the section:	14
	Note. An offence against this section committed by a corporation is an	15
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	16 17
	section 121.	18
[10]	Section 58 Falsifying or concealing identity	19
	Insert at the end of the section:	20
	Note. An offence against this section committed by a corporation is an	21
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	22 23
	section 121.	24
[11]	Section 72 Power to require information, instruments and records, and	25
	attendance	26
	Insert at the end of the section:	27
	<b>Note.</b> An offence against subsection (8) committed by a corporation is	28
	an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	29 30
	section 121.	31
[12]	Section 113 Notice of liquidator's appointment	32
	Insert at the end of the section:	33
	Note. An offence against this section committed by a corporation is an	34
	executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see	35 36
	section 121.	37

[13]	Sections 121 and 121A Omit section 121. Insert instead:							
	121	Liab attra	Liability of directors etc for offences by corporation—offences attracting executive liability					
		(1)	an of	the purposes of this section, an <i>executive liability offence</i> is fence against any of the following provisions of the taxation that is committed by a corporation:	5 6 7			
			(a)	section 10 (1),	8			
			(b)	section 41 (1) or (2),	9			
			(c)	section 42 (2),	10			
			(d)	section 49 (2),	11			
			(e)	section 50,	12			
			(f)	section 54,	13			
			(g)	section 55,	14			
			(h)	section 56,	15			
			(i)	section 57,	16			
			(j)	section 58,	17			
			(k)	section 72 (8),	18			
			(1)	section 113,	19			
			(m)	section 25 (6) of the Duties Act 1997,	20			
			(n)	section 218C (1) of the Duties Act 1997,	21			
			(o)	section 248 of the Duties Act 1997,	22			
			(p)	section 251 (1) of the Duties Act 1997,	23			
			(q)	section 262 of the Duties Act 1997,	24			
			(r)	section 270 (4) of the Duties Act 1997,	25			
			(s)	section 286 (1) of the Duties Act 1997,	26			
			(t)	section 296 (1) of the Duties Act 1997,	27			
			(u)	section 301 (1) of the Duties Act 1997,	28			
			(v)	section 11 of the Health Insurance Levies Act 1982,	29			
			(w)	clause 18 (8) of Schedule 2 to the Payroll Tax Act 2007.	30			
		(2)	A per	rson commits an offence against this section if:	31			
			(a)	a corporation commits an executive liability offence, and	32			
			(b)	the person is:	33			
				(i) a director of the corporation, or	34			

	(ii)	the corporation and who is in a position to influence	1					
		the conduct of the corporation in relation to the commission of the executive liability offence, and	3					
	(c) the	person:	5					
	(i)		6					
		executive liability offence (or an offence of the	7					
	(::)	same type) would be or is being committed, and	8					
	(ii)	fails to take all reasonable steps to prevent or stop the commission of that offence.	9 10					
		n penalty: The maximum penalty for the executive ffence if committed by an individual.	11 12					
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.							
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.							
(5)		on does not affect the liability of the corporation for the	18					
		liability offence, and applies whether or not the	19					
	liability of	on is prosecuted for, or convicted of, the executive ffence.	20 21					
(6)	This secti	ion does not affect the application of any other law	22					
	relating to	o the criminal liability of any persons (whether or not or other managers of the corporation) who are	23					
		es to the commission of the executive liability offence	24 25					
	or are other	erwise concerned in, or party to, the commission of the	26					
	executive	liability offence.	27					
(7)	In this sec	etion:	28					
		has the same meaning it has in the <i>Corporations</i> of the Commonwealth.	29 30					
		le steps, in relation to the commission of an executive	31					
		offence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the	32 33					
	circumstai		34					
		ion towards:	35					
	( )	assessing the corporation's compliance with the	36					
		provision creating the executive liability offence,	37					
		and	38					
	(ii)		39					
		professional assessments of its compliance with the provision,	40 41					
		1 - 7						

1 2

		(b)	agen train	n towards ensuring that the corporation's employees, ts and contractors are provided with information, ing, instruction and supervision appropriate to them to	1 2 3
				le them to comply with the provision creating the utive liability offence so far as the provision is	4 5
				ant to them,	6
		(c)	actio	n towards ensuring that:	7
			(i)	the plant, equipment and other resources, and	8
			(ii)	the structures, work systems and other processes,	9
			relev	vant to compliance with the provision creating the	10
				utive liability offence are appropriate in all the imstances,	11 12
		(d)		n towards creating and maintaining a corporate	13
				are that does not direct, encourage, tolerate or lead to	14
				compliance with the provision creating the executive lity offence.	15 16
121A	Liability of directors etc for offences by corporation—accessory to the commission of the offences				17 18
	(1)	agaii comi	nst a ta mitted	poses of this section, a <i>corporate offence</i> is an offence exation law or the regulations that is capable of being by a corporation, whether or not it is an executive effence referred to in section 121.	19 20 21 22
	(2)	A pe	rson co	ommits an offence against this section if:	23
		(a)	a cor	rporation commits a corporate offence, and	24
		(b)	the p	person is:	25
		. ,	(i)	a director of the corporation, or	26
			(ii)	an individual who is involved in the management of	27
			` ′	the corporation and who is in a position to influence	28
				the conduct of the corporation in relation to the commission of the corporate offence, and	29 30
		(c)	the p	person:	31
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	32 33
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	34 35 36
			(iii)	conspires with others to effect the commission of	37
			(111)	the corporate offence, or	38

		<ul> <li>(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.</li> <li>Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.</li> </ul>	; ;
	(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	<del>(</del>
	(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	8
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	10 11 12
	(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.	10 14 18 18 17
1.41	Threaten	ed Species Conservation Act 1995 No 101	18
[1]	Section 114	4 Director-General may make stop work order	19
	Insert at the	end of section 114 (6): <b>Note.</b> An offence against subsection (6) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 152.	20 22 23 24 24
[2]	Section 14	10 Offence	25
	Insert at the	end of the section:	26
		<b>Note.</b> An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 152.	27 28 29 30

[3]	Sections 152–152B						
	Omit	Omit section 152. Insert instead:					
	152		oility of directors etc for offences by corporation—offences acting executive liability	3 4			
		(1)	For the purposes of this section, an <i>executive liability offence</i> is an offence against any of the following provisions of this Act that is committed by a corporation:	5 6 7			
			(a) section 114 (6),	8			
			(b) section 141O.	9			
		(2)	A person commits an offence against this section if:	10			
			(a) a corporation commits an executive liability offence, and	11			
			(b) the person is:	12			
			(i) a director of the corporation, or	13			
			(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the executive liability offence, and	14 15 16 17			
			(c) the person:	18			
			(i) knows or ought reasonably to know that the executive liability offence (or an offence of the same type) would be or is being committed, and	19 20 21			
			(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	22 23			
			Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	24 25			
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	26 27			
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	28 29 30			
		(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	31 32 33 34			
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence	35 36 37 38			

				wise concerned in, or party to, the commission of the ability offence.	1
	(7)	In thi	is secti	on:	3
	,	<b>direc</b> Act 2	<i>tor</i> ha 2001 of	s the same meaning it has in the <i>Corporations</i> the Commonwealth.	2
		liabil any)	ity off	steps, in relation to the commission of an executive ence, includes, but is not limited to, such action (if the following kinds as is reasonable in all the eles:	6 7 8 9
		(a)	action	n towards:	10
			(i)	assessing the corporation's compliance with the provision creating the executive liability offence, and	11 12 13
			(ii)	ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	14 15 16
		(b)	agent traini enabl execu	n towards ensuring that the corporation's employees, s and contractors are provided with information, ng, instruction and supervision appropriate to them to e them to comply with the provision creating the utive liability offence so far as the provision is ant to them,	17 18 19 20 21 22
		(c)	action	n towards ensuring that:	23
			execu	the plant, equipment and other resources, and the structures, work systems and other processes, ant to compliance with the provision creating the tive liability offence are appropriate in all the mstances,	24 25 26 27 28
		(d)	cultur non-c	n towards creating and maintaining a corporate re that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive ity offence.	29 30 31 32
152A				ors etc for offences by corporation—accessory to of the offences	33 34
	(1)	again comr	ist this nitted	osses of this section, a <i>corporate offence</i> is an offence a Act or the regulations that is capable of being by a corporation, whether or not it is an executive ence referred to in section 152.	35 36 37 38
	(2)	A pe	rson co	ommits an offence against this section if:	39
	` /	(a)		poration commits a corporate offence, and	40

		(b)	the p	erson is:	1
			(i)	a director of the corporation, or	2
			(ii)	an individual who is involved in the management of	3
				the corporation and who is in a position to influence	4
				the conduct of the corporation in relation to the	5
		( )	. 1	commission of the corporate offence, and	6
		(c)	_	erson:	7
			(i)	aids, abets, counsels or procures the commission of the corporate offence, or	8 9
			(ii)	induces, whether by threats or promises or	10
				otherwise, the commission of the corporate offence,	11
				or	12
			(iii)	conspires with others to effect the commission of the corporate offence, or	13 14
			(iv)	is in any other way, whether by act or omission,	15
				knowingly concerned in, or party to, the	16
		3.6		commission of the corporate offence.	17
				penalty: The maximum penalty for the corporate ommitted by an individual.	18 19
	(3)	The p	prosect ffence	ation bears the legal burden of proving the elements of against this section.	20 21
	(4)			e against this section can only be prosecuted by a can bring a prosecution for the corporate offence.	22 23
	(5)	corpo	orate o	n does not affect the liability of the corporation for the ffence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	24 25 26
	(6)	relati direc	ing to tors of erned	n does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	27 28 29 30 31
152B	Evid	ence a	as to s	tate of mind of corporation	32
	(1)	With	out li	miting any other law or practice regarding the	33
	( )	admi	ssibilit	y of evidence, evidence that an officer, employee or	34
		agen	t of a c	orporation (while acting in his or her capacity as such)	35
				particular time, a particular state of mind, is evidence poration had that state of mind.	36 37

		(2)	In th	is secti	on, the <i>state of mind</i> of a person includes:	1
			(a)		nowledge, intention, opinion, belief or purpose of the on, and	2
			(b)	the p	person's reasons for the intention, opinion, belief or ose.	2 5
[4]	Secti	ion 154	4 Anc	illary o	offences	6
	Inser	t at the	end o	f the se	ection:	7
		(2)			pes not commit an offence because of this section for omission that is an offence under section 152A.	8
1.42	Unla	awful	Gam	bling	Act 1998 No 113	10
	Secti	ions 5	3 and	53A		11
	Omit	section	n 53. l	Insert i	nstead:	12
	53				ors etc for offences by corporation—accessory to of the offences	13 14
		(1)	agair	ist this	poses of this section, a <i>corporate offence</i> is an offence s Act or the regulations that is capable of being by a corporation.	15 16 17
		(2)	A pe	rson co	ommits an offence against this section if:	18
			(a)	a cor	poration commits a corporate offence, and	19
			(b)	the p	erson is:	20
				(i)	a director of the corporation, or	21
				(ii)	an individual who is involved in the management of	22
					the corporation and who is in a position to influence the conduct of the corporation in relation to the	23 24
					commission of the corporate offence, and	25
			(c)	the p	erson:	26
				(i)	aids, abets, counsels or procures the commission of the corporate offence, or	27 28
				(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	29 30 31
				(iii)	conspires with others to effect the commission of the corporate offence, or	32 33

		Ma	k co ximum pe	s in any other way, whether by act or omission, chowingly concerned in, or party to, the commission of the corporate offence.  Enalty: The maximum penalty for the corporate mitted by an individual.	1 2 3 4 5
	(3	) The	prosecution	on bears the legal burden of proving the elements of gainst this section.	6 7
	(4			against this section can only be prosecuted by a an bring a prosecution for the corporate offence.	8 9
	(5	cor	orate offe	oes not affect the liability of the corporation for the ence, and applies whether or not the corporation is r, or convicted of, the corporate offence.	10 11 12
	(6	rela dire con	ting to the ctors or	does not affect the application of any other law e criminal liability of any persons (whether or not other managers of the corporation) who are , or party to, the commission of the corporate	13 14 15 16 17
53	A Ev	/idence	as to stat	te of mind of corporation	18
	(1	adr age had	nissibility ont of a corp , at any par	ting any other law or practice regarding the of evidence, evidence that an officer, employee or poration (while acting in his or her capacity as such) rticular time, a particular state of mind, is evidence ration had that state of mind.	19 20 21 22 23
	(2	) In t	his section	, the state of mind of a person includes:	24
		(a)	the know person,	wledge, intention, opinion, belief or purpose of the and	25 26
		(b)	the pers	son's reasons for the intention, opinion, belief or e.	27 28
1.43 V	aluer	s Act	2003 No	4	29
S	ection	44			30
O	mit the	section	. Insert ins	stead:	31
4				s etc for offences by corporation—accessory to the offences	32 33
	(1	aga	inst this A	ses of this section, a <i>corporate offence</i> is an offence Act or the regulations that is capable of being a corporation.	34 35 36

	(2)	A person c	commits an offence against this section if:	1			
		(a) a co	rporation commits a corporate offence, and	2			
		(b) the j	person is:	3			
		(i)	a director of the corporation, or	4			
		(ii)	an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	5 6 7 8			
		(c) the	person:	9			
		(i)	aids, abets, counsels or procures the commission of the corporate offence, or	10 11			
		(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	12 13 14			
		(iii)	conspires with others to effect the commission of the corporate offence, or	15 16			
		(iv)	is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	17 18 19			
			penalty: The maximum penalty for the corporate committed by an individual.	20 21			
	(3)		eution bears the legal burden of proving the elements of e against this section.	22 23			
	(4)		ce against this section can only be prosecuted by a o can bring a prosecution for the corporate offence.	24 25			
	(5)	corporate of	on does not affect the liability of the corporation for the offence, and applies whether or not the corporation is for, or convicted of, the corporate offence.	26 27 28			
	(6)	relating to directors	on does not affect the application of any other law the criminal liability of any persons (whether or not or other managers of the corporation) who are in, or party to, the commission of the corporate	29 30 31 32 33			
1.44	Veterina	ry Practic	e Act 2003 No 87	34			
[1]	Section 15	Prohibition	against directing or inciting misconduct	35			
	Omit section 15 (4).						

2]	Sect	ion 99	9	1			
	Omit the section. Insert instead:						
	99	Liability of directors etc for offences by corporation—accessory to the commission of the offences					
		(1)	For the purposes of this section, a <i>corporate offence</i> is an offence against this Act or the regulations that is capable of being committed by a corporation.	5 6 7			
		(2)	A person commits an offence against this section if:	8			
			(a) a corporation commits a corporate offence, and	9			
			(b) the person is:	10			
			(i) a director of the corporation, or	11			
			(ii) an individual who is involved in the management of the corporation and who is in a position to influence the conduct of the corporation in relation to the commission of the corporate offence, and	12 13 14 15			
			(c) the person:	16			
			(i) aids, abets, counsels or procures the commission of the corporate offence, or	17 18			
			(ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	19 20 21			
			(iii) conspires with others to effect the commission of the corporate offence, or	22 23			
			(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	24 25 26			
			Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	27 28			
		(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	29 30			
		(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.	31 32			
		(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.	33 34 35			
		(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are	36 37 38			

			conc		in, or party to, the commission of the corporate	1 2				
1.45	Wat	er Ind	dustr	y Con	npetition Act 2006 No 104	3				
[1]	Section 5 Prohibition of unlicensed network operation and water supply									
	Inser	t at the	e end c	of section	on 5 (1):	5				
			Note	. An offe	ence against subsection (1) committed by a corporation is	6				
			other		liability offence attracting executive liability for a director or involved in the management of the corporation—see	7 8 9				
[2]	Sect	ion 71	Offer	nce to d	discharge into drains and sewers	10				
	Inser	t at the	e end o	of the se	ection:	11				
					ence against this section committed by a corporation is an	12				
			other	utive iia persor	bility offence attracting executive liability for a director or involved in the management of the corporation—see	13 14				
				on 97.	·	15				
[3]	Sections 97–97B									
	Omi	section	on 97.	Insert in	nstead:	17				
	97		iability of directors etc for offences by corporation—offences attracting executive liability							
		(1)	an of	ffence a	poses of this section, an <i>executive liability offence</i> is against any of the following provisions of this Act that ed by a corporation:	20 21 22				
			(a)		on 5 (1),	23				
			(b)	section	on 71.	24				
		(2)	A pe	erson co	ommits an offence against this section if:	25				
		. /	(a)	a cor	poration commits an executive liability offence, and	26				
			(b)	the p	erson is:	27				
				(i)	a director of the corporation, or	28				
				(ii)	an individual who is involved in the management of	29				
					the corporation and who is in a position to influence	30				
					the conduct of the corporation in relation to the commission of the executive liability offence, and	31 32				
			(c)	the p	erson:	33				
			( )	(i)	knows or ought reasonably to know that the	34				
				` /	executive liability offence (or an offence of the same type) would be or is being committed, and	35 36				

	(ii) fails to take all reasonable steps to prevent or stop the commission of that offence.	1 2					
	Maximum penalty: The maximum penalty for the executive liability offence if committed by an individual.	3 4					
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.	5 6					
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the executive liability offence.	7 8 9					
(5)	This section does not affect the liability of the corporation for the executive liability offence, and applies whether or not the corporation is prosecuted for, or convicted of, the executive liability offence.	10 11 12 13					
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are accessories to the commission of the executive liability offence or are otherwise concerned in, or party to, the commission of the executive liability offence.	14 15 16 17 18 19					
(7)	In this section:	20					
	<i>director</i> has the same meaning it has in the <i>Corporations Act 2001</i> of the Commonwealth.						
	<i>reasonable steps</i> , in relation to the commission of an executive liability offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:						
	(a) action towards:	27					
	(i) assessing the corporation's compliance with the provision creating the executive liability offence, and	28 29 30					
	(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision,	31 32 33					
	(b) action towards ensuring that the corporation's employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the executive liability offence so far as the provision is relevant to them,	34 35 36 37 38 39					

		(c)	actio	n towards ensuring that:	1		
			(i)	the plant, equipment and other resources, and	2		
			(ii)	the structures, work systems and other processes,	3		
				rant to compliance with the provision creating the	4		
				utive liability offence are appropriate in all the	5		
				ımstances,	6		
		(d)		on towards creating and maintaining a corporate	7		
				are that does not direct, encourage, tolerate or lead to compliance with the provision creating the executive	8		
				lity offence.	10		
97A	Liability of directors etc for offences by corporation—accessory to the commission of the offences						
	(1)			poses of this section, a <i>corporate offence</i> is an offence	13		
				s Act or the regulations that is capable of being	14		
		comr	nitted ity off	by a corporation, whether or not it is an executive ence referred to in section 97.	15 16		
	(2)						
	(2)	_		ommits an offence against this section if:	17		
		(a)	a cor	poration commits a corporate offence, and	18		
		(b)	the p	person is:	19		
			(i)	a director of the corporation, or	20		
			(ii)	an individual who is involved in the management of	21		
				the corporation and who is in a position to influence	22		
				the conduct of the corporation in relation to the commission of the corporate offence, and	23 24		
		(c)	the p	person:	25		
		. ,	(i)	aids, abets, counsels or procures the commission of the corporate offence, or	26 27		
			(ii)	induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	28 29 30		
			(iii)	conspires with others to effect the commission of the corporate offence, or	31 32		
			(iv)	is in any other way, whether by act or omission,	33		
				knowingly concerned in, or party to, the	34		
				commission of the corporate offence.	35		
		Maxi offen	mum	penalty: The maximum penalty for the corporate committed by an individual.	36 37		
	(3)	The p	orosect ffence	ution bears the legal burden of proving the elements of against this section.	38 39		

	(4) The offence against this section can only be prosecuted by person who can bring a prosecution for the corporate offence.					
	(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.				
	(6)	relating directo	ection does not affect the application of any other law g to the criminal liability of any persons (whether or not ors or other managers of the corporation) who are ned in, or party to, the commission of the corporate e.	6 7 8 9 10		
97B	Evid	ence as	to state of mind of corporation	11		
	(1)	Without limiting any other law or practice regarding the admissibility of evidence, evidence that an officer, employee or agent of a corporation (while acting in his or her capacity as such) had, at any particular time, a particular state of mind, is evidence that the corporation had that state of mind.				
	(2)	In this	section, the <i>state of mind</i> of a person includes:	17		
			the knowledge, intention, opinion, belief or purpose of the person, and	18 19		
			the person's reasons for the intention, opinion, belief or purpose.	20 21		
		ce Inju No 86	ry Management and Workers Compensation	22 23		
Sect	tion 24	4		24		
Omi	t the se	ection. In	sert instead:	25		
244	Liability of directors etc for offences by corporation—accessory to the commission of the offences					
	(1)	against	e purposes of this section, a <i>corporate offence</i> is an offence t this Act or the regulations that is capable of being itted by a corporation.	28 29 30		
	(2)	A person commits an offence against this section if:		31		
		(a) a	a corporation commits a corporate offence, and	32		
		(b) 1	the person is:	33		
			(i) a director of the corporation, or	34		
		(	(ii) an individual who is involved in the management of the corporation and who is in a position to influence	35 36		

	the conduct of the corporation in relation to the commission of the corporate offence, and	1 2			
	(c) the person:	3			
	(i) aids, abets, counsels or procures the commission of the corporate offence, or	4 5			
	(ii) induces, whether by threats or promises or otherwise, the commission of the corporate offence, or	6 7 8			
	(iii) conspires with others to effect the commission of the corporate offence, or	9 10			
	(iv) is in any other way, whether by act or omission, knowingly concerned in, or party to, the commission of the corporate offence.	11 12 13			
	Maximum penalty: The maximum penalty for the corporate offence if committed by an individual.	14 15			
(3)	The prosecution bears the legal burden of proving the elements of the offence against this section.				
(4)	The offence against this section can only be prosecuted by a person who can bring a prosecution for the corporate offence.				
(5)	This section does not affect the liability of the corporation for the corporate offence, and applies whether or not the corporation is prosecuted for, or convicted of, the corporate offence.				
(6)	This section does not affect the application of any other law relating to the criminal liability of any persons (whether or not directors or other managers of the corporation) who are concerned in, or party to, the commission of the corporate offence.				