

Directors' Liability Reform Amendment Bill 2012

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice

1 **Clause 2 (Commencement)**

Page 22, line 7—

omit, insert—

- '(1) This Act, other than part 81A, commences on 1 November 2013.
- '(2) Part 81A commences on 9 November 2013.'

2 **Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))**

Page 23, lines 3 to 34 and page 24, lines 1 to 8—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
 - (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
 - (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

- (c) any other relevant matter.
- '(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- '(4) This section does not affect—
 - (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the corporation's offence against the executive liability provision.
- '(5) In this section—'.

3 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, lines 13 to 15—

omit.

4 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, lines 22 and 23, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

5 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, line 30, after 'offence'—

insert—

'against the deemed executive liability provision'.

6 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 25, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

7 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 25, line 5, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 15(3)
- section 19(1)
- section 19(2)
- section 21(1)
- section 30
- section 31
- section 32
- section 35
- section 36(1)
- section 36(2)
- section 37(1)
- section 161
- section 187.''.

8 Clause 5 (Amendment of schedule (Dictionary))

Page 25, line 11, after '208'—

insert—

' , 209'.

9 Clause 7 (Replacement of s 115 (Executive officers must ensure corporation complies with Act))

Page 26, lines 3 to 35—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- '(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- '(4) This section does not affect—

- (a) the liability of the corporation for the offence against the executive liability provision; or
- (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

‘(5) In this section—’.

10 Clause 7 (Replacement of s 115 (Executive officers must ensure corporation complies with Act))

Page 27, lines 9 to 26—

omit, insert—

- section 53(1).’.

11 Clause 9 (Replacement of s 257 (Liability for corporation's default))

Page 28, lines 10 to 30 and page 29, lines 1 to 32—

omit, insert—

‘257 Liability of executive officer—particular offences committed by corporation

- ‘(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- '(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- '(4) This section does not affect—
- (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- '(5) In this section—
- executive liability provision* means any of the following provisions—
- section 114A(2)
 - section 115(1)
 - section 231AL(6)
 - section 232(1)
 - section 245B(4)
 - section 245L.'

12 Clause 9 (Replacement of s 257 (Liability for corporation's default))

Page 30, lines 4 to 23—

omit, insert—

'person's position is given the name of executive officer.'.

13 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 31, lines 7 to 32 and page 32, lines 1 to 15—

omit, insert—

'123 Executive officer may be taken to have committed offence against s 108(1)'.

14 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, lines 16 and 17, 'a provision of this Act'—

omit, insert—

'section 108(1)'.

15 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 24, after 'offence'—

insert—

'against section 108(1)'.

16 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 27, after 'offence'—

insert—

'against section 108(1)'.

17 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 30, after 'offence'—

insert—

‘against section 108(1)’.

18 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 32—

omit, insert—

‘*executive officer*, of a body corporate, means a person who is concerned with, or takes part in, the body corporate’s management, whether or not the person is a director or the person’s position is given the name of executive officer.’.

19 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 33, lines 12 to 30 and page 34, lines 1 to 15—

omit, insert—

‘170 Executive officer may be taken to have committed offence against s 20’.

20 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, lines 16 and 17, ‘a provision of this Act’—

omit, insert—

‘section 20’.

21 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 24, after ‘offence’—

insert—

‘against section 20’.

22 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 27, after 'offence'—

insert—

'against section 20'.

23 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 30, after 'offence'—

insert—

'against section 20'.

24 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 35, lines 11 to 30, page 36, lines 1 to 26 and page 37, lines 1 and 2—

omit, insert—

'33 Executive officer may be taken to have committed offence'.

25 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

26 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

27 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

28 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 8A(1)
- section 8B(1)
- section 8C(1)
- section 9(1)
- section 9(2)
- section 9(3)
- section 9(4)
- section 10(1)
- section 11(1)
- section 12(7)
- section 13(10).'.'.'

29 After clause 16

Page 38, lines 1 and 2—

omit.

30 Clauses 17 and 18

Page 38, lines 3 to 30—

omit.

31 Clause 19 (Act amended)

Page 39, lines 7 and 8—

omit.

32 Clause 20 (Replacement of s 383 (Executive officers must ensure corporation complies with Act))

Page 39, line 9, 'Replacement'—

omit, insert—

'Omission'.

33 Clause 20 (Replacement of s 383 (Executive officers must ensure corporation complies with Act))

Page 39, lines 12 to 28, page 40, lines 1 to 28 and page 41, lines 1 to 17—

omit, insert—

'omit.'

34 After clause 20

Page 41, after line 17—

insert—

**'Part 9A Amendment of Community
Services Act 2007**

'20A Act amended

'This part amends the Community Services Act 2007.

'20B Amendment of s 32 (Compliance notice)

'Section 32(6)(b)(i), 'or for section 123'—

omit.

'20C Omission of s 123 (Executive officers must ensure corporation complies with Act)

'Section 123—

omit.

**'Part 9B Amendment of Contract
Cleaning Industry (Portable
Long Service Leave) Act 2005**

'20D Act amended

'This part amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

'20E Omission of ss 132 and 133

'Sections 132 and 133—

omit.

**'Part 9C Amendment of Cooperatives
Act 1997**

'20F Act amended

'This part amends the *Cooperatives Act 1997*.

'20G Omission of s 454 (Offences by officers of cooperatives)

'Section 454—

omit.'.

35 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 42, lines 9 to 32 and page 43, lines 1 to 18—

omit, insert—

'12 Executive officer may be taken to have committed offence'.

36 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, lines 19 and 20, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

37 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, line 27, after 'offence'—

insert—

'against the deemed executive liability provision'.

38 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, line 30, after 'offence'—

insert—

'against the deemed executive liability provision'.

39 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 44, line 3, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 6(3)
- section 6(4)
- section 7(3)
- section 7(4)
- section 10(1).’.

40 Clause 24 (Act amended)

Page 44, lines 8 and 9—

omit.

41 Clause 29 (Replacement of s 206 (Executive officers must ensure corporation complies with Act))

Page 45, line 5, ‘Replacement’—

omit, insert—

‘Omission’.

42 Clause 29 (Replacement of s 206 (Executive officers must ensure corporation complies with Act))

Page 45, lines 8 to 32 and page 46, lines 1 to 20—

omit, insert—

‘omit.’.

43 Clause 32 (Replacement of s 95 (Executive officers must ensure corporation complies with Act))

Page 47, line 5, ‘Replacement’—

omit, insert—

‘Omission’.

- 44 Clause 32 (Replacement of s 95 (Executive officers must ensure corporation complies with Act))**
Page 47, lines 8 to 25—
omit, insert—
'omit.'
- 45 Clause 34 (Replacement of s 43S (Executive officers must ensure corporation complies with part))**
Page 48, line 5, 'Replacement'—
omit, insert—
'Omission'.
- 46 Clause 34 (Replacement of s 43S (Executive officers must ensure corporation complies with part))**
Page 48, lines 8 to 25—
omit, insert—
'omit.'
- 47 Clause 35 (Replacement of s 113 (Executive officers must ensure corporation complies with part))**
Page 48, line 26, 'Replacement'—
omit, insert—
'Omission'.
- 48 Clause 35 (Replacement of s 113 (Executive officers must ensure corporation complies with part))**
Page 48, line 29 and page 49, lines 1 to 17—
omit, insert—
'omit.'

49 After clause 35

Page 49, after line 17—

insert—

'Part 13A Amendment of Education and Care Services Act 2013

'35A Act amended

'This part amends the *Education and Care Services Act 2013*.

Note—

See also the amendments in schedule 1.

'35B Amendment of s 232 (Liability of executive officer—particular offences committed by corporation)

'Section 232(5)—

omit, insert—

'(5) In this section—

executive liability provision means either of the following provisions—

- section 19
- section 53(1).'

'35C Amendment of s 233 (Executive officer may be taken to have committed offence)

'(1) Section 233(1), 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

'(2) Section 233(2), after 'offence', first mention—

insert—

'against the deemed executive liability provision'.

'(3) Section 233(3)(a) and (b), after 'offence'—

insert—

‘against the deemed executive liability provision’.

‘(4) Section 233—

insert—

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 53(2)
- section 121
- section 122.’.

50 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 50, lines 5 to 35 and page 51, lines 1 to 16—

omit, insert—

‘228 Executive officer may be taken to have committed offence’.

51 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, lines 17 and 18, ‘provision of this Act’—

omit, insert—

‘deemed executive liability provision’.

52 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 25, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

53 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 28, after 'offence'—

insert—

'against the deemed executive liability provision'.

54 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 31, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 76(2)
- section 77(2)
- section 78(2)
- section 82(1)
- section 82(2).'. '.

55 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 52, lines 18 to 26, page 53, lines 1 to 33, page 54, lines 1 to 33 and page 55, lines 1 to 22—

omit, insert—

'240A Executive officer may be taken to have committed offence'.

56 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 55, lines 23 and 24, 'provision of this Act'—

omit, insert—

‘deemed executive liability provision’.

57 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 2, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

58 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 5, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

59 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 8, after ‘corporation,’—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 87(1)
- section 88(1)
- section 88A(1)
- section 89(1).’.

60 Clause 41 (Amendment of sch 5 (Dictionary))

Page 56, lines 9 to 11—

omit.

61 Clause 43 (Replacement of s 5 (Executive officers must ensure corporation complies with Act))

Page 56, line 20, 'Replacement'—

omit, insert—

'Omission'.

62 Clause 43 (Replacement of s 5 (Executive officers must ensure corporation complies with Act))

Page 56, line 23 and page 57, lines 1 to 22—

omit, insert—

'omit.'

63 Clause 45 (Replacement of s 117 (Executive officers must ensure corporation complies with Act))

Page 58, lines 7 to 33 and page 59, lines 1 to 19—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against section 32(1); and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 32(1) by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 32(1); and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 32(1); and
 - (c) any other relevant matter.
- '(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 32(1).
- '(4) This section does not affect—
- (a) the liability of the corporation for the offence against section 32(1); or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 32(1).'.'. .

64 After clause 45

Page 59, after line 19—

insert—

'Part 17A Amendment of Family Services Act 1987

'45A Act amended

'This part amends the *Family Services Act 1987*.

'45B Omission of s 29 (Liability for offences by bodies corporate and unincorporate)

'Section 29—

omit.'. .

65 Clause 47 (Replacement of s 151 (Offence by body corporate))

Page 60, lines 6 to 33, page 61, lines 1 to 29 and page 62, lines 1 to 3—

omit, insert—

- ‘(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect—
- (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

‘(5) In this section—

executive liability provision means any of the following provisions—

- section 69(3)
- section 104C
- section 104D(1).

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.’.

66 Clause 48 (Amendment of sch 6 (Dictionary))

Page 62, lines 4 to 10—

omit.

67 Clause 49 (Act amended)

Page 62, lines 15 and 16—

omit.

68 Clause 50 (Replacement of s 219A (Executive officers must ensure corporation complies with Act))

Page 62, line 17, ‘Replacement’—

omit, insert—

‘**Omission**’.

69 Clause 50 (Replacement of s 219A (Executive officers must ensure corporation complies with Act))

Page 62, lines 20 to 25, page 63, lines 1 to 33, page 64, lines 1 to 28 and page 65, lines 1 to 3—

omit, insert—

‘*omit.*’.

70 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 65, lines 14, 18 and 23 and page 66, lines 1, 5, 10, 14, 21 and 23, '(standard)'—

omit.

71 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 12, 'any of the following'—

omit.

72 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 14, after ';'—

insert—

'or'.

73 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, lines 15 to 17—

omit.

74 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 18, '(c)'—

omit, insert—

'(b)'.

75 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, after line 24—

insert—

- ‘• section 32
- section 33
- section 34(1)
- section 34(2)
- section 35(1)
- section 35(2)
- section 36(1)
- section 36(2)
- section 37(1)
- section 37(2)
- section 37(3)’.

76 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, after line 26—

insert—

- ‘• section 39(1)
- section 39(2)
- section 39(3)
- section 39(4)
- section 49
- section 99(1)
- section 123’.

77 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 67, lines 1 to 34, page 68, lines 1 to 28 and page 69, lines 1 and 2—

omit, insert—

'260A Executive officer may be taken to have committed offence'.

78 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

79 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

80 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

81 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 50(1)
- section 51(1)
- section 86(1)
- section 86(2)
- section 114(5)
- section 124
- section 125
- section 126
- section 157(1)
- section 158(2)
- section 207
- section 209(7)
- section 214(1)
- section 221
- section 270(2)
- section 271(6).'.'.

82 After clause 52

Page 69, after line 17—

insert—

**'Part 20A Amendment of Foreign
Ownership of Land Register
Act 1988**

'52A Act amended

'This part amends the *Foreign Ownership of Land Register Act 1988*.

'52B Omission of s 26 (Offences by corporations)

'Section 26—

omit.'.

83 Clause 54 (Replacement of s 84 (Offence by corporation))

Page 69, line 22, 'Replacement'—

omit, insert—

'Omission'.

84 Clause 54 (Replacement of s 84 (Offence by corporation))

Page 69, line 24 and page 70, lines 1 to 22—

omit, insert—

'omit.'.

85 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 71, lines 5 to 32 and page 72, lines 1 to 8—

omit, insert—

'352 Executive officer may be taken to have committed offence against s 325'.

86 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, lines 9 and 10, 'a provision of this Act'—

omit, insert—

'section 325'.

87 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 17, after 'offence'—

insert—

'against section 325'.

88 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 20, after 'offence'—

insert—

'against section 325'.

89 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 23, after 'offence'—

insert—

'against section 325'.

90 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 73, lines 8 to 32 and page 74, lines 1 to 4—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

- (a) the corporation commits an offence against section 327; and
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 327 by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 327; and

- (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 327; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 327.
- ‘(4) This section does not affect—
- (a) the liability of the corporation for the offence against section 327; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 327.’.

91 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, lines 7 and 8, ‘provision of this Act’—

omit, insert—

‘deemed executive liability provision’.

92 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 15, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

93 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 18, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

94 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 21, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 198
- section 200(1)
- section 242(5)
- section 329
- section 330
- section 331(1)
- section 332(1)
- section 332(2).'.'.

95 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 75, lines 7 to 34 and page 76, lines 1 and 2—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

- (a) the corporation commits an offence against section 386(1); and
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 386(1) by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against section 386(1); and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 386(1); and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 386(1).
- ‘(4) This section does not affect—
- (a) the liability of the corporation for the offence against section 386(1); or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 386(1).’.

96 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, lines 5 and 6, ‘provision of this Act’—
omit, insert—
‘deemed executive liability provision’.

97 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 13, after ‘offence’—
insert—
‘against the deemed executive liability provision’.

98 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 16, after 'offence'—

insert—

'against the deemed executive liability provision'.

99 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 19, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 264
- section 334(3)
- section 392(1)
- section 392(2).'.'.'

100 Clause 62 (Replacement of s 106 (Executive officers must ensure corporation complies with Act))

Page 77, line 1, 'Replacement'—

omit, insert—

'Omission'.

101 Clause 62 (Replacement of s 106 (Executive officers must ensure corporation complies with Act))

Page 77, lines 4 to 21—

omit, insert—

'omit'.

102 Clause 71 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 80, line 5, 'Replacement'—

omit, insert—

'Omission'.

103 Clause 71 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 80, lines 8 to 25—

omit, insert—

'omit.'

104 Clause 72 (Act amended)

Page 81, lines 5 and 6—

omit.

105 Clause 73 (Replacement of s 673 (Executive officers must ensure corporation complies with ss 138, 368, 406 and 666))

Page 81, line 7, 'Replacement'—

omit, insert—

'Omission'.

106 Clause 73 (Replacement of s 673 (Executive officers must ensure corporation complies with ss 138, 368, 406 and 666))

Page 81, lines 10 to 30 and page 82, lines 1 to 27—

omit, insert—

'omit.'

107 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 83, lines 13 to 28 and page 84, lines 1 to 19—

omit, insert—

'247 Executive officer may be taken to have committed offence against s 119(1)'.

108 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, lines 20 and 21, 'a provision of this Act'—

omit, insert—

'section 119(1)'.

109 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, line 28, after 'offence'—

insert—

'against section 119(1)'.

110 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, line 31, after 'offence'—

insert—

'against section 119(1)'.

111 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 85, line 3, after 'offence'—

insert—

'against section 119(1)'.

112 Clause 77 (Replacement of s 94 (Executive officers must ensure corporation complies with Act))

Page 85, line 8, 'Replacement'—

omit, insert—

'Omission'.

113 Clause 77 (Replacement of s 94 (Executive officers must ensure corporation complies with Act))

Page 85, lines 11 to 25 and page 86, lines 1 to 3—

omit, insert—

'omit'.

114 Clause 80 (Insertion of new s 49A)

Page 86, lines 18 and 19, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

115 Clause 80 (Insertion of new s 49A)

Page 87, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

116 Clause 80 (Insertion of new s 49A)

Page 87, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

117 Clause 80 (Insertion of new s 49A)

Page 87, line 8, after 'offence'—

insert—

‘against the deemed executive liability provision’.

118 Clause 80 (Insertion of new s 49A)

Page 87, after line 9—

insert—

‘*deemed executive liability provision* means any of the following provisions—

- section 43(1)
- section 43(5)
- section 44(1)
- section 45(1)
- section 46(4).’.

119 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 89, lines 5 to 33 and page 90, lines 1 to 6—

omit, insert—

‘226 Executive officer may be taken to have committed offence against s 116(1)’.

120 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, lines 7 and 8, ‘a provision of this Act’—

omit, insert—

‘section 116(1)’.

121 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 15, after ‘offence’—

insert—

‘against section 116(1)’.

122 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 18, after 'offence'—

insert—

'against section 116(1)'.

123 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 21, after 'offence'—

insert—

'against section 116(1)'.

124 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 5 and 6, 'particular offences committed by corporation'—

omit, insert—

'offence committed by corporation against s 214D(1)'.

125 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 8 and 9, 'an executive liability provision'—

omit, insert—

'section 214D(1)'.

126 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 13 and 14, 20, 23, 28, 30 and 31 and page 92, lines 3 and 4, 'the executive liability provision'—

omit, insert—

'section 214D(1)'.

127 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, line 29, 'any of the following'—

omit.

128 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, line 31, after ';'—

insert—

'or'.

129 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 32 and 33—

omit.

130 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, line 1, '(c)'—

omit, insert—

'(b)'.

131 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, lines 6 to 13—

omit.

132 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, lines 17 to 31 and page 93, lines 1 to 5—

omit, insert—

‘person’s position is given the name of executive officer.’.

133 Clause 90 (Replacement of s 32B (Executive officers must ensure corporation complies with Act))

Page 93, line 17, ‘Replacement’—

omit, insert—

‘**Omission**’.

134 Clause 90 (Replacement of s 32B (Executive officers must ensure corporation complies with Act))

Page 93, lines 20 to 25 and page 94, lines 1 to 12—

omit, insert—

‘*omit*’.

135 Clause 92 (Amendment of s 114 (Notice of intention to start providing legal services))

Page 94, lines 19 to 23—

omit, insert—

‘Section 114(2), penalty, paragraph (a), ‘or for section 702’—

omit’.

136 Clause 93 (Amendment of s 116 (Notice of termination of provision of legal services))

Page 95, lines 3 to 7—

omit, insert—

‘Section 116(1), penalty, paragraph (a), ‘or for section 702’—

omit’.

137 Clause 94 (Amendment of s 119 (Incorporated legal practice without legal practitioner director))

Page 95, lines 10 to 14—

omit, insert—

‘Section 119(2) and (3), penalty, paragraph (a), ‘or for section 702’—

omit.’.

138 Clause 95 (Amendment of s 121 (Professional indemnity insurance))

Page 95, lines 16 to 20—

omit, insert—

‘Section 121(1) and (2), penalty, paragraph (a), ‘or for section 702’—

omit.’.

139 Clause 96 (Amendment of s 129 (Disqualified persons))

Page 95, lines 22 to 26—

omit, insert—

‘Section 129(1), penalty, paragraph (a), ‘or for section 702’—

omit.’.

140 Clause 97 (Amendment of s 132 (Banning of incorporated legal practices))

Page 96, lines 3 to 7—

omit, insert—

‘Section 132(6), penalty, paragraph (a), ‘or for section 702’—

omit.’.

141 Clause 98 (Replacement of s 702 (Executive officers must ensure corporation complies with Act))

Page 96, line 8, ‘Replacement’—

omit, insert—

'Omission'.

142 Clause 98 (Replacement of s 702 (Executive officers must ensure corporation complies with Act))

Page 96, lines 11 to 31 and page 97, lines 1 to 7—

omit, insert—

'omit.'

143 Clause 100 (Amendment of s 4 (Definitions))

Page 97, lines 11 to 14—

omit.

144 Clause 101 (Amendment of s 128 (Liability of licensees in certain cases))

Page 97, lines 21 to 24—

omit, insert—

'by a corporation.'.

145 Clause 102 (Insertion of new s 229A)

Page 98, lines 1 to 20—

omit.

146 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 99, lines 5 to 33 and page 100, lines 1 to 5—

omit, insert—

'212 Executive officer may be taken to have committed offence against s 99(1)'.

147 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, lines 6 and 7, 'a provision of this Act'—

omit, insert—

'section 99(1)'.

148 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 14, after 'offence'—

insert—

'against section 99(1)'.

149 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 17, after 'offence'—

insert—

'against section 99(1)'.

150 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 20, after 'offence'—

insert—

'against section 99(1)'.

151 Clause 106 (Replacement of s 139 (Executive officers must ensure corporation complies with Act))

Page 101, line 1, 'Replacement'—

omit, insert—

'**Omission**'.

152 Clause 106 (Replacement of s 139 (Executive officers must ensure corporation complies with Act))

Page 101, lines 4 to 21—

omit, insert—

'omit.'

153 Clause 109 (Insertion of new ss 412A-412C)

Page 102, line 5, 'ss 412A-412C'—

omit, insert—

'ss 412A and 412B'.

154 Clause 109 (Insertion of new ss 412A-412C)

Page 102, lines 8 and 9, 'offence committed by company against s 403(1)'—

omit, insert—

'particular offences committed by company'.

155 Clause 109 (Insertion of new ss 412A-412C)

Page 102, line 11, 'section 403(1)'—

omit, insert—

'an executive liability provision'.

156 Clause 109 (Insertion of new ss 412A-412C)

Page 102, lines 16 and 17, 23, 26 and 31 and page 103, lines 2 and 7, 'section 403(1)'—

omit, insert—

'the executive liability provision'.

157 Clause 109 (Insertion of new ss 412A-412C)

Page 103, line 3, '412C'—

omit, insert—

'412B'.

158 Clause 109 (Insertion of new ss 412A-412C)

Page 103, line 4, '403(1)'—

omit, insert—

'404D(1)'.

159 Clause 109 (Insertion of new ss 412A-412C)

Page 103, after line 8—

insert—

'*executive liability provision* means any of the following provisions—

- section 334C(1)
- section 402(1)
- section 403(1)
- section 404D(1)'.

160 Clause 109 (Insertion of new ss 412A-412C)

Page 103, lines 13 to 33 and page 104, lines 1 to 22—

omit, insert—

'412B Executive officer may be taken to have committed offence'.

161 Clause 109 (Insertion of new ss 412A-412C)

Page 104, lines 23 and 24, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

162 Clause 109 (Insertion of new ss 412A-412C)

Page 104, line 31, after 'offence'—

insert—

'against the deemed executive liability provision'.

163 Clause 109 (Insertion of new ss 412A-412C)

Page 105, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

164 Clause 109 (Insertion of new ss 412A-412C)

Page 105, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

165 Clause 109 (Insertion of new ss 412A-412C)

Page 105, after line 12—

insert—

'*deemed executive liability provision* means any of the following provisions—

- section 20(5)
- section 335C(1)
- section 404
- section 404D(1)
- schedule 1, part 2, division 1, section 5(1)
- schedule 1, part 2, division 1, section 5(2)
- schedule 1, part 2, division 1, section 5(3)
- schedule 1, part 2, division 2, section 10(1).'

166 Clause 111 (Replacement of s 44 (Offence by body corporate))

Page 105, line 18, 'Replacement'—

omit, insert—

'Omission'.

167 Clause 111 (Replacement of s 44 (Offence by body corporate))

Page 105, lines 20 to 27 and page 106, lines 1 to 15—

omit, insert—

'omit'.

168 Clause 113 (Replacement of s 22 (Executive officers must ensure corporation complies with Act))

Page 107, lines 3 to 35—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

- (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect—
 - (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- ‘(5) In this section—’.

169 Clause 113 (Replacement of s 22 (Executive officers must ensure corporation complies with Act))

Page 108, lines 4 to 21—

omit, insert—

- section 13(4).’.

170 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 109, lines 17 to 27 and page 110, lines 1 to 18—

omit, insert—

- ‘(1) An executive officer of a corporation commits an offence if—
 - (a) the corporation commits an offence against section 38; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 38 by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against section 38; and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 38; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 38.
- ‘(4) This section does not affect—
- (a) the liability of the corporation for the offence against section 38; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 38.’.

171 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, lines 21 and 22, ‘provision of this Act’—

omit, insert—

‘deemed executive liability provision’.

172 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, line 29, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

173 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, line 32, after 'offence'—

insert—

'against the deemed executive liability provision'.

174 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 111, line 3, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 44
- section 123
- section 183
- section 259
- section 308
- section 385(1)
- section 385(2)
- section 391(1)
- section 404(3).'.'.'

175 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 111, lines 21 and 22, 'offence committed by corporation against s 52(2)'—

omit, insert—

'particular offences committed by corporation'.

176 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 111, lines 24 and 25, 'section 52(2)'—

omit, insert—

'an executive liability provision'.

177 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 4 and 5, 11, 14, 19, 22 and 27, 'section 52(2)'—

omit, insert—

'the executive liability provision'.

178 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 20, 'any of the following'—

omit.

179 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 22, after ';'—

insert—

'or'.

180 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 23 and 24—

omit.

181 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 25, '(c)'—

omit, insert—

'(b)'.

182 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, after line 27—

insert—

'(5) In this section—'.

183 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 28 to 32 and page 113, lines 1 to 30—

omit.

184 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 113, line 34 and page 114, lines 1 to 17—

omit, insert—

'• section 51(2).'.'

185 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 115, lines 7 to 34 and page 116, lines 1 to 15—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

- (a) the corporation commits an offence against an executive liability provision; and

- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect any of the following—
- (a) the liability of the corporation for the offence against the executive liability provision;
 - (b) the liability, under section 814A, of the executive officer for the offence against the executive liability provision;
 - (c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- ‘(5) In this section—
- executive liability provision*** means any of the following provisions—
- section 617C(1)
 - section 696(2)
 - section 696(3)

- section 733(1)
- section 800(1)
- section 813(1)
- section 813(2).'.'.

186 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, lines 18 and 19, 'provision of this Act'—
omit, insert—
'deemed executive liability provision'.

187 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, line 26, after 'offence'—
insert—
'against the deemed executive liability provision'.

188 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, line 29, after 'offence'—
insert—
'against the deemed executive liability provision'.

189 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 117, line 3, after 'offence'—
insert—
'against the deemed executive liability provision'.

190 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 117, line 9—

omit, insert—

‘known to be false or misleading in a material particular

‘(5) In this section—

deemed executive liability provision means any of the following provisions—

- section 175C(1)
- section 175C(3)
- section 175H(2)
- section 175H(3)
- section 198
- section 207
- section 228(1)
- section 281(1)
- section 282
- section 283
- section 292(2)
- section 495(1)
- section 495(2)
- section 495(3)
- section 500(1)
- section 559(1)
- section 560(3)
- section 621(2)
- section 626(1)
- section 628(1)
- section 639(1)

- section 640
- section 642(1)
- section 643(3)
- section 646(4)
- section 648(1)
- section 648(2)
- section 649
- section 697(1)
- section 697(2)
- section 697(3)
- section 698
- section 708A(1)
- section 721(1)
- section 721(2)
- section 727(1)
- section 727(4)
- section 729
- section 733(2)
- section 733A
- section 734(1)
- section 734(3)
- section 766
- section 782(1)
- section 785
- section 802(1)
- section 803
- section 804
- section 805(1)

- section 806(1)
- section 807(2)
- section 808
- section 809
- section 810
- section 813(1)
- section 813(2).'. .

191 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 117, lines 21 and 22, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

192 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

193 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

194 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 8, after 'corporation,'—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 139B(b)
- section 139H(3)
- section 139H(4)
- section 139H(5).’.

195 Clause 126 (Replacement of s 17 (Executive officers must ensure corporation complies with Act))

Page 118, line 13, ‘Replacement’—

omit, insert—

‘**Omission**’.

196 Clause 126 (Replacement of s 17 (Executive officers must ensure corporation complies with Act))

Page 118, lines 16 to 25 and page 119, lines 1 to 8—

omit, insert—

‘*omit*.’.

197 Clause 128 (Replacement of s 10 (Liability for offence by body corporate))

Page 119, line 13, ‘Replacement’—

omit, insert—

‘**Omission**’.

198 Clause 128 (Replacement of s 10 (Liability for offence by body corporate))

Page 119, lines 16 to 25 and page 120, lines 1 to 13—

omit, insert—

'omit.'

199 Clause 130 (Replacement of s 45 (Executive officers must ensure corporation complies with Act))

Page 120, line 18, 'Replacement'—

omit, insert—

'Omission'.

200 Clause 130 (Replacement of s 45 (Executive officers must ensure corporation complies with Act))

Page 120, lines 21 to 26 and page 121, lines 1 to 12—

omit, insert—

'omit.'

201 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 121, line 22, after 'offence'—

insert—

'against s 39'.

202 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 121, lines 23 and 24, 'a provision of this Act'—

omit, insert—

'section 39'.

203 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 4, after 'offence'—

insert—

'against section 39'.

204 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 7, after 'offence'—

insert—

'against section 39'.

205 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 10, after 'offence'—

insert—

'against section 39'.

206 Clause 168 (Replacement of s 99 (Offences by bodies corporate))

Page 131, line 13, 'Replacement'—

omit, insert—

'**Omission**'.

207 Clause 168 (Replacement of s 99 (Offences by bodies corporate))

Page 131, lines 15 to 27 and page 132, lines 1 to 5—

omit, insert—

'*omit*'.

208 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 16 and 17, 'offence committed by corporation against s 57A(7)'—

omit, insert—

'particular offences committed by corporation'.

209 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 19 and 20, 'section 57A(7)'—

omit, insert—

'an executive liability provision'.

210 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 24 and 25 and page 133, lines 6, 9, 14, 17 and 22 and 23, 'section 57A(7)'—

omit, insert—

'the executive liability provision'.

211 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 15, 'any of the following'—

omit.

212 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 17, after ';'—

insert—

'or'.

213 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, lines 18 and 19—

omit.

214 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 20, '(c)'—

omit, insert—

'(b)'.

215 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, after line 23—

insert—

'(5) In this section—'.

216 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, lines 24 to 32 and page 134, lines 1 to 26—

omit.

217 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 134, line 30 and page 135, lines 1 to 17—

omit, insert—

'• section 57F(2).'.

218 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, line 29, 'any of the following'—

omit.

219 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, line 31, after ';'—

insert—

'or'.

220 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, lines 32 and 33—

omit.

221 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 137, line 1, '(c)'—

omit, insert—

'(b)'.

222 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 137, lines 9 to 27—

omit, insert—

• section 19(2).'.'.

223 Clause 174 (Amendment of s 103B (Developer register))

Page 138, lines 9 to 14—

omit.

224 Clause 175 (Replacement of s 111B (Executive officers must ensure company complies with Act))

Page 138, lines 21 to 28 and page 139, lines 1 to 32—

omit, insert—

'(1) An executive officer of a company commits an offence if—

(a) the company commits an offence against an executive liability provision; and

- (b) the officer did not take all reasonable steps to ensure the company did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
 - (a) whether the officer knew, or ought reasonably to have known, of the company’s conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the company’s conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the company has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect—
 - (a) the liability of the company for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the company, for the company’s offence against the executive liability provision.
- ‘(5) In this section—’.

225 Clause 175 (Replacement of s 111B (Executive officers must ensure company complies with Act))

Page 140, lines 1 to 18—

omit, insert—

- ‘• section 42D.’.

226 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 141, lines 5 to 34 and page 142, lines 1 to 13—

omit, insert—

'160 Liability of executive officer—offence committed by corporation against s 155

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against section 155; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 155 by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 155; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 155; and
 - (c) any other relevant matter.
- '(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 155.
- '(4) This section does not affect—
- (a) the liability of the corporation for the offence against section 155; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 155.'

227 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, lines 16 and 17, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

228 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 24, after 'offence'—

insert—

'against the deemed executive liability provision'.

229 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 27, after 'offence'—

insert—

'against the deemed executive liability provision'.

230 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 30, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 87(6)
- section 104(1)
- section 169(2)
- section 170(5).'.'. .

231 Clause 180 (Replacement of s 339 (Executive officers must ensure corporation complies with Act))

Page 143, line 11, 'Replacement'—

omit, insert—

'Omission'.

232 Clause 180 (Replacement of s 339 (Executive officers must ensure corporation complies with Act))

Page 143, lines 14 to 27 and page 144, lines 1 to 4—

omit, insert—

'omit'.

233 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 144, lines 17 to 28 and page 145, lines 1 to 23—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

- (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect any of the following—
 - (a) the liability of the corporation for the offence against the executive liability provision;
 - (b) the liability, under section 205A, of the executive officers for the corporation’s offence against the executive liability provision;
Note for paragraph (b)—

Section 205A concerns an offence against section 25, 26(1) or 27A(1) to the extent the offence relates to a radiation source other than a security enhanced source.
 - (c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- ‘(5) In this section—
executive liability provision means any of the following provisions, to the extent that the conduct constituting the offence relates to a security enhanced source—’.

234 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 145, lines 29 and 30, ‘provision of this Act’—

omit, insert—

‘deemed executive liability provision’.

235 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 4, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

236 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 7, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

237 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 10, after ‘corporation,’—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions, to the extent that the conduct constituting the offence relates to a radiation source other than a security enhanced source—

- section 25
- section 26(1)
- section 27A(1).’.

238 Clause 184 (Replacement of s 172 (Executive officers must ensure corporation complies with Act))

Page 146, lines 24 to 26, page 147, lines 1 to 34 and page 148, lines 1 to 3—

omit, insert—

‘(1) An executive officer of a corporation commits an offence if—

- (a) the corporation commits an offence against an executive liability provision; and

- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- ‘(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
 - (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect—
 - (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- ‘(5) In this section—’.

239 Clause 184 (Replacement of s 172 (Executive officers must ensure corporation complies with Act))

Page 148, lines 8 to 25—

omit, insert—

- ‘• section 76(4).’.

240 Clause 185 (Act amended)

Page 149, lines 7 and 8—

omit.

241 Clause 186 (Replacement of s 513 (Executive officers must ensure corporation complies with Act))

Page 149, line 9, 'Replacement'—

omit, insert—

'Omission'.

242 Clause 186 (Replacement of s 513 (Executive officers must ensure corporation complies with Act))

Page 149, lines 12 to 31, page 150, lines 1 to 32 and page 151, lines 1 to 8—

omit, insert—

'omit.'

243 Clause 188 (Replacement of s 225 (Executive officers must ensure corporation complies with Act))

Page 151, line 13, 'Replacement'—

omit, insert—

'Omission'.

244 Clause 188 (Replacement of s 225 (Executive officers must ensure corporation complies with Act))

Page 151, lines 16 to 25 and page 152, lines 1 to 8—

omit, insert—

'omit.'

245 Clause 190 (Replacement of s 112 (Executive officers must ensure corporation complies with Act))

Page 152, line 15, 'Replacement'—

omit, insert—

'Omission'.

246 Clause 190 (Replacement of s 112 (Executive officers must ensure corporation complies with Act))

Page 152, lines 18 to 27 and page 153, lines 1 to 8—

omit, insert—

'omit'.

247 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 153, lines 21 to 27 and page 154, lines 1 to 26—

omit, insert—

- '(1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- '(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

- (c) any other relevant matter.
- ‘(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- ‘(4) This section does not affect—
 - (a) the liability of the corporation for the offence against the executive liability provision; or
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.
- ‘(5) In this section—’.

248 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, lines 3 and 4, ‘provision of this Act’—
omit, insert—
‘deemed executive liability provision’.

249 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 11, after ‘offence’—
insert—
‘against the deemed executive liability provision’.

250 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 14, after ‘offence’—
insert—
‘against the deemed executive liability provision’.

251 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 144(1)
- section 144(2)
- section 159(1)
- section 159(2)
- section 162(1)
- section 202(1)
- section 209
- section 210(1)
- section 210(2)
- section 220(1)
- section 222(1)
- section 223(1)
- section 225(1)
- section 229(1)
- section 230(1).'. .

252 Clause 194 (Replacement of s 185 (Executive officers must ensure corporation complies with Act))

Page 155, line 22, 'Replacement'—

omit, insert—

'**Omission**'.

253 Clause 194 (Replacement of s 185 (Executive officers must ensure corporation complies with Act))

Page 155, line 25 and page 156, lines 1 to 17—

omit, insert—

'omit.'

254 Clause 196 (Replacement of s 140 (Executive officers must ensure corporation complies with tax laws))

Page 157, lines 3 to 32—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

- (a) the corporation commits an offence against an executive liability provision; and
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
- (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and
- (c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect either—

- (a) the liability of the corporation for the offence against the executive liability provision; or
- (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

‘(5) In this section—’.

255 Clause 198 (Replacement of s 51B (Executive officers must ensure corporation complies with Act))

Page 158, line 18, ‘Replacement’—

omit, insert—

‘**Omission**’.

256 Clause 198 (Replacement of s 51B (Executive officers must ensure corporation complies with Act))

Page 158, line 21 and page 159, lines 1 to 17—

omit, insert—

‘*omit*’.

257 Clause 200 (Replacement of s 89 (Executive officers must ensure corporation complies with Act))

Page 159, line 22, ‘Replacement’—

omit, insert—

‘**Omission**’.

258 Clause 200 (Replacement of s 89 (Executive officers must ensure corporation complies with Act))

Page 159, line 25 and page 160, lines 1 to 17—

omit, insert—

‘*omit*’.

259 Clause 201 (Act amended)

Page 160, lines 22 and 23—

omit.

260 Clause 202 (Replacement of s 41 (Offences by corporation))

Page 160, line 24, 'Replacement'—

omit, insert—

'Omission'.

261 Clause 202 (Replacement of s 41 (Offences by corporation))

Page 160, line 26, page 161, lines 1 to 33 and page 162, lines 1 to 22—

omit, insert—

'omit.'

262 Clause 205 (Insertion of new s 44A)

Page 163, lines 6 to 30—

omit.

263 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 164, lines 13 to 31, page 165, lines 1 to 31 and page 166, lines 1 to 10—

omit, insert—

'121 Executive officer may be taken to have committed offence'.

264 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, lines 11 and 12, 'provision of this Act'—

omit, insert—

‘deemed executive liability provision’.

265 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 19, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

266 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 22, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

267 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 25, after ‘corporation,’—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 30(1)
- section 38(1)
- section 38A(1)
- section 51(2)
- section 51(3)
- section 55A(2)

- section 67A(2)
- section 127(5).'.'. .

268 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 167, lines 13 to 30, page 168, lines 1 to 32, page 169, lines 1 to 35 and page 170, lines 1 to 6—

omit.

269 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, lines 9 and 10, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

270 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 17, after 'offence'—

insert—

'against the deemed executive liability provision'.

271 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 20, after 'offence'—

insert—

'against the deemed executive liability provision'.

272 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 23, after 'corporation,'—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 153A(1)
- section 154(3)
- section 154(4)
- section 154(6)
- section 156(2)
- section 160(3)
- section 161Q.’.

273 Clause 211 (Replacement of s 255 (Executive officers must ensure corporation complies with Act))

Page 171, line 5, ‘Replacement’—

omit, insert—

‘**Omission**’.

274 Clause 211 (Replacement of s 255 (Executive officers must ensure corporation complies with Act))

Page 171, lines 8 to 25—

omit, insert—

‘*omit*’.

275 After clause 212

Page 172, after line 3—

insert—

'Part 73A **Amendment of Transport
Security (Counter-Terrorism)
Act 2008**

'212A Act amended

This part amends the *Transport Security (Counter-Terrorism) Act 2008*.

'212B Omission of ch 7, pt 1, hdg

Chapter 7, part 1, heading—
omit.

'212C Omission of ch 7, pt 2, hdg

Chapter 7, part 2, heading—
omit.

**'212D Omission of s 55 (Executive officers must ensure a
corporation complies with this Act)**

Section 55—
omit.'.

**276 Clause 214 (Replacement of s 52 (Offences by
corporations))**

Page 172, line 8, 'Replacement'—
omit, insert—
'Omission'.

**277 Clause 214 (Replacement of s 52 (Offences by
corporations))**

Page 172, lines 10 to 27 and page 173, lines 1 to 5—
omit, insert—

'omit.'

278 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 174, lines 5 to 33 and page 175, lines 1 to 6—

omit, insert—

'289 Executive officer may be taken to have committed offence against s 172(1).'

279 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, lines 7 and 8, 'a provision of this Act'—

omit, insert—

'section 172(1).'

280 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 15, after 'offence'—

insert—

'against section 172(1).'

281 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 18, after 'offence'—

insert—

'against section 172(1).'

282 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 21, after 'offence'—

insert—

'against section 172(1)'.

283 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 176, lines 6 to 33, page 177, lines 1 to 33, page 178, lines 1 to 31 and page 179, lines 1 and 2—

omit, insert—

'268 Executive officer may be taken to have committed offence'.

284 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

285 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

286 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

287 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 17, after 'corporation,'—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means either of the following provisions—

- section 104(1)
- section 167.’.

288 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 180, lines 1 to 34 and page 181, lines 1 to 17—

omit, insert—

‘828 Executive officer may be taken to have committed offence’.

289 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, lines 18 and 19, ‘provision of this Act’—

omit, insert—

‘deemed executive liability provision’.

290 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, line 26, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

291 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, line 29, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

292 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 182, line 3, after ‘corporation,’—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 22(7)
- section 23(5)
- section 452
- section 460(3)
- section 808(1)
- section 808(2)
- section 808(3).’.

293 Clause 224 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 182, line 8, ‘Replacement’—

omit, insert—

‘**Omission**’.

294 Clause 224 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 182, lines 11 to 25 and page 183, lines 1 to 3—

omit, insert—

‘*omit*.’.

295 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 12, 'any of the following'—

omit.

296 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 14, after ';'—

insert—

'or'.

297 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, lines 15 and 16—

omit.

298 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 17, '(c)'—

omit, insert—

'(b)'.

299 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 28—

omit.

300 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, lines 9 and 10, 'provision of this Act'—

omit, insert—

‘deemed executive liability provision’.

301 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 17, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

302 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 20, after ‘offence’—

insert—

‘against the deemed executive liability provision’.

303 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 23, after ‘corporation,’—

omit, insert—

‘for the offence against the deemed executive liability provision.

‘(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 93
- section 102(2)
- section 102(3)
- section 197(1)
- section 197(2)
- section 197(3)
- section 198(2)

- section 270(2)
- section 270(4)
- section 271(2)
- section 271(4).'.'.

304 Clause 228 (Replacement of s 162 (Person other than offender liable to penalties))

Page 186, line 5, 'Replacement'—
omit, insert—
'Omission'.

305 Clause 228 (Replacement of s 162 (Person other than offender liable to penalties))

Page 186, lines 8 to 26 and page 187, lines 1 to 22—
omit, insert—
'omit'.

306 After clause 228

Page 187, after line 22—
insert—

'Part 81A Amendment of Crime and Misconduct Act 2001

'228A Act amended

'This part amends the *Crime And Misconduct Act 2001*.

'228B Amendment of s 269 (Delegation—Commission)

'(1) Section 269(2), table—

insert—

‘section 346B (Declarations etc. relating to inquiry public records) chairperson or assistant commissioner’.

‘(2) Section 269—

insert—

‘(4) Further, the commission’s powers under the *Public Records Act 2002* as the responsible public authority for a public record may only be delegated to the chairperson or an assistant commissioner.

Example—

See the *Public Records Act 2002*, section 19.’.

‘228C Amendment of s 346A (Protection of particular documents)

‘(1) Section 346A(2) ‘, on or before 8 November 2013’—

omit.

‘(2) Section 346A(3)—

insert—

‘(d) by a person for returning to the commission or the archivist, or for making enquiries of the commission or archivist about the return of, the document in the person’s possession; or

(e) by a person for making enquiries of the commission or the archivist about whether there is a restricted access period for the document; or

(f) by a commission officer or the archivist for providing advice or help to a person mentioned in paragraph (d) or (e).’.

‘(3) Section 346A—

insert—

‘(3A) Subsection (2) ceases to apply to the person in relation to the disclosed document if the restricted access period for the document ends.’.

‘(4) Section 346A(4)—

insert—

‘***restricted access period***, for a disclosed document, means the restricted access period for the disclosed document worked out under section 346B and the *Public Records Act 2002*.

Note—

Under section 346B(4), a restricted access period is applied to particular public records (including disclosed documents) and the new restricted access period as applied by that subsection may be changed under section 346B(5) or the *Public Records Act 2002*, section 19.’.

‘228D Insertion of new s 346B

‘After section 346A—

insert—

‘346B Declarations etc. relating to inquiry public records

‘(1) The main purposes of this section are—

- (a) to make declarations about the lawfulness and validity of actions taken before 9 November 2013 under or purportedly under this Act and the *Public Records Act 2002* in relation to inquiry public records and the application of restricted access periods to those records (including changes to the periods); and
- (b) to apply a new restricted access period to all inquiry public records given to the archives before 9 November 2013; and
- (c) to provide for changes to be made under this section to the restricted access period for an inquiry public record mentioned in paragraph (b) in a way that does not limit the application of the *Public Records Act 2002*.

‘(2) It is declared that an inquiry public record given to the archives before 9 November 2013 by the commission or purportedly by the commission—

- (a) was and continues to be a public record lawfully given to the archives despite anything to the contrary in this Act, including, for example, sections 62 and 375; and

- (b) was and continues to be validly given to the archives by the commission as the responsible public authority for that public record under the *Public Records Act 2002*.
- ‘(3) It is also declared that a restricted access period for an inquiry public record that applied, or purportedly applied, under the *Public Records Act 2002* before 9 November 2013, because of an action by the commission or purportedly by the commission, was validly applied under that Act as the restricted access period for the inquiry public record.
- ‘(4) Despite subsection (3), for each inquiry public record mentioned in subsection (2) a new restricted access period of 65 years after the day of the last action on the record, by this subsection, applies to the public record.
- ‘(5) The commission may, by written notice given to the archivist, change the restricted access period for an inquiry public record as applied under subsection (4) or as changed by a notice previously given under this subsection.
- ‘(6) For the *Public Records Act 2002*, part 2, division 3—
 - (a) the restricted access period for an inquiry public record as applied under subsection (4) is taken to be the restricted access period under that Act for the record; and
 - (b) a notice given under subsection (5) for an inquiry public record is taken to be a restricted access notice given under section 19 of that Act for that record.
- ‘(7) Except as otherwise provided, this section does not limit the application of the *Public Records Act 2002* in relation to an inquiry public record or the restricted access period for an inquiry public record, including, for example, the application of any provision in part 2, division 3 of that Act.

Note for subsection (7)—

Nothing in this section prevents a notice being given under the *Public Records Act 2002*, section 19, to change the restricted access period applied under subsection (4), or changed under subsection (5), for an inquiry public record.

- ‘(8) This section applies despite —

- (a) anything to the contrary in this Act or the *Public Records Act 2002*; or
- (b) anything done or omitted to be done before 9 November 2013 under, or purportedly done under, this Act or the *Public Records Act 2002* in relation to an inquiry public record.

‘(9) In this section—

archives see the *Public Records Act 2002*, schedule 2.

archivist see section 346A(4).

disclosed document see section 346A(4).

given to, in relation to an inquiry public record, includes made available for inspection by.

inquiry section 346A(4).

inquiry public record means either of the following whether or not it is also a disclosed document—

- (a) a document relating to the inquiry;
- (b) a document, to the extent it relates to the inquiry, created by the archivist or the commission for the purpose of helping a person access a document mentioned in paragraph (a).

public record means a public record under the *Public Records Act 2002*.

responsible public authority, for a public record, means a responsible public authority for a public record under the *Public Records Act 2002*.

restricted access period, for an inquiry public record, means—

- (a) in relation to the period before 9 November 2013—the restricted access period for the inquiry public record under or purportedly under the *Public Records Act 2002*, that is declared under subsection (3) to have validly been applied to the record, including a period as changed under that Act; or

308 Schedule 1 (Minor and consequential amendments)

Page 188, after line 8—

insert—

'2 Sections 15(3), 19(1) and (2), 21(1), 30, 31, 32, 35, 36(1) and (2), 37(1), 161 and 187—

insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 209A, to have also committed the offence.'.

309 Schedule 1 (Minor and consequential amendments)

Page 188, line 15, '221(5), 226(2) and (4),'—

omit.

310 Schedule 1 (Minor and consequential amendments)

Page 188, lines 18 and 19—

omit, insert—

'Note—

This provision is an executive liability provision—see section 257.'.

311 Schedule 1 (Minor and consequential amendments)

Page 189, lines 4 to 7—

omit, insert—

'Note—

If a body corporate commits an offence against this provision, an executive officer of the body corporate may be taken, under section 123, to have also committed the offence.'.

312 Schedule 1 (Minor and consequential amendments)

Page 189, lines 11 to 13—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 170, to have also committed the offence.'.

313 Schedule 1 (Minor and consequential amendments)

Page 189, line 15, after '8B(1),'—

insert—

'8C(1),'.

314 Schedule 1 (Minor and consequential amendments)

Page 190, lines 1 to 12—

omit.

315 Schedule 1 (Minor and consequential amendments)

Page 190, line 14, after '6(3)'—

insert—

'and (4)'.

316 Schedule 1 (Minor and consequential amendments)

Page 190, lines 16 and 17—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 12, to have also committed the offence.'.

317 Schedule 1 (Minor and consequential amendments)

Page 190, lines 18 to 22 and page 191, line 1—

omit.

318 Schedule 1 (Minor and consequential amendments)

Page 191, after line 8—

insert—

'Education and Care Services Act 2013

'1 Sections 19 and 53(1)—

'insert—

'Note—

This provision is an executive liability provision—see section 232.'

'2 Sections 53(2), 121 and 122—

'insert—

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 233, to have also committed the offence.'

319 Schedule 1 (Minor and consequential amendments)

Page 191, lines 10 to 13—

omit, insert—

'1 Sections 76(2), 77(2), 78(2) and 82(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 228, to have also committed the offence.'

320 Schedule 1 (Minor and consequential amendments)

Page 191, lines 15 to 20 and page 192, lines 1 to 6—

omit, insert—

'1 Sections 87(1), 88(1), 88A(1) and 89(1)—

'insert—

Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.'.

321 Schedule 1 (Minor and consequential amendments)

Page 192, lines 10 to 13—

omit, insert—

Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 117, to have also committed the offence.'.

322 Schedule 1 (Minor and consequential amendments)

Page 192, lines 15 and 16—

omit, insert—

'1 Sections 69(3), 104C and 104D(1)—'.

323 Schedule 1 (Minor and consequential amendments)

Page 193, lines 1 to 6—

omit.

324 Schedule 1 (Minor and consequential amendments)

Page 193, line 9, after '37(1), (2) and (3),'—

insert—

'38(1) and (2),'

325 Schedule 1 (Minor and consequential amendments)

Page 193, line 9, '207,'—

omit.

326 Schedule 1 (Minor and consequential amendments)

Page 193, line 10—

omit, insert—

'271B(2), 271C(2) and 271D(6)—'.

327 Schedule 1 (Minor and consequential amendments)

Page 193, lines 12 to 14—

omit, insert—

'Note—

This provision is an executive liability provision—see section 260.'.

328 Schedule 1 (Minor and consequential amendments)

Page 193, lines 15 to 19—

omit, insert—

'2 Sections 50(1), 51(1), 86(1) and (2), 114(5), 124, 125, 126, 157(1), 158(2), 207, 209(7), 214(1), 221, 270(2) and 271(6)—

'insert—

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 260A, to have also committed the offence.'.

329 Schedule 1 (Minor and consequential amendments)

Page 193, line 23 and page 194, lines 1 to 3—

omit, insert—

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 352, to have also committed the offence.'.

330 Schedule 1 (Minor and consequential amendments)

Page 194, lines 12 to 14—

omit, insert—

'2 If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 333.'.

331 Schedule 1 (Minor and consequential amendments)

Page 194, after line 14—

insert—

'2 Sections 198, 200(1), 242(5), 329, 330, 331(1) and 332(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 333A, to have also committed the offence.'.

332 Schedule 1 (Minor and consequential amendments)

Page 194, lines 18 to 21—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 393.'.

333 Schedule 1 (Minor and consequential amendments)

Page 194, after line 21—

insert—

'2 Sections 264, 334(3) and 392(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 393A, to have also committed the offence.'.

334 Schedule 1 (Minor and consequential amendments)

Page 195, lines 1 to 5—

omit.

335 Schedule 1 (Minor and consequential amendments)

Page 195, lines 9 to 11—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 247, to have also committed the offence.'.

336 Schedule 1 (Minor and consequential amendments)

Page 195, after line 11—

insert—

'Invasion of Privacy Act 1971

'1 Sections 43(1) and (5), 44(1), 45(1) and 46(4)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 49A, to have also committed the offence.'.

337 Schedule 1 (Minor and consequential amendments)

Page 196, lines 4 to 6—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 226, to have also committed the offence.'.

338 Schedule 1 (Minor and consequential amendments)

Page 196, line 8—

omit, insert—

'1 Section 214D(1)—'.

339 Schedule 1 (Minor and consequential amendments)

Page 196, lines 15 to 17—

omit, insert—

Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 212, to have also committed the offence.'.

340 Schedule 1 (Minor and consequential amendments)

Page 197, line 2, after '402(1)'—

insert—

',' 403(1)'.

341 Schedule 1 (Minor and consequential amendments)

Page 197, lines 4 and 5—

omit, insert—

Note—

This provision is an executive liability provision—see section 412A.'.

342 Schedule 1 (Minor and consequential amendments)

Page 197, lines 6 to 10—

omit, insert—

'2 Sections 20(5), 335C(1), 404, 404D(1), schedule 1, part 2, division 1, section 5(1), (2) and (3) and schedule 1, part 2, division 2, section 10(1)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 412B, to have also committed the offence.'.

343 Schedule 1 (Minor and consequential amendments)

Page 198, lines 3 to 5—

omit, insert—

'2 This provision is an executive liability provision—see section 443.'

'2 Sections 44, 123, 183, 259, 308, 385(1) and (2), 391(1) and 404(3)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 443A, to have also committed the offence.'.

344 Schedule 1 (Minor and consequential amendments)

Page 198, line 16, '122A'—

omit, insert—

'122'.

345 Schedule 1 (Minor and consequential amendments)

Page 198, lines 17 to 21—

omit.

346 Schedule 1 (Minor and consequential amendments)

Page 199, line 2, '641,'—

omit.

347 Schedule 1 (Minor and consequential amendments)

Page 199, after line 6—

insert—

- '2 Sections 175C(1) and (3), 175H(2) and (3), 198, 207, 228(1), 281(1), 282, 283, 292(2), 495(1), (2) and (3), 500(1), 559(1), 560(3), 621(2), 626(1), 628(1), 639(1), 640, 642(1), 643(3), 646(4), 648(1) and (2), 649, 697(1), (2) and (3), 698, 708A(1), 721(1) and (2), 727(1) and (4), 729, 733(2), 733A, 734(1) and (3), 766, 782(1), 785, 802(1), 803, 804, 805(1), 806(1), 807(2), 808, 809, 810 and 813(1) and (2)—**

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.'

'Pharmacy Business Ownership Act 2001

- '1 Sections 139B(b) and 139H(3), (4) and (5)—**

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 197, to have also committed the offence.'

'Private Health Facilities Act 1999

- '1 Section 39—**

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 143, to have also committed the offence.'

348 Schedule 1 (Minor and consequential amendments)

Page 199, lines 8 to 16—

omit, insert—

'1 Sections 57E and 57F(2)—

'insert—

'Note—

This provision is an executive liability provision—see section 448.'.

349 Schedule 1 (Minor and consequential amendments)

Page 199, line 19, 'and 22'—

omit.

350 Schedule 1 (Minor and consequential amendments)

Page 200, lines 7 to 10—

omit, insert—

'1 Section 155—

'insert—

'Note—

If a corporation commits an offence against this section, an executive officer of the corporation may commit an offence against section 160.'.

'2 Sections 87(6), 104(1), 169(2) and 170(5)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence.'.

351 Schedule 1 (Minor and consequential amendments)

Page 200, lines 14 and 15—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may also be subject to personal criminal liability—see sections 205 and 205A.'.

352 Schedule 1 (Minor and consequential amendments)

Page 201, lines 3 to 8—

omit.

353 Schedule 1 (Minor and consequential amendments)

Page 201, after line 17—

insert—

'3 Sections 144(1) and (2), 159(1) and (2), 162(1), 202(1), 209, 210(1) and (2), 220(1), 222(1), 223(1), 225(1), 229(1) and 230(1)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 250A, to have also committed the offence.'.

354 Schedule 1 (Minor and consequential amendments)

Page 202, lines 6 to 10—

omit.

355 Schedule 1 (Minor and consequential amendments)

Page 202, lines 12 to 17—

omit, insert—

'1 Sections 30(1), 38(1), 38A(1), 51(2) and (3), 55A(2), 67A(2) and 127(5)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 121, to have also committed the offence.'.

356 Schedule 1 (Minor and consequential amendments)

Page 203, lines 3 to 8—

omit, insert—

'1 Sections 153A(1), 154(3), (4) and (6), 156(2), 160(3) and'

357 Schedule 1 (Minor and consequential amendments)

Page 203, lines 11 to 13—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 57, to have also committed the offence.'.

358 Schedule 1 (Minor and consequential amendments)

Page 203, lines 17 to 19—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 289, to have also committed the offence.'.

359 Schedule 1 (Minor and consequential amendments)

Page 203, lines 21 and 22 and page 204, lines 1 to 9—

omit, insert—

'1 Sections 104(1) and 167—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 268, to have also committed the offence.'.

360 Schedule 1 (Minor and consequential amendments)

Page 204, lines 11 to 14—

omit, insert—

'1 Sections 22(7), 23(5), 452, 460(3) and 808(1), (2) and (3)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 828, to have also committed the offence.'.

361 Schedule 1 (Minor and consequential amendments)

Page 204, line 16, '330(5),'—

omit.

362 Schedule 1 (Minor and consequential amendments)

Page 204, after line 20—

insert—

'2 Sections 93, 102(2) and (3), 197(1), (2) and (3), 198(2), 270(2) and (4) and 271(2) and (4)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.'.

363 Long title

Long title, after 'corporations'—

insert—

‘and to amend the *Crime and Misconduct Act 2001* for particular purposes’.

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