



Queensland

Directors' Liability Reform Amendment Act 2013

Act No. 51 of 2013



Directors' Liability Reform Amendment Act 2013

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Queensland

Directors' Liability Reform Amendment Act 2013

Act No. 51 of 2013

An Act to amend particular Acts for matters relating to the liability of executive officers of corporations and to amend the Crime and Misconduct Act 2001 for particular purposes

[Assented to 29 October 2013]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Directors' Liability Reform Amendment Act 2013*.

2 Commencement

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

Part 2 Amendment of Animal Care and Protection Act 2001

3 Act amended

This part amends the *Animal Care and Protection Act 2001*.

Note—

See also the amendments in schedule 1.

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

Section 209—

omit, insert—

'209 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 corporation's offence against the executive liability provision.
- '(5) In this section—

[s 4]

executive liability provision means any of the following provisions—

- section 17(2)
- section 18(1)
- section 51(1)
- section 91
- section 92
- the Criminal Code, section 468.

'209A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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.’.

5 Amendment of schedule (Dictionary)

Schedule, definition *animal welfare offence*—
omit, insert—

‘*animal welfare offence* means an offence against—

- (a) this Act, other than chapter 6, part 2, divisions 2, 3, 4 and 7 and sections 206, 207, 208, 209 and 210; or
- (b) the Criminal Code, section 468.’.

Part 3 Amendment of Biodiscovery Act 2004

6 Act amended

This part amends the *Biodiscovery Act 2004*.

[s 7]

Note—

See also the amendments in schedule 1.

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

Section 115—

omit, insert—

'115 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 29(1)
- section 29(3)
- section 32(1)
- section 50(1)
- section 51
- section 52(1)
- section 53(1).’

Part 4 **Amendment of Building Act 1975**

8 **Act amended**

This part amends the *Building Act 1975*.

Note—

See also the amendments in schedule 1.

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

Section 257—

omit, insert—

[s 9]

'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.

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.'.

Part 5 **Amendment of Casino Control Act 1982**

10 **Act amended**

This part amends the *Casino Control Act 1982*.

Note—

See also the amendments in schedule 1.

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

Section 123—

omit, insert—

[s 11]

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

- '(1) If a body corporate commits an offence against section 108(1), each executive officer of the body corporate is taken to have also committed the offence if—
- (a) the officer authorised or permitted the body corporate's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 108(1) whether or not the body corporate has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the body corporate for the offence against section 108(1);
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the body corporate, for the offence against section 108(1).
- '(4) In this section—
- 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.'

Part 6 **Amendment of Charitable and Non-Profit Gaming Act 1999**

12 Act amended

This part amends the *Charitable and Non-Profit Gaming Act 1999*.

Note—

See also the amendments in schedule 1.

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

Section 170—

omit, insert—

'170 Executive officer may be taken to have committed offence against s 20

- '(1) If a corporation commits an offence against section 20, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 20 whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 20;
 - (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 20.'

[s 14]

Part 7 **Amendment of Child Employment Act 2006**

14 Act amended

This part amends the *Child Employment Act 2006*.

Note—

See also the amendments in schedule 1.

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

Section 33—

omit, insert—

'33 Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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).’.

16 Amendment of schedule (Dictionary)

Schedule—

insert—

‘*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.’.

Part 9 **Amendment of Commission for Children and Young People and Child Guardian Act 2000**

19 **Act amended**

This part amends the *Commission for Children and Young
People and Child Guardian Act 2000*.

20 **Omission of s 383 (Executive officers must ensure corporation complies with Act)**

Section 383—

omit.

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.

[s 21]

Part 10 **Amendment of Criminal Law (Sexual Offences) Act 1978**

21 Act amended

This part amends the *Criminal Law (Sexual Offences) Act 1978*.

Note—

See also the amendments in schedule 1.

22 Amendment of s 3 (Definitions)

Section 3—

insert—

‘*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.’.

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

Section 12—

omit, insert—

‘12 Executive officer may be taken to have committed offence

‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—

- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.

‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive

liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.

- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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).'

Part 11 **Amendment of Disability Services Act 2006**

24 **Act amended**

This part amends the *Disability Services Act 2006*.

25 **Amendment of s 57 (Insurance for service outlets)**

Section 57, penalty, paragraph (a), 'or for section 206'—
omit.

[s 26]

26 Amendment of s 82 (Risk management strategies about persons engaged by funded non-government service providers)

Section 82(2), penalty, paragraph (a), 'or for section 206'—
omit.

27 Amendment of s 95 (Change in police information of person engaged by funded non-government service provider)

Section 95(3), penalty, paragraph (a), 'or for section 206'—
omit.

28 Amendment of s 96 (Change in police information of other persons)

Section 96(3), penalty, paragraph (a), 'or for section 206'—
omit.

29 Omission of s 206 (Executive officers must ensure corporation complies with Act)

Section 206—
omit.

30 Amendment of s 214 (Funded non-government service provider must keep records)

Section 214, penalty, paragraph (a), 'or for section 206'—
omit.

Part 12 **Amendment of Domestic Building Contracts Act 2000**

31 **Act amended**

This part amends the *Domestic Building Contracts Act 2000*.

32 **Omission of s 95 (Executive officers must ensure corporation complies with Act)**

Section 95—

omit.

Part 13 **Amendment of Drugs Misuse Act 1986**

33 **Act amended**

This part amends the *Drugs Misuse Act 1986*.

34 **Omission of s 43S (Executive officers must ensure corporation complies with part)**

Section 43S—

omit.

35 **Omission of s 113 (Executive officers must ensure corporation complies with part)**

Section 113—

omit.

[s 35A]

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.’.

Part 14 Amendment of Education (Queensland College of Teachers) Act 2005

36 Act amended

This part amends the *Education (Queensland College of Teachers) Act 2005*.

Note—

See also the amendments in schedule 1.

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

Section 228—

omit, insert—

‘228 Executive officer may be taken to have committed offence

‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—

[s 38]

- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
- (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 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).’.

38 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘*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.’.

Part 15 Amendment of Electricity Act 1994

39 Act amended

This part amends the *Electricity Act 1994*.

Note—

See also the amendments in schedule 1.

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

Section 240A—

omit, insert—

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

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.

[s 42]

‘(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).

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.’.

Part 16 Amendment of Emblems of Queensland Act 2005

42 Act amended

This part amends the *Emblems of Queensland Act 2005*.

43 Omission of s 5 (Executive officers must ensure corporation complies with Act)

Section 5—

omit.

Part 17 Amendment of Explosives Act 1999

44 Act amended

This part amends the *Explosives Act 1999*.

Note—

See also the amendments in schedule 1.

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

Section 117—

omit, insert—

'117 Liability of executive officer—offence committed by corporation against s 32(1)

- '(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.

[s 45A]

- ‘(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).’.

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.

Part 18 Amendment of Fire and Rescue Service Act 1990

46 Act amended

This part amends the *Fire and Rescue Service Act 1990*.

Note—

See also the amendments in schedule 1.

47 Replacement of s 151 (Offence by body corporate)

Section 151—

omit, insert—

'151 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

[s 49]

(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?.

Part 19 Amendment of Fisheries Act 1994

49 Act amended

This part amends the *Fisheries Act 1994*.

50 Omission of s 219A (Executive officers must ensure corporation complies with Act)

Section 219A—

omit.

Part 20 Amendment of Food Act 2006

51 **Act amended**

This part amends the *Food Act 2006*.

Note—

See also the amendments in schedule 1.

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

Section 260—

omit, insert—

'260 **Liability of executive officer—offence committed by corporation against executive liability provision**

- '(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.

[s 52]

- ‘(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 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)
 - section 38(1)
 - section 38(2)
 - section 39(1)
 - section 39(2)
 - section 39(3)

-
- section 39(4)
 - section 49
 - section 99(1)
 - section 123
 - section 271B(2)
 - section 271C(2)
 - section 271D(6).

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

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) In this section—
- deemed executive liability provision* means any of the following provisions—
- section 50(1)

[s 52A]

- 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).’.

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.

Part 21 **Amendment of Funeral Benefit Business Act 1982**

53 **Act amended**

This part amends the *Funeral Benefit Business Act 1982*.

54 **Omission of s 84 (Offence by corporation)**

Section 84—
omit.

Part 22 **Amendment of Gaming Machine Act 1991**

55 **Act amended**

This part amends the *Gaming Machine Act 1991*.

Note—

See also the amendments in schedule 1.

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

Section 352—
omit, insert—

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

'(1) If a body corporate commits an offence against section 325, each executive officer of the body corporate is taken to have also committed the offence if—

(a) the officer authorised or permitted the body corporate's conduct constituting the offence; or

[s 57]

- (b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 325 whether or not the body corporate has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
 - (a) the liability of the body corporate for the offence against section 325;
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the body corporate, for the offence against section 325.'

Part 23 **Amendment of Geothermal Energy Act 2010**

57 Act amended

This part amends the *Geothermal Energy Act 2010*.

Note—

See also the amendments in schedule 1.

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

Section 333—

omit, insert—

'333 Liability of executive officer—offence committed by corporation against s 327

- '(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.

‘333A Executive officer may be taken to have committed offence

- ‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—

[s 58]

- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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).’

Part 24 Amendment of Greenhouse Gas Storage Act 2009

59 Act amended

This part amends the *Greenhouse Gas Storage Act 2009*.

Note—

See also the amendments in schedule 1.

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

Section 393—

omit, insert—

'393 Liability of executive officer—offence committed by corporation against s 386(1)

- '(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.

[s 60]

- '(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).

'393A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
 - (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
 - (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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).’.

Part 25 **Amendment of Guide, Hearing and Assistance Dogs Act 2009**

61 Act amended

This part amends the *Guide, Hearing and Assistance Dogs Act 2009*.

62 Omission of s 106 (Executive officers must ensure corporation complies with Act)

Section 106—

omit.

63 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

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

[s 64]

Part 26 Amendment of Health Act 1937

64 Act amended

This part amends the *Health Act 1937*.

65 Replacement of s 153ZN (Executive officers must ensure corporation complies with relevant provisions and this part)

Section 153ZN—

omit, insert—

'153ZN Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a provision of this Act, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence;
 - (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.'

Part 27 **Amendment of Higher
Education (General Provisions)
Act 2008**

66 **Act amended**

This part amends the *Higher Education (General Provisions) Act 2008*.

67 **Amendment of s 112 (Responsibility for acts or omissions of representatives)**

Section 112(4)—

insert—

'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.'

68 **Omission of s 113 (Executive officers must ensure corporation complies with Act)**

Section 113—

omit.

69 **Amendment of sch 2 (Dictionary)**

Schedule 2, definition *executive officer*—

omit.

[s 70]

Part 28 **Amendment of Housing Act 2003**

70 **Act amended**

This part amends the *Housing Act 2003*.

71 **Omission of s 91 (Executive officers must ensure corporation complies with Act)**

Section 91—

omit.

Part 29 **Amendment of Industrial Relations Act 1999**

72 **Act amended**

This part amends the *Industrial Relations Act 1999*.

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

Section 673—

omit.

Part 30 Amendment of Interactive Gambling (Player Protection) Act 1998

74 Act amended

This part amends the *Interactive Gambling (Player Protection) Act 1998*.

Note—

See also the amendments in schedule 1.

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

Section 247—

omit, insert—

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

- '(1) If a corporation commits an offence against section 119(1), each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 119(1) whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 119(1);
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer

[s 76]

of the corporation, for the offence against section 119(1).’.

Part 31 Amendment of Introduction Agents Act 2001

76 Act amended

This part amends the *Introduction Agents Act 2001*.

77 Omission of s 94 (Executive officers must ensure corporation complies with Act)

Section 94—

omit.

Part 32 Amendment of Invasion of Privacy Act 1971

78 Act amended

This part amends the *Invasion of Privacy Act 1971*.

79 Amendment of s 49 (Offences and penalty)

(1) Section 49(2)—

omit.

(2) Section 49(3) and (4)—

renumber as section 49(2) and (3).

80 Insertion of new s 49A

After section 49—

insert—

'49A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) In this section—
- 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).

[s 81]

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.'.

Part 33 Amendment of Justices Act 1886

81 Act amended

This part amends the *Justices Act 1886*.

Note—

See also the amendments in schedule 1.

82 Amendment of s 102F (Publication prohibited)

Section 102F(2)—

omit.

83 Insertion of new s 102FA

After section 102F—

insert—

'102FA Executive officer may be taken to have committed offence against s 102F(1)

- '(1) If a corporation commits an offence against section 102F(1), each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.

-
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence;
 - (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.
- ‘(4) In this section—
- 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.’.

Part 34 Amendment of Keno Act 1996

84 Act amended

This part amends the *Keno Act 1996*.

Note—

See also the amendments in schedule 1.

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

Section 226—

omit, insert—

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

- ‘(1) If a corporation commits an offence against section 116(1), each executive officer of the corporation is taken to have also committed the offence if—

[s 86]

- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against section 116(1) whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 116(1);
 - (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 116(1).’.

Part 35 Amendment of Land Act 1994

86 Act amended

This part amends the *Land Act 1994*.

Note—

See also the amendments in schedule 1.

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

Section 431J—

omit, insert—

‘431J Liability of executive officer—offence committed by corporation against s 214D(1)

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

-
- (a) the corporation commits an offence against section 214D(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 214D(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 214D(1); and
 - (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 214D(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 214D(1).
- ‘(4) This section does not affect—
 - (a) the liability of the corporation for the offence against section 214D(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 214D(1).
- ‘(5) In this section—
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.’.

[s 88]

Part 36 **Amendment of Land Sales Act 1984**

88 **Act amended**

This part amends the *Land Sales Act 1984*.

89 **Amendment of s 6 (Definitions)**

Section 6—

insert—

‘*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.’.

90 **Omission of s 32B (Executive officers must ensure corporation complies with Act)**

Section 32B—

omit.

Part 37 **Amendment of Legal Profession Act 2007**

91 **Act amended**

This part amends the *Legal Profession Act 2007*.

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

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

omit.

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

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

omit.

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

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

omit.

95 Amendment of s 121 (Professional indemnity insurance)

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

omit.

96 Amendment of s 129 (Disqualified persons)

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

omit.

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

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

omit.

98 Omission of s 702 (Executive officers must ensure corporation complies with Act)

Section 702—

omit.

[s 99]

Part 38 **Amendment of Liquor Act 1992**

99 **Act amended**

This part amends the *Liquor Act 1992*.

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

Section 128—

insert—

‘(2) In subsection (1)(a)—

liability does not include a liability for an offence committed by a corporation.’.

Part 39 **Amendment of Lotteries Act 1997**

103 **Act amended**

This part amends the *Lotteries Act 1997*.

Note—

See also the amendments in schedule 1.

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

Section 212—

omit, insert—

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

- (1) If a corporation commits an offence against section 99(1), each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- (2) The executive officer may be proceeded against for, and convicted of, the offence against section 99(1) whether or not the corporation has been proceeded against for, or convicted of, the offence.
- (3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 99(1);
 - (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 99(1).

**Part 40 Amendment of Manufactured
Homes (Residential Parks) Act
2003**

105 Act amended

This part amends the *Manufactured Homes (Residential Parks) Act 2003*.

[s 106]

106 Omission of s 139 (Executive officers must ensure corporation complies with Act)

Section 139—

omit.

Part 41 Amendment of Mineral Resources Act 1989

107 Act amended

This part amends the *Mineral Resources Act 1989*.

Note—

See also the amendments in schedule 1.

108 Amendment of s 412 (Offences and recovery of penalties etc.)

Section 412(4)—

omit.

109 Insertion of new ss 412A and 412B

After section 412—

insert—

'412A Liability of executive officer—particular offences committed by company

'(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 any of the following—
- (a) the liability of the company for the offence against the executive liability provision;
 - (b) the liability, under section 412B, of the executive officer for the offence against section 404D(1);
 - (c) 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 offence against the executive liability provision.
- ‘(5) In this section—
- executive liability provision*** means any of the following provisions—
- section 334C(1)
 - section 402(1)
 - section 403(1)
 - section 404D(1).

[s 109]

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

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

- '(1) If a company commits an offence against a deemed executive liability provision, each executive officer of the company is taken to have also committed the offence if—
- (a) the officer authorised or permitted the company's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the company's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the company has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the company for the offence against the deemed executive liability provision;
 - (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 offence against the deemed executive liability provision.
- '(4) However, this section does not apply to the company's offence to the extent it involves a contravention relating to a royalty prescribed in respect of a mineral.

Example for subsection (4)—

a royalty return lodged by the company containing information that is 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 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).

executive officer, of a company, see section 412A(5).’.

Part 42 Amendment of Motor Racing Events Act 1990

110 Act amended

This part amends the *Motor Racing Events Act 1990*.

111 Omission of s 44 (Offence by body corporate)

Section 44—

omit.

Part 43 Amendment of Nuclear Facilities Prohibition Act 2007

112 Act amended

This part amends the *Nuclear Facilities Prohibition Act 2007*.

[s 113]

Note—

See also the amendments in schedule 1.

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

Section 22—

omit, insert—

'22 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 either of the following provisions—

- section 7(1)
- section 13(4).’

114 Amendment of s 23 (Indictable and summary offences)

Section 23(1)—

omit, insert—

‘(1) An offence against section 13(4) is a misdemeanour.’.

115 Amendment of schedule (Dictionary)

Schedule—

insert—

‘*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.’.

[s 116]

Part 44 **Amendment of Offshore Minerals Act 1998**

116 Act amended

This part amends the *Offshore Minerals Act 1998*.

Note—

See also the amendments in schedule 1.

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

Section 443—

omit, insert—

'443 Liability of executive officer—offence committed by corporation against s 38

- '(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.

'443A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) In this section—
- deemed executive liability provision* means any of the following provisions—

[s 118]

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

118 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

‘*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.’.

Part 45 Amendment of Pest Management Act 2001

119 Act amended

This part amends the *Pest Management Act 2001*.

Note—

See also the amendments in schedule 1.

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

Section 122—

omit, insert—

'122 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

[s 121]

of the corporation, for the offence against the executive liability provision.

‘(5) In this section—

executive liability provision means either of the following provisions—

- section 50(1)
- section 51(2).’

Part 46 Amendment of Petroleum and Gas (Production and Safety) Act 2004

121 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Note—

See also the amendments in schedule 1.

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

Section 814—

omit, insert—

‘814 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 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)

[s 122]

- section 696(3)
- section 733(1)
- section 800(1)
- section 813(1)
- section 813(2).

'814A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) However, this section does not apply to the corporation's offence to the extent it involves a contravention relating to a petroleum royalty.

Example for subsection (4)—

a royalty return lodged by the corporation contains an entry that is 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)

[s 122]

- 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).'

Part 47 Amendment of Pharmacy Business Ownership Act 2001

123 Act amended

This part amends the *Pharmacy Business Ownership Act 2001*.

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

Section 197—

omit, insert—

‘197 Executive officer may be taken to have committed offence

- ‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—

[s 125]

- (a) the liability of the corporation for the offence against the deemed executive liability provision;
- (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 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).’.

Part 48 **Amendment of Place Names Act 1994**

125 Act amended

This part amends the *Place Names Act 1994*.

126 Omission of s 17 (Executive officers must ensure corporation complies with Act)

Section 17—

omit.

Part 49 **Amendment of Printing and Newspapers Act 1981**

127 Act amended

This part amends the *Printing and Newspapers Act 1981*.

128 Omission of s 10 (Liability for offence by body corporate)

Section 10—
omit.

Part 50 **Amendment of Private Employment Agents Act 2005**

129 Act amended

This part amends the *Private Employment Agents Act 2005*.

130 Omission of s 45 (Executive officers must ensure corporation complies with Act)

Section 45—
omit.

Part 51 **Amendment of Private Health Facilities Act 1999**

131 Act amended

This part amends the *Private Health Facilities Act 1999*.

[s 132]

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

Section 143—

omit, insert—

'143 Executive officer may be taken to have committed offence against s 39

- '(1) If a corporation commits an offence against section 39, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 39 whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 39;
 - (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 39.'

Part 52 Amendment of Property Agents and Motor Dealers Act 2000

133 Act amended

This part amends the *Property Agents and Motor Dealers Act 2000*.

134 Amendment of s 66 (Appointment of substitute licensee—pastoral house manager in charge of a licensee's business at a place)

Section 66(3) and (4), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

135 Amendment of s 112 (Carrying on of business under resident letting agent's licence)

Section 112(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

136 Amendment of s 113 (Licensee to be in charge of a resident letting agent's business at a place)

Section 113(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

137 Amendment of s 132 (Licensee to be in charge of a real estate agent's business at a place)

Section 132(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

[s 138]

138 Amendment of s 164 (Employment of persons in real estate business)

Section 164(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

139 Amendment of s 171 (Carrying on of business under pastoral house licence)

Section 171, penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

140 Amendment of s 172 (Licensee to be in charge of pastoral house's business at a place)

Section 172(1), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

141 Amendment of s 173 (Appointment of pastoral house—general)

Section 173(1) and (7), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

142 Amendment of s 174A (Pre-appointment advice about types of appointment)

Section 174A, penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

143 Amendment of s 175 (Appointment of pastoral house—sole and exclusive agencies)

Section 175(1), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

144 Amendment of s 176 (Restriction on reappointment of pastoral house for sales of residential property)

Section 176(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

145 Amendment of s 178 (Commission may be claimed only in relation to actual amounts)

Section 178(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

[s 146]

146 Amendment of s 179 (Restriction on recovery of reward or expense—no proper authorisation etc.)

Section 179(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

147 Amendment of s 180 (Restriction on recovery of reward or expense above amount allowed)

Section 180(6), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

148 Amendment of s 183 (Beneficial interest—options)

Section 183(2) and (4), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

149 Amendment of s 184 (Beneficial interest—other than options)

Section 184(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

150 Amendment of s 188 (Notice to be given about vacant land)

Section 188(1), (2) and (5), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

151 Amendment of s 189 (Buyer's rights if notice not given or materially defective)

Section 189(4), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

152 Amendment of s 194 (Pastoral house etc. must notify chief executive of particular changes)

Section 194(1), (3) and (4), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

153 Amendment of s 195 (Display and publication of licensee's name)

Section 195(1) and (2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

[s 154]

154 Amendment of s 196 (Pastoral house to keep employment register)

Section 196(1), (2) and (3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

155 Amendment of s 202 (Pastoral house must not act for more than 1 party)

Section 202(1), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

156 Amendment of s 204 (Employment of persons in pastoral house business)

Section 204(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

157 Amendment of s 209 (Licensee to be in charge of auctioneer's business at a place)

Section 209(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

158 Amendment of s 267 (Licensee or salesperson to be in charge of a property developer's business at a place)

Section 267(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

159 Amendment of s 278 (Employment of persons in property developer's business)

Section 278(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

160 Amendment of s 283 (Licensee to be in charge of motor dealer's business at a place)

Section 283(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

161 Amendment of s 338 (Employment of persons in motor dealer business)

Section 338(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

[s 162]

162 Amendment of s 343 (Licensee to be in charge of commercial agent's business at a place)

Section 343(2), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

163 Amendment of s 358 (Employment of persons in commercial agent's business)

Section 358(3), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

164 Amendment of s 420 (How receivers are appointed)

Section 420(5), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

165 Amendment of s 475 (Corporation to give notices in relation to claim)

Section 475(2) and (5), penalty, paragraph (a), from 'guilty' to 'section 591'—

omit, insert—

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'.

166 Replacement of s 591 (Executive officers must ensure corporation complies with Act)

Section 591—

omit, insert—

'591 Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a provision of this Act, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence;
 - (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.'

Part 53 Amendment of Prostitution Act 1999

167 Act amended

This part amends the *Prostitution Act 1999*.

168 Omission of s 99 (Offences by bodies corporate)

Section 99—

omit.

Part 54 Amendment of Public Health Act 2005

169 Act amended

This part amends the *Public Health Act 2005*.

Note—

See also the amendments in schedule 1.

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

Section 448—

omit, insert—

'448 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 either of the following provisions—

 - section 57E
 - section 57F(2).'

Part 55 Amendment of Public Health (Infection Control for Personal Appearance Services) Act 2003

171 Act amended

This part amends the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.

Note—

See also the amendments in schedule 1.

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

Section 142—

omit, insert—

'142 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 19(1)
- section 19(2).’.

Part 56 **Amendment of Queensland Building Services Authority Act 1991**

173 Act amended

This part amends the *Queensland Building Services Authority Act 1991*.

Note—

See also the amendments in schedule 1.

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

Section 111B—

omit, insert—

‘111B Liability of executive officer—particular offences committed by company

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

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

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- (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—
- executive liability provision*** means either of the following provisions—
- section 42(9)
 - section 42D.’

Part 57 Amendment of Queensland Heritage Act 1992

176 Act amended

This part amends the *Queensland Heritage Act 1992*.

Note—

See also the amendments in schedule 1.

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

Section 160—

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.

[s 177]

- '(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.

'160A Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
 - (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
 - (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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).’.

178 Amendment of schedule (Dictionary)

Schedule—

insert—

‘*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.’.

Part 58 Amendment of Racing Act 2002

179 Act amended

This part amends the *Racing Act 2002*.

180 Omission of s 339 (Executive officers must ensure corporation complies with Act)

Section 339—

omit.

[s 181]

Part 59 **Amendment of Radiation Safety Act 1999**

181 Act amended

This part amends the *Radiation Safety Act 1999*.

Note—

See also the amendments in schedule 1.

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

Section 205—

omit, insert—

'205 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 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—

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

‘205A Executive officer may be taken to have committed offence

‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—

- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or

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- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
- (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 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).'

Part 60 Residential Services (Accreditation) Act 2002

183 Act amended

This part amends the *Residential Services (Accreditation) Act 2002*.

Note—

See also the amendments in schedule 1.

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

Section 172—

omit, insert—

'172 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

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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 75
- section 76(2)
- section 76(4).'

Part 61 Amendment of Residential Tenancies and Rooming Accommodation Act 2008

185 Act amended

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

186 Omission of s 513 (Executive officers must ensure corporation complies with Act)

Section 513—

omit.

Part 62 Amendment of Retirement Villages Act 1999

187 Act amended

This part amends the *Retirement Villages Act 1999*.

188 Omission of s 225 (Executive officers must ensure corporation complies with Act)

Section 225—

omit.

Part 63 Amendment of Second-hand Dealers and Pawnbrokers Act 2003

189 Act amended

This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

190 Omission of s 112 (Executive officers must ensure corporation complies with Act)

Section 112—

omit.

Part 64 Amendment of Strategic Cropping Land Act 2011

191 Act amended

This part amends the *Strategic Cropping Land Act 2011*.

Note—

See also the amendments in schedule 1.

[s 192]

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

Section 250—

omit, insert—

'250 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 76(1)
- section 76(2)
- section 77(1)
- section 77(2).

‘250A Executive officer may be taken to have committed offence

‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—

- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.

‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.

‘(3) This section does not affect either of the following—

- (a) the liability of the corporation for the offence against the deemed executive liability provision;
- (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 deemed executive liability provision.

‘(4) In this section—

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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).’.

Part 65 **Amendment of Surveyors Act 2003**

193 Act amended

This part amends the *Surveyors Act 2003*.

194 Omission of s 185 (Executive officers must ensure corporation complies with Act)

Section 185—

omit.

Part 66 Amendment of Taxation Administration Act 2001

195 Act amended

This part amends the *Taxation Administration Act 2001*.

Note—

See also the amendments in schedule 1.

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

Section 140—

omit, insert—

‘140 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

[s 196]

- (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—
- executive liability provision*** means any of the following provisions—
- section 112(1)
 - section 119(1)
 - section 122(1)
 - section 123(1)
 - the *Duties Act 2001*, section 471G(1)
 - the *Duties Act 2001*, section 471H(1)
 - the *Duties Act 2001*, section 480(1)
 - the *Duties Act 2001*, section 480(2)
 - the *Duties Act 2001*, section 481
 - the *Duties Act 2001*, section 481A(2)
 - the *Payroll Tax Act 1971*, section 93.’.

Part 67 **Amendment of Tobacco and
Other Smoking Products Act
1998**

197 **Act amended**

This part amends the *Tobacco and Other Smoking Products Act 1998*.

198 **Omission of s 51B (Executive officers must ensure
corporation complies with Act)**

Section 51B—
omit.

Part 68 **Amendment of Tourism
Services Act 2003**

199 **Act amended**

This part amends the *Tourism Services Act 2003*.

200 **Omission of s 89 (Executive officers must ensure
corporation complies with Act)**

Section 89—
omit.

[s 201]

Part 69 **Amendment of Tow Truck Act 1973**

201 Act amended

This part amends the *Tow Truck Act 1973*.

202 Omission of s 41 (Offences by corporation)

Section 41—
omit.

Part 70 **Amendment of Trading (Allowable Hours) Act 1990**

203 Act amended

This part amends the *Trading (Allowable Hours) Act 1990*.

204 Amendment of s 44 (Parties to offences)

- (1) Sections 44(3) and (5)—
omit.
- (2) Section 44(4)—
renumber as section 44(3).

Part 71 **Amendment of Transport Operations (Marine Pollution) Act 1995**

206 Act amended

This part amends the *Transport Operations (Marine Pollution) Act 1995*.

Note—

See also the amendments in schedule 1.

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

Section 121—

omit, insert—

‘121 Executive officer may be taken to have committed offence

- ‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer

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of the corporation, 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).’

Part 72 Amendment of Transport Operations (Road Use Management) Act 1995

208 Act amended

This part amends the *Transport Operations (Road Use Management) Act 1995*.

Note—

See also the amendments in schedule 1.

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

Section 57—

omit, insert—

'57 Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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.'

[s 210]

Part 73 **Amendment of Transport (Rail Safety) Act 2010**

210 **Act amended**

This part amends the *Transport (Rail Safety) Act 2010*.

211 **Omission of s 255 (Executive officers must ensure corporation complies with Act)**

Section 255—

omit.

212 **Amendment of s 277 (Meaning of rail safety undertaking)**

Section 277(a)—

omit, insert—

‘(a) recognises that the chief executive alleges (the *alleged contravention* for the undertaking) that the identified person has contravened a provision of part 3; and’.

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.

**Part 74 Amendment of Travel Agents
Act 1988**

213 Act amended

This part amends the *Travel Agents Act 1988*.

214 Omission of s 52 (Offences by corporations)

Section 52—

omit.

[s 215]

Part 75 **Amendment of Vocational Education, Training and Employment Act 2000**

215 **Act amended**

This part amends the *Vocational Education, Training and Employment Act 2000*.

216 **Omission of s 280 (Executive officers must ensure corporation complies with prescribed provision)**

Section 280—

omit.

Part 76 **Amendment of Wagering Act 1998**

217 **Act amended**

This part amends the *Wagering Act 1998*.

Note—

See also the amendments in schedule 1.

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

Section 289—

omit, insert—

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

- '(1) If a corporation commits an offence against section 172(1), each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against section 172(1) whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against section 172(1);
 - (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 172(1).'

Part 77 Amendment of Waste Reduction and Recycling Act 2011

219 Act amended

This part amends the *Waste Reduction and Recycling Act 2011*.

Note—

See also the amendments in schedule 1.

[s 220]

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

Section 268—

omit, insert—

'268 Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) In this section—
- deemed executive liability provision*** means either of the following provisions—
- section 104(1)
 - section 167.'

Part 78 Amendment of Water Act 2000

221 Act amended

This part amends the *Water Act 2000*.

Note—

See also the amendments in schedule 1.

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

Section 828—

omit, insert—

'828 Executive officer may be taken to have committed offence

- '(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.
- '(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- '(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 deemed executive liability provision.
- '(4) In this section—

[s 223]

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).’.

Part 79 **Amendment of Water Fluoridation Act 2008**

223 **Act amended**

This part amends the *Water Fluoridation Act 2008*.

224 **Omission of s 91 (Executive officers must ensure corporation complies with Act)**

Section 91—

omit.

Part 80 **Amendment of Water Supply (Safety and Reliability) Act 2008**

225 Act amended

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

Note—

See also the amendments in schedule 1.

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

Section 487—

omit, insert—

‘487 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

[s 226]

- (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 92
 - section 190
 - section 196(1)
 - section 196(2)
 - section 343(1)
 - section 343(2)
 - section 343(3)
 - section 343(4)
 - section 344(1)
 - section 344(2)
 - section 345(2)
 - section 351(4)
 - section 352(4).

‘487A Executive officer may be taken to have committed offence

- ‘(1) If a corporation commits an offence against a deemed executive liability provision, each executive officer of the corporation is taken to have also committed the offence if—
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.
- ‘(2) The executive officer may be proceeded against for, and convicted of, the offence against the deemed executive liability provision whether or not the corporation has been proceeded against for, or convicted of, the offence.
- ‘(3) This section does not affect either of the following—
- (a) the liability of the corporation for the offence against the deemed executive liability provision;
 - (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 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)

[s 227]

- section 271(2)
- section 271(4).’.

Part 81 Amendment of Weapons Act 1990

227 Act amended

This part amends the *Weapons Act 1990*.

228 Omission of s 162 (Person other than offender liable to penalties)

Section 162—
omit.

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—

[s 228D]

'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 —

[s 228D]

- (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

- (b) otherwise—the new restricted access period for the inquiry public record applied under subsection (4) or that period as changed under—
 - (i) subsection (5); or
 - (ii) the *Public Records Act 2002*, section 19.’.

228E Insertion of new ch 8, pt 9

After section 392—

insert—

‘Part 9 Directors’ Liability Reform Amendment Act 2013

‘393 Provision relating to s 346A

‘It is declared that section 346A(2) as in force before the commencement of this section did not, and does not, apply to the copying, use, disclosure or giving access by a person as mentioned in section 346A(3)(d), (e) or (f).

‘394 Provision relating to s 375

- ‘(1) It is declared that section 375 did not, and does not, limit the operation of, or anything done under, the *Public Records Act 2002* in relation to inquiry public records.
- ‘(2) For subsection (1), section 375 is subject to an authorisation mentioned in section 62(1) relating to inquiry public records.
- ‘(3) In this section—
inquiry public records see section 346B.’.

[s 229]

Part 82 **Minor and consequential amendments**

229 **Acts amended**

Schedule 1 amends the Acts it mentions.

Schedule 1 Minor and consequential amendments

section 229

Animal Care and Protection Act 2001

1 Sections 17(2), 18(1), 51(1), 91 and 92—

insert—

'Note—

This provision is an executive liability provision—see section 209.'

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.'

Biodiscovery Act 2004

1 Sections 29(1) and (3), 32(1), 50(1), 51, 52(1) and 53(1)—

insert—

'Note—

This provision is an executive liability provision—see section 115.'

Building Act 1975

1 Sections 114A(2), 115(1), 231AL(6), 232(1), 245B(4) and 245L—

insert—

‘Note—

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

Casino Control Act 1982

1 Section 108(1)—

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.’.

Charitable and Non-Profit Gaming Act 1999

1 Section 20—

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.’.

Child Employment Act 2006

1 Sections 8A(1), 8B(1), 8C(1), 9(1), (2), (3) and (4), 10(1), 11(1), 12(7) and 13(10)—

insert—

'Note—

This provision is an executive liability provision—see section 33.'

Criminal Law (Sexual Offences) Act 1978

1 Sections 6(3) and (4), 7(3) and (4) and 10(1)—

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.'

Duties Act 2001

1 Sections 471G(1), 471H(1), 480(1) and (2), 481 and 481A(2)—

insert—

'Note—

This provision is an executive liability provision under the *Taxation Administration Act 2001*, section 140.'

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.'

Education (Queensland College of Teachers) Act 2005

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.'

Electricity Act 1994

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.’.

Explosives Act 1999

1 Section 32(1)—

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.’.

Fire and Rescue Service Act 1990

1 Sections 69(3), 104C and 104D(1)—

insert—

Note—

This provision is an executive liability provision—see section 151.’.

Food Act 2006

1 Sections 32, 33, 34(1) and (2), 35(1) and (2), 36(1) and (2), 37(1), (2) and (3), 38(1) and (2), 39(1), (2), (3) and (4), 49, 99(1), 123, 271B(2), 271C(2) and 271D(6)—

insert—

Note—

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

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.’.

Gaming Machine Act 1991

1 Section 325—

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.’.

Geothermal Energy Act 2010

1 Section 327, note—

omit, insert—

Note—

- 1 Other legislation may regulate geothermal production that is not of a large-scale and activities relating to geothermal heat pumps. See the *Sustainable Planning Act 2009* and the *Plumbing and Drainage Act 2002*.

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

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.’.

Greenhouse Gas Storage Act 2009

1 Section 386(1)—

insert—

‘*Note—*

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

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.’.

Interactive Gambling (Player Protection) Act 1998

1 Section 119(1)—

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.'

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.'

Justices Act 1886

1 Section 102F(1)—

insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 102FA, to have also committed the offence.'

Keno Act 1996

1 Section 116(1)—

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.'

Land Act 1994

1 Section 214D(1)—

insert—

'Note—

This provision is an executive liability provision—see section 431J.'

Lotteries Act 1997

1 Section 99(1)—

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.'

Mineral Resources Act 1989

1 Sections 334C(1), 402(1), 403(1) and 404D(1)—

insert—

'Note—

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

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.'

Nuclear Facilities Prohibition Act 2007

1 Sections 7(1) and 13(4)—

insert—

'Note—

This provision is an executive liability provision—see section 22.'

Offshore Minerals Act 1998

1 Section 38, note—

omit, insert—

Note—

- 1 A works licence may be necessary because *exploration* includes activities that are directly related to exploration (see section 23(1)) and *recovery* includes activities that are directly related to recovery (see section 24(1)).
- 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.’.

Payroll Tax Act 1971

1 Section 93—

insert—

Note—

This provision is an executive liability provision under the *Taxation Administration Act 2001*, section 140.’.

Pest Management Act 2001

1 Sections 50(1) and 51(2)—

insert—

Note—

This provision is an executive liability provision—see section 122.’.

Petroleum and Gas (Production and Safety) Act 2004

1 Sections 617C(1), 696(2) and (3), 733(1), 800(1) and 813(1) and (2)—

insert—

'Note—

This provision is an executive liability provision—see section 814.'

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.'

Public Health Act 2005

1 Sections 57E and 57F(2)—

insert—

'Note—

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

Public Health (Infection Control for Personal Appearance Services) Act 2003

1 Sections 19(1) and (2)—

insert—

'Note—

This provision is an executive liability provision—see section 142.'

Queensland Building Services Authority Act 1991

1 Sections 42(9) and 42D—

insert—

'Note—

This provision is an executive liability provision—see section 111B.'

Queensland Heritage Act 1992

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.'

Radiation Safety Act 1999

1 Sections 25, 26(1) and 27A(1)—

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.’

Residential Services (Accreditation) Act 2002

1 Sections 75 and 76(2) and (4)—

insert—

Note—

This provision is an executive liability provision—see section 172.’

Strategic Cropping Land Act 2011

1 Sections 76(1) and (2) and 77(1) and (2)—

insert—

Note—

This provision is an executive liability provision—see section 250.’

2 Section 76(3), notes—

omit, insert—

Note—

For the effect of subsection (2), see section 262.’

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.’.

Taxation Administration Act 2001

1 Sections 112(1), 119(1), 122(1) and 123(1)—

insert—

Note—

This provision is an executive liability provision—see section 140.’.

Transport Operations (Marine Pollution) Act 1995

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.’.

Transport Operations (Road Use Management) Act 1995

1 Sections 153A(1), 154(3), (4) and (6), 156(2), 160(3) and 161Q—

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.’.

Wagering Act 1998

1 Section 172(1)—

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.’.

Waste Reduction and Recycling Act 2011

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.’.

Water Act 2000

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.’.

Water Supply (Safety and Reliability) Act 2008

1 Sections 92, 190, 196(1) and (2), 343(1), (2), (3) and (4), 344(1) and (2), 345(2), 351(4) and 352(4)—

insert—

Note—

This provision is an executive liability provision—see section 487.’.

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.’.