



Queensland

Directors' Liability Reform Amendment Bill 2012



Directors' Liability Reform Amendment Bill 2012

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2012

A Bill

for

**An Act to amend particular Acts for matters relating to the
liability of executive officers of corporations**

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Directors' Liability Reform
Amendment Act 2012*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Animal Care
and Protection Act 2001** 8
9

Clause 3 Act amended 10

This part amends the *Animal Care and Protection Act 2001*. 11

Note— 12

See also the amendments in schedule 1. 13

**Clause 4 Replacement of s 209 (Executive officers must ensure
corporation complies with Act)** 14
15

Section 209— 16

omit, insert— 17

'209	Liability of executive officer—particular offences committed by corporation	1 2
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	3 4 5
'(2)	However, the executive officer is not taken to have also committed an offence against the executive liability provision if—	6 7 8
(a)	firstly, the officer satisfies the evidential burden of showing that—	9 10
(i)	the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	11 12 13 14
(ii)	the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision; and	15 16 17 18
(b)	secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.	19 20 21
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	22 23 24 25 26
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	27 28 29 30 31
'(5)	This section does not affect any of the following—	32
(a)	the liability of the corporation for its offence against the executive liability provision;	33 34

[s 4]

- (b) the liability, under section 209A, of the executive officer for the corporation's offence against the executive liability provision; 1
2
3
- (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 corporation's offence against the executive liability provision. 4
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- '(6) In this section— 8
- executive liability provision* means any of the following provisions— 9
10
- section 17(2) 11
 - section 18(1) 12
 - section 30 13
 - section 31 14
 - section 32 15
 - section 51(1) 16
 - section 91 17
 - section 92 18
 - the Criminal Code, section 468. 19
- '209A Executive officer may be taken to have committed offence** 20
21
- '(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— 22
23
24
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 25
26
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 27
28
- '(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. 29
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- ‘(3) This section does not affect either of the following— 1
- (a) the liability of the corporation for the offence; 2
 - (b) the liability, under the Criminal Code, chapter 2, of any 3
person, whether or not the person is an executive officer 4
of the corporation, for the offence.’ 5

- Clause 5 Amendment of schedule (Dictionary) 6**
- Schedule, definition *animal welfare offence*— 7
- omit, insert*— 8
- ‘*animal welfare offence* means an offence against— 9
- (a) this Act, other than chapter 6, part 2, divisions 2, 3, 4 10
and 7 and sections 206, 207, 208 and 210; or 11
 - (b) the Criminal Code, section 468.’ 12

Part 3 Amendment of Biodiscovery Act 2004 13 14

- Clause 6 Act amended 15**
- This part amends the *Biodiscovery Act 2004*. 16
- Note*— 17
- See also the amendments in schedule 1. 18

- Clause 7 Replacement of s 115 (Executive officers must ensure 19
corporation complies with Act) 20**
- Section 115— 21
- omit, insert*— 22

[s 7]

'115	Liability of executive officer—particular offences committed by corporation	1 2
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	3 4 5
'(2)	However, it is a defence for the executive officer to prove that—	6 7
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	8 9 10 11
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	12 13 14
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	15 16 17 18 19
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	20 21 22 23 24
'(5)	This section does not affect any of the following—	25
	(a) the liability of the corporation for its offence against the executive liability provision;	26 27
	(b) the liability, under section 116, of the executive officer for the corporation's offence against the executive liability provision;	28 29 30
	(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 corporation's offence against the executive liability provision.	31 32 33 34
'(6)	In this section—	35

<i>executive liability provision</i> means any of the following provisions—	1 2
• section 29(1)	3
• section 29(3)	4
• section 32(1)	5
• section 50(1)	6
• section 51	7
• section 52(1)	8
• section 53(1).	9
‘116 Executive officer may be taken to have committed offence	10 11
‘(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—	12 13 14
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	15 16
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	17 18
‘(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.	19 20 21
‘(3) This section does not affect either of the following—	22
(a) the liability of the corporation for the offence;	23
(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.’.	24 25 26

[s 8]

Part 4	Amendment of Building Act 1975	1 2
Clause 8	Act amended	3
	This part amends the <i>Building Act 1975</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 9	Replacement of s 257 (Liability for corporation's default)	7
	Section 257—	8
	<i>omit, insert—</i>	9
'256A	Liability of executive officer—particular offences committed by corporation	10 11
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	12 13 14
	'(2) However, the executive officer is not taken to have also committed an offence against the executive liability provision if—	15 16 17
	(a) firstly, the officer satisfies the evidential burden of showing that—	18 19
	(i) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	20 21 22 23
	(ii) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision; and	24 25 26 27
	(b) secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.	28 29 30

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- '(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.
- '(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.
- '(5) This section does not affect any of the following—
- (a) the liability of the corporation for its offence against the executive liability provision;
 - (b) the liability, under section 257, of the executive officer for the corporation's 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 corporation's offence against the executive liability provision.
- '(6) In this section—
- executive liability provision*** means any of the following provisions—
- section 114A(2)
 - section 115(1)
 - section 221(5)
 - section 226(2)
 - section 226(4)
 - section 231AL(6)
 - section 232(1)
 - section 245B(4)
 - section 245L.
-

Note—

See also the amendments in schedule 1.

		1
		2
Clause 11	Replacement of s 123 (Liability for offence by body corporate)	3 4
	Section 123—	5
	<i>omit, insert—</i>	6
'123	Liability of executive officer—offence committed by body corporate against s 108(1)	7 8
	'(1) An executive officer of a body corporate commits an offence if—	9 10
	(a) the body corporate commits an offence against section 108(1); and	11 12
	(b) the officer did not take all reasonable steps to ensure the body corporate did not engage in the conduct constituting the offence.	13 14 15
	Maximum penalty—the penalty for a contravention of section 108(1) by an individual.	16 17
	'(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—	18 19 20
	(a) whether the officer knew, or ought reasonably to have known, of the body corporate's conduct constituting the offence against section 108(1); and	21 22 23
	(b) whether the officer was in a position to influence the body corporate's conduct in relation to the offence against section 108(1); and	24 25 26
	(c) any other relevant matter.	27
	'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the body corporate has been proceeded against for, or convicted of, the offence against section 108(1).	28 29 30 31
	'(4) This section does not affect any of the following—	32

[s 11]

(a)	the liability of the body corporate for the offence against section 108(1);	1 2
(b)	the liability, under section 123A, of the executive officer for the offence against section 108(1);	3 4
(c)	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).	5 6 7 8
‘(5)	In this section— <i>executive officer</i> , 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.	9 10 11 12 13
‘123A	Executive officer may be taken to have committed offence	14 15
‘(1)	If a body corporate commits an offence against a provision of this Act, each executive officer of the body corporate is taken to have also committed the offence if—	16 17 18
(a)	the officer authorised or permitted the body corporate’s conduct constituting the offence; or	19 20
(b)	the officer was, directly or indirectly, knowingly concerned in the body corporate’s conduct.	21 22
‘(2)	The executive officer may be proceeded against for, and convicted of, the offence whether or not the body corporate has been proceeded against for, or convicted of, the offence.	23 24 25
‘(3)	This section does not affect either of the following—	26
(a)	the liability of the body corporate for the offence;	27
(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.	28 29 30
‘(4)	In this section— <i>executive officer</i> , of a body corporate, see section 123(5).’.	31 32

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

Clause 12	Act amended	3
	This part amends the <i>Charitable and Non-Profit Gaming Act 1999</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 13	Replacement of s 170 (Executive officers must ensure corporation complies with Act)	7
	Section 170—	8
	<i>omit, insert—</i>	9
'170	Liability of executive officer—offence committed by corporation against s 20	10
	'(1) An executive officer of a corporation commits an offence if—	11
	(a) the corporation commits an offence against section 20;	12
	and	13
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	14
	Maximum penalty—the penalty for a contravention of section 20 by an individual.	15
	'(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—	16
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 20; and	17
	(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 20; and	18

[s 13]

(c) any other relevant matter.	1
‘(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 20.	2 3 4 5
‘(4) This section does not affect any of the following—	6
(a) the liability of the corporation for the offence against section 20;	7 8
(b) the liability, under section 170A, of the executive officer for the offence against section 20;	9 10
(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 section 20.	11 12 13
‘170A Executive officer may be taken to have committed offence	14 15
‘(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—	16 17 18
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	19 20
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	21 22
‘(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.	23 24 25
‘(3) This section does not affect either of the following—	26
(a) the liability of the corporation for the offence;	27
(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.’.	28 29 30

Part 7	Amendment of Child Employment Act 2006	1 2
Clause 14	Act amended	3
	This part amends the <i>Child Employment Act 2006</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 15	Replacement of s 33 (Executive officers must ensure corporation complies with Act)	7 8
	Section 33—	9
	<i>omit, insert—</i>	10
'33	Liability of executive officer—particular offences committed by corporation	11 12
	'(1) An executive officer of a corporation commits an offence if—	13
	(a) the corporation commits an offence against an executive liability provision; and	14 15
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	16 17 18
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	19 20
	'(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—	21 22 23
	(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	24 25 26
	(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	27 28 29
	(c) any other relevant matter.	30

[s 15]

- ‘(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. 1
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3
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- ‘(4) This section does not affect any of the following— 5
- (a) the liability of the corporation for the offence against the executive liability provision; 6
7
- (b) the liability, under section 33A, of the executive officer for the offence against the executive liability provision; 8
9
- (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. 10
11
12
13
- ‘(5) In this section— 14
- executive liability provision*** means any of the following provisions— 15
16
- section 8A(1) 17
 - section 8B(1) 18
 - section 9(1) 19
 - section 9(2) 20
 - section 9(3) 21
 - section 9(4) 22
 - section 10(1) 23
 - section 11(1) 24
 - section 12(7) 25
 - section 13(10). 26

'33A	Executive officer may be taken to have committed offence	1
		2
'(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—	3 4 5
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
'(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.	10 11 12
'(3)	This section does not affect either of the following—	13
	(a) the liability of the corporation for the offence;	14
	(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.'	15 16 17
Clause 16	Amendment of schedule (Dictionary)	18
	Schedule—	19
	<i>insert—</i>	20
	' <i>executive officer</i> , 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.'	21 22 23 24

[s 17]

Part 8	Amendment of Clean Energy Act 2008	1
		2

Clause 17	Act amended	3
	This part amends the <i>Clean Energy Act 2008</i> .	4

Clause 18	Replacement of s 27 (Executive officers must ensure corporation complies with Act)	5
	Section 27—	6
	<i>omit, insert—</i>	7
		8

'27	Executive officer may be taken to have committed offence	9
		10
'(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—	11
		12
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	13
		14
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	15
		16
'(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.	17
		18
		19
		20
'(3)	This section does not affect either of the following—	21
	(a) the liability of the corporation for the offence;	22
	(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.	23
		24
		25
'(4)	In this section—	26
	<i>executive officer</i> , 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..	27
		28
		29
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Part 9	Amendment of Commission for Children and Young People and Child Guardian Act 2000	1
		2
		3
Clause 19	Act amended	4
	<i>This part amends the Commission for Children and Young People and Child Guardian Act 2000.</i>	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 20	Replacement of s 383 (Executive officers must ensure corporation complies with Act)	9
	Section 383—	10
	<i>omit, insert—</i>	11
		12
'383	Liability of executive officer—particular offences committed by corporation	13
		14
	'(1) An executive officer of a corporation commits an offence if—	15
	(a) the corporation commits an offence against an executive liability provision; and	16
		17
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	18
		19
		20
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	21
		22
	'(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—	23
		24
		25
	(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	26
		27
		28

- (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 383A, 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 188(1)
 - section 191(2)
 - section 192(2)
 - section 193(2)
 - section 194(2)
 - section 240(8)
 - section 242(8)
 - section 256(2).

'383A Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
	14
(a) the liability of the corporation for the offence;	14
	15
(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.'	16
	17

Part 10	Amendment of Criminal Law (Sexual Offences) Act 1978	18
		19

Clause 21	Act amended	20
	This part amends the <i>Criminal Law (Sexual Offences) Act 1978</i> .	21
		22
	<i>Note—</i>	23
	See also the amendments in schedule 1.	24

Clause 22	Amendment of s 3 (Definitions)	25
	Section 3—	26
	<i>insert—</i>	27

[s 23]

'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.'

Clause 23	Replacement of s 12 (Liability of directors etc. of body corporate)	5
	Section 12—	6
	<i>omit, insert—</i>	7
'12	Liability of executive officer—particular offences committed by corporation	8
	'(1) An executive officer of a corporation commits an offence if—	9
	(a) the corporation commits an offence against an executive liability provision; and	10
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	11
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	12
	'(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—	13
	(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	14
	(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	15
	(c) any other relevant matter.	16
	'(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.	17
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‘(4) This section does not affect any of the following—	1
(a) the liability of the corporation for the offence against the executive liability provision;	2 3
(b) the liability, under section 12A, of the executive officer for the offence against the executive liability provision;	4 5
(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.	6 7 8 9
‘(5) In this section—	10
<i>executive liability provision</i> means any of the following provisions—	11 12
• section 6(3)	13
• section 7(3)	14
• section 7(4)	15
• section 10(1).	16
‘12A Executive officer may be taken to have committed offence	17 18
‘(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—	19 20 21
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	22 23
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	24 25
‘(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.	26 27 28
‘(3) This section does not affect either of the following—	29
(a) the liability of the corporation for the offence;	30

Clause 28	Amendment of s 96 (Change in police information of other persons)	1 2
	Section 96(3), penalty, paragraph (a), 'or for section 206'— <i>omit.</i>	3 4
Clause 29	Replacement of s 206 (Executive officers must ensure corporation complies with Act)	5 6
	Section 206— <i>omit, insert—</i>	7 8
'206	Liability of executive officer—particular offences committed by corporation	9 10
	'(1) An executive officer of a corporation commits an offence if—	11
	(a) the corporation commits an offence against an executive liability provision; and	12 13
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	14 15 16
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	17 18
	'(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—	19 20 21
	(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	22 23 24
	(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	25 26 27
	(c) any other relevant matter.	28
	'(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.	29 30 31 32

[s 30]

- ‘(4) This section does not affect either of the following— 1
- (a) the liability of the corporation for the offence against the 2
executive liability provision; 3
 - (b) the liability, under the Criminal Code, chapter 2, of any 4
person, whether or not the person is an executive officer 5
of the corporation, for the offence against the executive 6
liability provision. 7
- ‘(5) In this section— 8
- executive liability provision* means any of the following 9
provisions— 10
- section 90(2) 11
 - section 90A(2) 12
 - section 90B(2) 13
 - section 90C(1) 14
 - section 91(2)(a) 15
 - section 91(2)(b) 16
 - section 91(2)(c) 17
 - section 104(7) 18
 - section 105A(7) 19
 - section 161(6).’ 20

- Clause 30 Amendment of s 214 (Funded non-government service 21
provider must keep records) 22**
- Section 214, penalty, paragraph (a), ‘or for section 206’— 23
omit. 24

Part 12	Amendment of Domestic Building Contracts Act 2000	1
		2
Clause 31	Act amended	3
	This part amends the <i>Domestic Building Contracts Act 2000</i> .	4
Clause 32	Replacement of s 95 (Executive officers must ensure corporation complies with Act)	5
	Section 95—	6
	<i>omit, insert—</i>	7
'95	Executive officer may be taken to have committed offence	8
		9
		10
	'(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—	11
		12
		13
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	14
		15
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	16
		17
	'(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.	18
		19
		20
	'(3) This section does not affect either of the following—	21
	(a) the liability of the corporation for the offence;	22
	(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.'	23
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[s 33]

Part 13	Amendment of Drugs Misuse Act 1986	1 2
Clause 33	Act amended	3
	This part amends the <i>Drugs Misuse Act 1986</i> .	4
Clause 34	Replacement of s 43S (Executive officers must ensure corporation complies with part)	5 6
	Section 43S—	7
	<i>omit, insert—</i>	8
'43S	Executive officer may be taken to have committed offence	9 10
	'(1) If a corporation commits an offence against a provision of this part, each executive officer of the corporation is taken to have also committed the offence if—	11 12 13
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	14 15
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	16 17
	'(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.	18 19 20
	'(3) This section does not affect either of the following—	21
	(a) the liability of the corporation for the offence;	22
	(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.'	23 24 25
Clause 35	Replacement of s 113 (Executive officers must ensure corporation complies with part)	26 27
	Section 113—	28
	<i>omit, insert—</i>	29

'113	Executive officer may be taken to have committed offence	1
		2
'(1)	If a corporation commits an offence against a provision of this part, each executive officer of the corporation is taken to have also committed the offence if—	3
		4
		5
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
		7
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
		9
'(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.	10
		11
		12
'(3)	This section does not affect either of the following—	13
	(a) the liability of the corporation for the offence;	14
	(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.'	15
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		17

Part 14	Amendment of Education (Queensland College of Teachers) Act 2005	18
		19
		20

Clause 36	Act amended	21
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	22
		23
	<i>Note—</i>	24
	See also the amendments in schedule 1.	25

[s 37]

Clause 37	Replacement of s 228 (Executive officers must ensure corporation complies with Act)	1 2
	Section 228—	3
	<i>omit, insert—</i>	4
'228	Liability of executive officer—particular offences committed by corporation	5 6
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	7 8 9
'(2)	However, the executive officer is not taken to have also committed an offence against the executive liability provision if—	10 11 12
(a)	firstly, the officer satisfies the evidential burden of showing that—	13 14
(i)	the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	15 16 17 18
(ii)	the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision; and	19 20 21 22
(b)	secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.	23 24 25
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	26 27 28 29 30
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	31 32 33 34 35

‘(5) This section does not affect any of the following—	1
(a) the liability of the corporation for its offence against the executive liability provision;	2 3
(b) the liability, under section 228A, of the executive officer for the offence against the executive liability provision;	4 5
(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 corporation’s offence against the executive liability provision.	6 7 8 9
‘(6) In this section—	10
<i>executive liability provision</i> means either of the following provisions—	11 12
• section 82(1)	13
• section 82(2).	14
‘228A Executive officer may be taken to have committed offence	15 16
‘(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—	17 18 19
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	20 21
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	22 23
‘(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.	24 25 26
‘(3) This section does not affect either of the following—	27
(a) the liability of the corporation for the offence;	28
(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.’.	29 30 31

[s 38]

Clause 38	Amendment of sch 3 (Dictionary)	1
	Schedule 3—	2
	<i>insert</i> —	3
	‘ <i>executive officer</i> , 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.’.	4 5 6 7

Part 15	Amendment of Electricity Act 1994	8 9
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Clause 39	Act amended	10
	This part amends the <i>Electricity Act 1994</i> .	11
	<i>Note</i> —	12
	See also the amendments in schedule 1.	13

Clause 40	Replacement of s 240A (Executive officers must ensure corporation complies with Act)	14 15
	Section 240A—	16
	<i>omit, insert</i> —	17
‘240A	Liability of executive officer—offence committed by corporation against executive liability (standard) provision	18 19 20
	‘(1) An executive officer of a corporation commits an offence if—	21
	(a) the corporation commits an offence against an executive liability (standard) provision; and	22 23
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	24 25 26

-
- Maximum penalty—the penalty for a contravention of the executive liability (standard) provision by an individual. 1
2
- ‘(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— 3
4
5
- (a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against the executive liability (standard) provision; and 6
7
8
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- (b) whether the officer was in a position to influence the corporation’s conduct in relation to the offence against the executive liability (standard) provision; and 10
11
12
- (c) any other relevant matter. 13
- ‘(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 (standard) provision. 14
15
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- ‘(4) This section does not affect any of the following— 19
- (a) the liability of the corporation for the offence against the executive liability (standard) provision; 20
21
- (b) the liability, under section 240C, of the executive officer for the offence against the executive liability (standard) provision; 22
23
24
- (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 (standard) provision. 25
26
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- ‘(5) In this section— 29
- executive liability (standard) provision*** means any of the following provisions— 30
31
- section 48B 32
 - section 89(1) 33
-

[s 40]

- section 91A(2) 1
- section 120AC(2) 2
- section 120ZE(4) 3
- section 120ZJ(2) 4
- section 135IR. 5

'240B Liability of executive officer—offence committed by corporation against executive liability (persuasive burden) provision 6
7
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- '(1) If a corporation commits an offence against an executive liability (persuasive burden) provision, each executive officer of the corporation is taken to have also committed an offence against the provision. 9
10
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12
- '(2) However, it is a defence for the executive officer to prove that— 13
14
- (a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability (persuasive burden) provision; or 15
16
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18
- (b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability (persuasive burden) provision. 19
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- '(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability (persuasive burden) provision. 23
24
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- '(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability (persuasive burden) provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability (persuasive burden) provision. 29
30
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‘(5) This section does not affect any of the following—	1
(a) the liability of the corporation for its offence against the executive liability (persuasive burden) provision;	2 3
(b) the liability, under section 240C, of the executive officer for the corporation’s offence against the executive liability (persuasive burden) provision;	4 5 6
(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 corporation’s offence against the executive liability (persuasive burden) provision.	7 8 9 10
‘(6) In this section—	11
<i>executive liability (persuasive burden) provision</i> means any of the following provisions—	12 13
• section 87(1)	14
• section 88(1)	15
• section 88A(1)	16
• section 131(5)	17
• section 131(6)	18
• section 135DO(1)	19
• section 135DO(2).	20
‘240C Executive officer may be taken to have committed offence	21 22
‘(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—	23 24 25
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	26 27
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	28 29

[s 41]

- '(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. 1
2
3
- '(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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.'. 6
7
8

Clause 41	Amendment of sch 5 (Dictionary)	9
	Schedule 5—	10
	<i>insert</i> —	11
	' <i>executive officer</i> , 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.'. 12 13 14 15	

Part 16	Amendment of Emblems of Queensland Act 2005	16 17
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Clause 42	Act amended	18
	This part amends the <i>Emblems of Queensland Act 2005</i> .	19
Clause 43	Replacement of s 5 (Executive officers must ensure corporation complies with Act)	20 21
	Section 5—	22
	<i>omit, insert</i> —	23

'5	Executive officer may be taken to have committed offence	1 2
	'(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—	3 4 5
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
	'(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.	10 11 12
	'(3) This section does not affect either of the following—	13
	(a) the liability of the corporation for the offence;	14
	(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.	15 16 17
	'(4) In this section—	18
	<i>executive officer</i> , 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?.	19 20 21 22

Part 17	Amendment of Explosives Act 1999	23 24
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Clause 44	Act amended	25
	This part amends the <i>Explosives Act 1999</i> .	26
	<i>Note—</i>	27
	See also the amendments in schedule 1.	28

[s 45]

Clause 45	Replacement of s 117 (Executive officers must ensure corporation complies with Act)	1 2
	Section 117—	3
	<i>omit, insert—</i>	4
'117	Liability of executive officer—offence committed by corporation against s 32(1)	5 6
	'(1) If a corporation commits an offence against section 32(1), each executive officer of the corporation is taken to have also committed an offence against section 32(1).	7 8 9
	'(2) However, it is a defence for the executive officer to prove that—	10 11
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against section 32(1); or	12 13 14
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against section 32(1).	15 16 17
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against section 32(1).	18 19 20 21 22
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against section 32(1) whether or not the corporation has been proceeded against for, or convicted of, its offence against section 32(1).	23 24 25 26
	'(5) This section does not affect any of the following—	27
	(a) the liability of the corporation for its offence against section 32(1);	28 29
	(b) the liability, under section 117A, of the executive officer for the corporation's offence against section 32(1);	30 31
	(c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer	32 33

of the corporation, for the corporation's offence against
section 32(1). 1
2

**'117A Executive officer may be taken to have committed
offence** 3
4

- '(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— 5
6
7
- (a) the officer authorised or permitted the corporation's
conduct constituting the offence; or 8
9
- (b) the officer was, directly or indirectly, knowingly
concerned in the corporation's conduct. 10
11
- '(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. 12
13
14
- '(3) This section does not affect either of the following— 15
- (a) the liability of the corporation for the offence; 16
- (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.' 17
18
19

Part 18 **Amendment of Fire and Rescue** 20
Service Act 1990 21

- Clause 46** **Act amended** 22
- This part amends the *Fire and Rescue Service Act 1990*. 23
- Note—* 24
- See also the amendments in schedule 1. 25

[s 47]

Clause 47	Replacement of s 151 (Offence by body corporate)	1
	Section 151—	2
	<i>omit, insert—</i>	3
'151	Liability of executive officer—particular offences committed by corporation	4
		5
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	6 7 8
	'(2) However, it is a defence for the executive officer to prove that—	9 10
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	11 12 13 14
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	15 16 17
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	18 19 20 21 22
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	23 24 25 26 27
	'(5) This section does not affect any of the following—	28
	(a) the liability of the corporation for its offence against the executive liability provision;	29 30
	(b) the liability, under section 152, of the executive officer for the corporation's offence against the executive liability provision;	31 32 33

(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 corporation's offence against the executive liability provision.	1 2 3 4
'(6)	In this section— <i>executive liability provision</i> means any of the following provisions—	5 6 7
	• section 69(3)	8
	• section 72(1)	9
	• section 104C	10
	• section 104D(1)	11
	• section 104E(1)	12
	• section 104FA(2)	13
	• section 104FB(1)	14
	• section 104FB(3).	15
'152	Executive officer may be taken to have committed offence	16 17
'(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—	18 19 20
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	21 22
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	23 24
'(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.	25 26 27
'(3)	This section does not affect either of the following—	28
	(a) the liability of the corporation for the offence;	29

-
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. 1
2
3
- Maximum penalty—the penalty for a contravention of the executive liability provision by an individual. 4
5
- ‘(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— 6
7
8
- (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 9
10
11
- (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 12
13
14
- (c) any other relevant matter. 15
- ‘(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. 16
17
18
19
- ‘(4) This section does not affect any of the following— 20
- (a) the liability of the corporation for the offence against the executive liability provision; 21
22
- (b) the liability, under section 219B, of the executive officer for the offence against the executive liability provision; 23
24
- (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. 25
26
27
28
- ‘(5) In this section— 29
- executive liability provision* means any of the following provisions— 30
31
- section 13(3) 32
 - section 77(1) 33
-

[s 50]

• section 77(2)	1
• section 79	2
• section 79A	3
• section 82	4
• section 88A	5
• section 88B(2)	6
• section 89	7
• section 90(1)	8
• section 91	9
• section 92(1)	10
• section 98	11
• section 99(3)	12
• section 122	13
• section 123.	14
'219B Executive officer may be taken to have committed offence	15 16
‘(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—	17 18 19
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	20 21
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	22 23
‘(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.	24 25 26
‘(3) This section does not affect either of the following—	27
(a) the liability of the corporation for the offence;	28

- (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.’. 1
2
3

Part 20 Amendment of Food Act 2006 4

Clause 51 Act amended 5

This part amends the *Food Act 2006*. 6

Note— 7

See also the amendments in schedule 1. 8

Clause 52 Replacement of s 260 (Executive officers must ensure corporation complies with Act) 9 10

Section 260— 11

omit, insert— 12

‘260 Liability of executive officer—offence committed by corporation against executive liability (standard) provision 13 14 15

‘(1) An executive officer of a corporation commits an offence if— 16

(a) the corporation commits an offence against an executive liability (standard) provision; and 17
18

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. 19
20
21

Maximum penalty—the penalty for a contravention of the executive liability (standard) provision by an individual. 22
23

‘(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— 24
25
26

(a) whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the 27
28

[s 52]

offence against the executive liability (standard) provision; and	1 2
(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability (standard) provision; and	3 4 5
(c) any other relevant matter.	6
‘(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 (standard) provision.	7 8 9 10 11
‘(4) This section does not affect any of the following—	12
(a) the liability of the corporation for the offence against the executive liability (standard) provision;	13 14
(b) the liability, under section 260B, of the executive officer for the offence against the executive liability (standard) provision;	15 16 17
(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 (standard) provision.	18 19 20 21
‘(5) In this section—	22
<i>executive liability (standard) provision</i> means any of the following provisions—	23 24
• section 38(1)	25
• section 38(2)	26
• section 271B(2)	27
• section 271C(2)	28
• section 271D(6).	29

'260A Liability of executive officer—offence committed by corporation against executive liability (persuasive burden) provision	1 2 3
'(1) If a corporation commits an offence against an executive liability (persuasive burden) provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	4 5 6 7
'(2) However, it is a defence for the executive officer to prove that—	8 9
(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability (persuasive burden) provision; or	10 11 12 13
(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability (persuasive burden) provision.	14 15 16 17
'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability (persuasive burden) provision.	18 19 20 21 22 23
'(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability (persuasive burden) provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability (persuasive burden) provision.	24 25 26 27 28
'(5) This section does not affect any of the following—	29
(a) the liability of the corporation for its offence against the executive liability (persuasive burden) provision;	30 31
(b) the liability, under section 260B, of the executive officer for the corporation's offence against the executive liability (persuasive burden) provision;	32 33 34

[s 52]

- (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 corporation's offence against the executive liability (persuasive burden) provision. 1
2
3
4
- (6) In this section— 5
- executive liability (persuasive burden) provision* means any of the following provisions— 6
7
- section 32 8
 - section 33 9
 - section 34(1) 10
 - section 34(2) 11
 - section 35(1) 12
 - section 35(2) 13
 - section 36(1) 14
 - section 36(2) 15
 - section 37(1) 16
 - section 37(2) 17
 - section 37(3) 18
 - section 39(1) 19
 - section 39(2) 20
 - section 39(3) 21
 - section 39(4) 22
 - section 49 23
 - section 99(1) 24
 - section 123 25
 - section 207 26
 - section 221 27
 - section 271(6). 28

'260B Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
(a) the liability of the corporation for the offence;	14
(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.'	15
	16
	17

Part 21	Amendment of Funeral Benefit Business Act 1982	18
		19

Clause 53	Act amended	20
	This part amends the <i>Funeral Benefit Business Act 1982</i> .	21

Clause 54	Replacement of s 84 (Offence by corporation)	22
	Section 84—	23
	<i>omit, insert—</i>	24

[s 55]

'84	Executive officer may be taken to have committed offence	1 2
'(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—	3 4 5
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
'(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.	10 11 12
'(3)	This section does not affect either of the following—	13
(a)	the liability of the corporation for the offence;	14
(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.	15 16 17
'(4)	In this section—	18
	<i>executive officer</i> , 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.'	19 20 21 22

Part 22	Amendment of Gaming Machine Act 1991	23 24
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Clause 55	Act amended	25
	This part amends the <i>Gaming Machine Act 1991</i> .	26
	<i>Note—</i>	27
	See also the amendments in schedule 1.	28

Clause 56	Replacement of s 352 (Liability for offence by body corporate)	1 2
	Section 352—	3
	<i>omit, insert—</i>	4
'352	Liability of executive officer—offence committed by body corporate against s 325	5 6
	'(1) An executive officer of a body corporate commits an offence if—	7 8
	(a) the body corporate commits an offence against section 325; and	9 10
	(b) the officer did not take all reasonable steps to ensure the body corporate did not engage in the conduct constituting the offence.	11 12 13
	Maximum penalty—the penalty for a contravention of section 325 by an individual.	14 15
	'(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—	16 17 18
	(a) whether the officer knew, or ought reasonably to have known, of the body corporate's conduct constituting the offence against section 325; and	19 20 21
	(b) whether the officer was in a position to influence the body corporate's conduct in relation to the offence against section 325; and	22 23 24
	(c) any other relevant matter.	25
	'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the body corporate has been proceeded against for, or convicted of, the offence against section 325.	26 27 28 29
	'(4) This section does not affect any of the following—	30
	(a) the liability of the body corporate for the offence against section 325;	31 32

[s 57]

- (b) the liability, under section 352A, of the executive officer for the offence against section 325; 1
2
- (c) 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. 3
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'352A Executive officer may be taken to have committed offence 7
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- '(1) If a body corporate commits an offence against a provision of this Act, each executive officer of the body corporate is taken to have also committed the offence if— 9
10
11
 - (a) the officer authorised or permitted the body corporate's conduct constituting the offence; or 12
13
 - (b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct. 14
15
- '(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the body corporate has been proceeded against for, or convicted of, the offence. 16
17
18
- '(3) This section does not affect either of the following— 19
 - (a) the liability of the body corporate for the offence; 20
 - (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.' 21
22
23

Part 23 **Amendment of Geothermal Energy Act 2010** 24
25

Clause 57	Act amended	26
	This part amends the <i>Geothermal Energy Act 2010</i> .	27
	<i>Note—</i>	28

See also the amendments in schedule 1.

		1
Clause 58	Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences)	2
	Section 333—	3
	<i>omit, insert—</i>	4
'333	Liability of executive officer—offence committed by corporation against s 327	5
	'(1) If a corporation commits an offence against section 327, each executive officer of the corporation is taken to have also committed an offence against section 327.	6
	'(2) However, it is a defence for the executive officer to prove that—	7
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against section 327; or	8
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against section 327.	9
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against section 327.	10
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against section 327 whether or not the corporation has been proceeded against for, or convicted of, its offence against section 327.	11
	'(5) This section does not affect any of the following—	12
	(a) the liability of the corporation for its offence against section 327;	13
	(b) the liability, under section 333A, of the executive officer for the corporation's offence against section 327;	14
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[s 59]

- (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 corporation's offence against section 327. 1
2
3
4

'333A Executive officer may be taken to have committed offence 5
6

- '(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— 7
8
9
 - (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 10
11
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 12
13
- '(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. 14
15
16
- '(3) This section does not affect either of the following— 17
 - (a) the liability of the corporation for the offence; 18
 - (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.' 19
20
21

Part 24 Amendment of Greenhouse Gas Storage Act 2009 22
23

- Clause 59 Act amended** 24
- This part amends the *Greenhouse Gas Storage Act 2009*. 25
- Note—* 26
- See also the amendments in schedule 1. 27

Clause 60	Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences)	1 2
	Section 393—	3
	<i>omit, insert—</i>	4
'393	Liability of executive officer—offence committed by corporation against s 386(1)	5 6
	'(1) If a corporation commits an offence against section 386(1), each executive officer of the corporation is taken to have also committed an offence against section 386(1).	7 8 9
	'(2) However, it is a defence for the executive officer to prove that—	10 11
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against section 386(1); or	12 13 14 15
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against section 386(1).	16 17 18
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against section 386(1).	19 20 21 22 23
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against section 386(1) whether or not the corporation has been proceeded against for, or convicted of, its offence against section 386(1).	24 25 26 27
	'(5) This section does not affect any of the following—	28
	(a) the liability of the corporation for its offence against section 386(1);	29 30
	(b) the liability, under section 393A, of the executive officer for the corporation's offence against section 386(1);	31 32
	(c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer	33 34

[s 61]

of the corporation, for the corporation's offence against
section 386(1). 1
2

**'393A Executive officer may be taken to have committed
offence** 3
4

- '(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— 5
6
7
- (a) the officer authorised or permitted the corporation's
conduct constituting the offence; or 8
9
- (b) the officer was, directly or indirectly, knowingly
concerned in the corporation's conduct. 10
11
- '(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. 12
13
14
- '(3) This section does not affect either of the following— 15
- (a) the liability of the corporation for the offence; 16
- (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.' 17
18
19

Part 25 **Amendment of Guide, Hearing and Assistance Dogs Act 2009** 20
21

Clause 61 **Act amended** 22

This part amends the *Guide, Hearing and Assistance Dogs Act*
2009. 23
24

Clause 62	Replacement of s 106 (Executive officers must ensure corporation complies with Act)	1 2
	Section 106—	3
	<i>omit, insert—</i>	4
'106	Executive officer may be taken to have committed offence	5 6
	'(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—	7 8 9
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	10 11
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	12 13
	'(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.	14 15 16
	'(3) This section does not affect either of the following—	17
	(a) the liability of the corporation for the offence;	18
	(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.'	19 20 21
Clause 63	Amendment of sch 4 (Dictionary)	22
	Schedule 4—	23
	<i>insert—</i>	24
	' <i>executive officer</i> , 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.'	25 26 27 28

[s 64]

Part 26 **Amendment of Health Act 1937** 1

Clause 64 Act amended 2

This part amends the *Health Act 1937*. 3

Clause 65 Replacement of s 153ZN (Executive officers must ensure corporation complies with relevant provisions and this part) 4
5
6

Section 153ZN— 7

omit, insert— 8

'153ZN Executive officer may be taken to have committed offence 9
10

'(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— 11
12
13

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or 14
15

(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 16
17

'(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. 18
19
20

'(3) This section does not affect either of the following— 21

(a) the liability of the corporation for the offence; 22

(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.' 23
24
25

Part 27	Amendment of Higher Education (General Provisions) Act 2008	1 2 3
Clause 66	Act amended This part amends the <i>Higher Education (General Provisions) Act 2008</i> .	4 5 6
Clause 67	Amendment of s 112 (Responsibility for acts or omissions of representatives) Section 112(4)— <i>insert—</i> ' <i>executive officer</i> , 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.'	7 8 9 10 11 12 13 14
Clause 68	Omission of s 113 (Executive officers must ensure corporation complies with Act) Section 113— <i>omit.</i>	15 16 17 18
Clause 69	Amendment of sch 2 (Dictionary) Schedule 2, definition <i>executive officer</i> — <i>omit.</i>	19 20 21

[s 70]

Part 28	Amendment of Housing Act 2003	1
		2
Clause 70	Act amended	3
	This part amends the <i>Housing Act 2003</i> .	4
Clause 71	Replacement of s 91 (Executive officers must ensure corporation complies with Act)	5
	Section 91—	6
	<i>omit, insert—</i>	7
		8
'91	Executive officer may be taken to have committed offence	9
		10
	'(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—	11
		12
		13
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	14
		15
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	16
		17
	'(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.	18
		19
		20
	'(3) This section does not affect either of the following—	21
	(a) the liability of the corporation for the offence;	22
		23
	(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.'	24
		25

Part 29	Amendment of Industrial Relations Act 1999	1
		2
Clause 72	Act amended	3
	This part amends the <i>Industrial Relations Act 1999</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 73	Replacement of s 673 (Executive officers must ensure corporation complies with ss 138, 368, 406 and 666)	7
	Section 673—	8
	<i>omit, insert—</i>	9
'673	Liability of executive officer—particular offences committed by corporation	10
		11
		12
	'(1) An executive officer of a corporation commits an offence if—	13
	(a) the corporation commits an offence against an executive liability provision; and	14
		15
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	16
		17
		18
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	19
		20
	'(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—	21
		22
		23
	(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	24
		25
		26
	(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	27
		28
		29
	(c) any other relevant matter.	30

[s 73]

- ‘(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. 1
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- ‘(4) This section does not affect any of the following— 5
- (a) the liability of the corporation for the offence against the executive liability provision; 6
7
- (b) the liability, under section 672, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision; 8
9
10
11
- (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. 12
13
14
15
- ‘(5) In this section— 16
- executive liability provision* means any of the following provisions— 17
18
- section 138(4) 19
 - section 406(1) 20
 - section 666(1). 21
- executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not— 22
23
24
- (a) the person is a director; or 25
- (b) the person’s position is given the name of executive officer.’. 26
27

Part 30	Amendment of Interactive Gambling (Player Protection) Act 1998	1
		2
		3
Clause 74	Act amended	4
	This part amends the <i>Interactive Gambling (Player Protection) Act 1998</i> .	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 75	Replacement of s 247 (Executive officers must ensure corporation complies with Act)	9
		10
	Section 247—	11
	<i>omit, insert—</i>	12
'247	Liability of executive officer—offence committed by corporation against s 119(1)	13
		14
	'(1) An executive officer of a corporation commits an offence if—	15
	(a) the corporation commits an offence against section 119(1); and	16
		17
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	18
		19
		20
	Maximum penalty—the penalty for a contravention of section 119(1) by an individual.	21
		22
	'(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—	23
		24
		25
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 119(1); and	26
		27
		28

[s 75]

- (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 119(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 119(1).
 - '(4) This section does not affect any of the following—
 - (a) the liability of the corporation for the offence against section 119(1);
 - (b) the liability, under section 247A, of the executive officer for the offence against section 119(1);
 - (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 section 119(1).
- '247A 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.’. 1
2
3

Part 31 **Amendment of Introduction Agents Act 2001** 4
5

Clause 76 Act amended 6
This part amends the *Introduction Agents Act 2001*. 7

Clause 77 Replacement of s 94 (Executive officers must ensure corporation complies with Act) 8
9
Section 94— 10
omit, insert— 11

‘94 Executive officer may be taken to have committed offence 12
13

‘(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— 14
15
16

(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 17
18

(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 19
20

‘(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. 21
22
23

‘(3) This section does not affect either of the following— 24
25
(a) the liability of the corporation for the offence;

-
- '(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. 1
2
3
- '(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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. 6
7
8
- '(4) In this section— 9
- 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.'. 10
11
12
13

Part 33 **Amendment of Justices Act 1886** 14 15

Clause 81 **Act amended** 16

This part amends the *Justices Act 1886*. 17

Note— 18

See also the amendments in schedule 1. 19

Clause 82 **Amendment of s 102F (Publication prohibited)** 20

Section 102F(2)— 21

omit. 22

Clause 83 **Insertion of new s 102FA** 23

After section 102F— 24

insert— 25

Clause 85	Replacement of s 226 (Executive officers must ensure corporation complies with Act)	1 2
	Section 226—	3
	<i>omit, insert—</i>	4
'226	Liability of executive officer—offence committed by corporation against s 116(1)	5 6
	'(1) An executive officer of a corporation commits an offence if—	7
	(a) the corporation commits an offence against section 116(1); and	8 9
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	10 11 12
	Maximum penalty—the penalty for a contravention of section 116(1) by an individual.	13 14
	'(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—	15 16 17
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 116(1); and	18 19 20
	(b) whether the officer was in a position to influence the corporation's conduct in relation to an offence against section 116(1); and	21 22 23
	(c) any other relevant matter.	24
	'(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 116(1).	25 26 27 28
	'(4) This section does not affect any of the following—	29
	(a) the liability of the corporation for the offence against section 116(1);	30 31
	(b) the liability, under section 226A, of the executive officer for the offence against section 116(1);	32 33

[s 86]

- (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 section 116(1). 1
2
3
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'226A Executive officer may be taken to have committed offence 5
6

- '(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— 7
8
9
 - (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 10
11
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 12
13
- '(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. 14
15
16
- '(3) This section does not affect either of the following— 17
 - (a) the liability of the corporation for the offence; 18
 - (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.' 19
20
21

Part 35 Amendment of Land Act 1994 22

Clause 86	Act amended	23
	This part amends the <i>Land Act 1994</i> .	24
	<i>Note—</i>	25
	See also the amendments in schedule 1.	26

Clause 87	Replacement of s 431J (Executive officers must ensure corporation complies with Act)	1
		2
	Section 431J—	3
	<i>omit, insert—</i>	4
'431J	Liability of executive officer—particular offences committed by corporation	5
		6
'(1)	An executive officer of a corporation commits an offence if—	7
(a)	the corporation commits an offence against an executive liability provision; and	8
		9
(b)	the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	10
		11
		12
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	13
		14
'(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—	15
		16
		17
(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	18
		19
		20
(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	21
		22
		23
(c)	any other relevant matter.	24
'(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.	25
		26
		27
		28
'(4)	This section does not affect any of the following—	29
(a)	the liability of the corporation for the offence against the executive liability provision;	30
		31
(b)	the liability, under section 431K, of the executive officer for the offence against the executive liability provision;	32
		33

[s 87]

- (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. 1
2
3
4
- ‘(5) In this section— 5
- executive liability provision* means any of the following provisions— 6
7
- section 198B 8
 - section 214D(1) 9
 - section 404(1) 10
 - section 407 11
 - section 419 12
 - section 440. 13
- 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. 14
15
16
17
- ‘431K Executive officer may be taken to have committed offence 18
19**
- ‘(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— 20
21
22
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 23
24
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 25
26
- ‘(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. 27
28
29
- ‘(3) This section does not affect either of the following— 30
- (a) the liability of the corporation for the offence; 31

(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. 1
2
3

‘(4) In this section— 4
executive officer, of a corporation, see section 431J(5).’ 5

Part 36 **Amendment of Land Sales Act** 6
1984 7

Clause 88 **Act amended** 8
This part amends the *Land Sales Act 1984*. 9

Clause 89 **Amendment of s 6 (Definitions)** 10
Section 6— 11
insert— 12
‘*executive officer*, of a corporation, means a person who is 13
concerned with, or takes part in, the corporation’s 14
management, whether or not the person is a director or the 15
person’s position is given the name of executive officer.’ 16

Clause 90 **Replacement of s 32B (Executive officers must ensure corporation complies with Act)** 17
Section 32B— 18
omit, insert— 19
20

‘32B **Executive officer may be taken to have committed offence** 21
22

‘(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— 23
24
25

[s 91]

- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 1
2
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 3
4
- '(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. 5
6
7
- '(3) This section does not affect either of the following— 8
 - (a) the liability of the corporation for the offence; 9
 - (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.' 10
11
12

Part 37 **Amendment of Legal Profession Act 2007** 13
14

Clause 91 **Act amended** 15
This part amends the *Legal Profession Act 2007*. 16

Clause 92 **Amendment of s 114 (Notice of intention to start providing legal services)** 17
18
Section 114(2), penalty, paragraph (a), from 'guilty' to 'section 702'— 19
20
omit, insert— 21
'guilty under section 702 or the Criminal Code, chapter 2, of an offence'. 22
23

Clause 93	Amendment of s 116 (Notice of termination of provision of legal services)	1 2
	Section 116(1), penalty, paragraph (a), from 'guilty' to 'section 702'—	3 4
	<i>omit, insert—</i>	5
	'guilty under section 702 or the Criminal Code, chapter 2, of an offence'.	6 7
Clause 94	Amendment of s 119 (Incorporated legal practice without legal practitioner director)	8 9
	Section 119(2) and (3), penalty, paragraph (a), from 'guilty' to 'section 702'—	10 11
	<i>omit, insert—</i>	12
	'guilty under section 702 or the Criminal Code, chapter 2, of an offence'.	13 14
Clause 95	Amendment of s 121 (Professional indemnity insurance)	15
	Section 121(1) and (2), penalty, paragraph (a), from 'guilty' to 'section 702'—	16 17
	<i>omit, insert—</i>	18
	'guilty under section 702 or the Criminal Code, chapter 2, of an offence'.	19 20
Clause 96	Amendment of s 129 (Disqualified persons)	21
	Section 129(1), penalty, paragraph (a), from 'guilty' to 'section 702'—	22 23
	<i>omit, insert—</i>	24
	'guilty under section 702 or the Criminal Code, chapter 2, of an offence'.	25 26

[s 97]

Clause 97	Amendment of s 132 (Banning of incorporated legal practices)	1 2
	Section 132(6), penalty, paragraph (a), from 'guilty' to 'section 702'—	3 4
	<i>omit, insert—</i>	5
	'guilty under section 702 or the Criminal Code, chapter 2, of an offence'.	6 7
Clause 98	Replacement of s 702 (Executive officers must ensure corporation complies with Act)	8 9
	Section 702—	10
	<i>omit, insert—</i>	11
'702	Executive officer may be taken to have committed offence	12 13
	'(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—	14 15 16
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	17 18
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	19 20
	'(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.	21 22 23
	'(3) This section does not affect either of the following—	24
	(a) the liability of the corporation for the offence;	25
	(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.	26 27 28
	'(4) In addition to any other provision of this Act applying to a person in the person's capacity as a legal practitioner director of an incorporated legal practice, this section applies to the	29 30 31

person if the person is also an executive officer of the corporation that is the incorporated legal practice. 1
2

‘(5) In this section— 3

executive officer, of a corporation, means any person, by 4
whatever name called and whether or not the person is a 5
director of the corporation, who is concerned, or takes part, in 6
the management of the corporation.’. 7

Part 38 Amendment of Liquor Act 1992 8

Clause 99 Act amended 9

This part amends the *Liquor Act 1992*. 10

Clause 100 Amendment of s 4 (Definitions) 11

Section 4, definition *executive officer*, ‘and 107E’— 12

omit, insert— 13

‘, 107E and 229A’. 14

**Clause 101 Amendment of s 128 (Liability of licensees in certain cases) 15
16**

Section 128— 17

insert— 18

‘(2) In subsection (1)(a)— 19

liability does not include a liability for an offence committed 20
by a corporation. 21

Note— 22

For the liability of an executive officer of a corporation for an offence 23
committed by the corporation, see section 229A.’. 24

[s 102]

Clause 102	Insertion of new s 229A	1
	After section 229—	2
	<i>insert—</i>	3
	'229A Executive officer may be taken to have committed offence	4
		5
	'(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—	6
		7
		8
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	9
		10
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	11
		12
	'(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.	13
		14
		15
	'(3) This section does not affect either of the following—	16
	(a) the liability of the corporation for the offence;	17
	(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.'	18
		19
		20

Part 39	Amendment of Lotteries Act 1997	21
		22

Clause 103	Act amended	23
	This part amends the <i>Lotteries Act 1997</i> .	24
	<i>Note—</i>	25
	See also the amendments in schedule 1.	26

Clause 104	Replacement of s 212 (Executive officers must ensure corporation complies with Act)	1 2
	Section 212—	3
	<i>omit, insert—</i>	4
'212	Liability of executive officer—offence committed by corporation against section 99(1)	5 6
	'(1) An executive officer of a corporation commits an offence if—	7
	(a) the corporation commits an offence against section 99(1); and	8 9
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	10 11 12
	Maximum penalty—the penalty for a contravention of section 99(1) by an individual.	13 14
	'(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—	15 16 17
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 99(1); and	18 19 20
	(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 99(1); and	21 22 23
	(c) any other relevant matter.	24
	'(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 99(1).	25 26 27 28
	'(4) This section does not affect any of the following—	29
	(a) the liability of the corporation for the offence against section 99(1);	30 31
	(b) the liability, under section 212A, of the executive officer for the offence against section 99(1);	32 33

Clause 106	Replacement of s 139 (Executive officers must ensure corporation complies with Act)	1 2
	Section 139—	3
	<i>omit, insert—</i>	4
'139	Executive officer may be taken to have committed offence	5 6
	'(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—	7 8 9
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	10 11
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	12 13
	'(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.	14 15 16
	'(3) This section does not affect either of the following—	17
	(a) the liability of the corporation for the offence;	18
	(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.'	19 20 21

Part 41	Amendment of Mineral Resources Act 1989	22 23
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Clause 107	Act amended	24
	This part amends the <i>Mineral Resources Act 1989</i> .	25
	<i>Note—</i>	26
	See also the amendments in schedule 1.	27

[s 108]

Clause 108	Amendment of s 412 (Offences and recovery of penalties etc.)	1
		2
	Section 412(4)—	3
	<i>omit.</i>	4
Clause 109	Insertion of new ss 412A-412C	5
	After section 412—	6
	<i>insert—</i>	7
	'412A Liability of executive officer—offence committed by company against s 403(1)	8
		9
	'(1) An executive officer of a company commits an offence if—	10
	(a) the company commits an offence against section 403(1);	11
	and	12
	(b) the officer did not take all reasonable steps to ensure the	13
	company did not engage in the conduct constituting the	14
	offence.	15
	Maximum penalty—the penalty for a contravention of section	16
	403(1) by an individual.	17
	'(2) In deciding whether things done or omitted to be done by the	18
	executive officer constitute reasonable steps for subsection	19
	(1)(b), a court must have regard to—	20
	(a) whether the officer knew, or ought reasonably to have	21
	known, of the company's conduct constituting the	22
	offence against section 403(1); and	23
	(b) whether the officer was in a position to influence the	24
	company's conduct in relation to the offence against	25
	section 403(1); and	26
	(c) any other relevant matter.	27
	'(3) The executive officer may be proceeded against for, and	28
	convicted of, an offence against subsection (1) whether or not	29
	the company has been proceeded against for, or convicted of,	30
	the offence against section 403(1).	31
	'(4) This section does not affect any of the following—	32

(a)	the liability of the company for the offence against section 403(1);	1 2
(b)	the liability, under section 412C, of the executive officer for the offence against section 403(1);	3 4
(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 section 403(1).	5 6 7
‘(5)	In this section— <i>executive officer</i> , 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.	8 9 10 11 12
‘412B	Liability of executive officer—particular offences committed by company	13 14
‘(1)	If a company commits an offence against an executive liability provision, each executive officer of the company is taken to have also committed an offence against the provision.	15 16 17
‘(2)	However, it is a defence for the executive officer to prove that—	18 19
(a)	the officer did not know, and could not reasonably have been expected to have known, of the company’s conduct constituting its offence against the executive liability provision; or	20 21 22 23
(b)	the officer took all reasonable steps to ensure the company did not engage in the conduct constituting its offence against the executive liability provision.	24 25 26
‘(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the company’s conduct in relation to its offence against the executive liability provision.	27 28 29 30 31
‘(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability	32 33

[s 109]

provision whether or not the company has been proceeded against for, or convicted of, its offence against the executive liability provision.	1 2 3
‘(5) This section does not affect any of the following—	4
(a) the liability of the company for its offence against the executive liability provision;	5 6
(b) the liability, under section 412C, of the executive officer for the company’s offence against the executive liability provision;	7 8 9
(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 company’s offence against the executive liability provision.	10 11 12 13
‘(6) In this section—	14
<i>executive liability provision</i> means any of the following provisions—	15 16
• section 334C(1)	17
• section 402(1)	18
• section 404D(1).	19
<i>executive officer</i> , of a company, see section 412A(5).	20
‘412C Executive officer may be taken to have committed offence	21 22
‘(1) If a company commits an offence against a provision of this Act, each executive officer of the company is taken to have also committed the offence if—	23 24 25
(a) the officer authorised or permitted the company’s conduct constituting the offence; or	26 27
(b) the officer was, directly or indirectly, knowingly concerned in the company’s conduct.	28 29
‘(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the company has been proceeded against for, or convicted of, the offence.	30 31 32

- '(3) This section does not affect either of the following— 1
- (a) the liability of the company for the offence; 2
 - (b) the liability, under the Criminal Code, chapter 2, of any 3
person, whether or not the person is an executive officer 4
of the company, for the offence. 5
- '(4) However, this section does not apply to the company's offence 6
to the extent it involves a contravention relating to a royalty 7
prescribed in respect of a mineral. 8
- Example for subsection (4)—* 9
- a royalty return lodged by the company containing information that is 10
known to be false or misleading in a material particular 11
- '(5) In this section— 12
- executive officer*, of a company, see section 412A(5)'. 13

Part 42 Amendment of Motor Racing 14 **Events Act 1990** 15

Clause 110 Act amended 16
This part amends the *Motor Racing Events Act 1990*. 17

Clause 111 Replacement of s 44 (Offence by body corporate) 18
Section 44— 19
omit, insert— 20

'44 Executive officer may be taken to have committed offence 21
22

'(1) If a corporation commits an offence against a provision of this 23
Act, each executive officer of the corporation is taken to have 24
also committed the offence if— 25

- (a) the officer authorised or permitted the corporation's 26
conduct constituting the offence; or 27

'22	Liability of executive officer—particular offences committed by corporation	1 2
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	3 4 5
'(2)	However, it is a defence for the executive officer to prove that—	6 7
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	8 9 10 11
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	12 13 14
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	15 16 17 18 19
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	20 21 22 23 24
'(5)	This section does not affect any of the following—	25
	(a) the liability of the corporation for its offence against the executive liability provision;	26 27
	(b) the liability, under section 22A, of the executive officer for the corporation's offence against the executive liability provision;	28 29 30
	(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 corporation's offence against the executive liability provision.	31 32 33 34
'(6)	In this section—	35

[s 114]

executive liability provision means either of the following provisions— 1
2

- section 7(1) 3
- section 13(4). 4

'22A Executive officer may be taken to have committed offence 5
6

'(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— 7
8
9

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or 10
11

(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 12
13

'(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. 14
15
16

'(3) This section does not affect either of the following— 17

(a) the liability of the corporation for the offence; 18

(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.' 19
20
21

Clause 114 Amendment of s 23 (Indictable and summary offences) 22

Section 23(1)— 23

omit, insert— 24

'(1) An offence against section 13(4) is a misdemeanour.' 25

Clause 115 Amendment of schedule (Dictionary) 26

Schedule— 27

insert— 28

[s 117]

- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against section 38. 1
2
3
4
5
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against section 38 whether or not the corporation has been proceeded against for, or convicted of, its offence against section 38. 6
7
8
9
- ‘(5) This section does not affect any of the following— 10
- (a) the liability of the corporation for its offence against section 38; 11
12
 - (b) the liability, under section 443A, of the executive officer for the corporation’s offence against section 38; 13
14
 - (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 corporation’s offence against section 38. 15
16
17
18
- ‘443A Executive officer may be taken to have committed offence 19
20**
- ‘(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— 21
22
23
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 24
25
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 26
27
- ‘(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. 28
29
30
- ‘(3) This section does not affect either of the following— 31
- (a) the liability of the corporation for the offence; 32

[s 120]

(b)	the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	1 2 3
	Maximum penalty—the penalty for a contravention of section 52(2) by an individual.	4 5
‘(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—	6 7 8
(a)	whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against section 52(2); and	9 10 11
(b)	whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 52(2); and	12 13 14
(c)	any other relevant matter.	15
‘(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 52(2).	16 17 18 19
‘(4)	This section does not affect any of the following—	20
(a)	the liability of the corporation for the offence against section 52(2);	21 22
(b)	the liability, under section 122B, of the executive officer for the offence against section 52(2);	23 24
(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 section 52(2).	25 26 27
‘122A	Liability of executive officer—particular offences committed by corporation	28 29
‘(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	30 31 32

-
- ‘(2) However, it is a defence for the executive officer to prove that— 1
2
- (a) the officer did not know, and could not reasonably have 3
been expected to have known, of the corporation’s 4
conduct constituting its offence against the executive 5
liability provision; or 6
- (b) the officer took all reasonable steps to ensure the 7
corporation did not engage in the conduct constituting 8
its offence against the executive liability provision. 9
- ‘(3) In deciding whether things done or omitted to be done by the 10
executive officer constitute reasonable steps for subsection 11
(2)(b), a court must have regard to whether the officer was in a 12
position to influence the corporation’s conduct in relation to 13
its offence against the executive liability provision. 14
- ‘(4) The executive officer may be proceeded against for, and 15
convicted of, an offence against the executive liability 16
provision whether or not the corporation has been proceeded 17
against for, or convicted of, its offence against the executive 18
liability provision. 19
- ‘(5) This section does not affect any of the following— 20
- (a) the liability of the corporation for its offence against the 21
executive liability provision; 22
- (b) the liability, under section 122B, of the executive officer 23
for the corporation’s offence against the executive 24
liability provision; 25
- (c) the liability, under the Criminal Code, chapter 2, of any 26
person, whether or not the person is an executive officer 27
of the corporation, for the corporation’s offence against 28
the executive liability provision. 29
- ‘(6) In this section— 30
- executive liability provision* means either of the following 31
provisions— 32
- section 50(1) 33
 - section 51(2). 34
-

[s 121]

'122B Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
(a) the liability of the corporation for the offence;	14
(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.'	15
	16
	17

Part 46	Amendment of Petroleum and Gas (Production and Safety) Act 2004	18
		19
		20

Clause 121	Act amended	21
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	22
		23
	<i>Note—</i>	24
	See also the amendments in schedule 1.	25

Clause 122	Replacement of s 814 (Executive officers must ensure corporation complies with Act)	1
		2
	Section 814—	3
	<i>omit, insert—</i>	4
'814	Liability of executive officer—particular offences committed by corporation	5
		6
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	7
		8
		9
	'(2) However, it is a defence for the executive officer to prove that—	10
		11
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	12
		13
		14
		15
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	16
		17
		18
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	19
		20
		21
		22
		23
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	24
		25
		26
		27
		28
	'(5) This section does not affect any of the following—	29
	(a) the liability of the corporation for its offence against the executive liability provision;	30
		31
	(b) the liability, under section 814A, of the executive officer for the corporation's offence against the executive liability provision;	32
		33
		34

[s 122]

- (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 corporation's offence against the executive liability provision. 1
2
3
4
- '(6) In this section— 5
executive liability provision means any of the following provisions— 6
7
- section 617C(1) 8
 - section 641 9
 - section 696(2) 10
 - section 696(3) 11
 - section 733(1) 12
 - section 800(1) 13
 - section 813(1) 14
 - section 813(2). 15
- '814A Executive officer may be taken to have committed offence** 16
17
- '(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— 18
19
20
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 21
22
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 23
24
- '(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. 25
26
27
- '(3) This section does not affect either of the following— 28
- (a) the liability of the corporation for the offence; 29

- (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. 1
2
3
- ‘(4) However, this section does not apply to the corporation’s offence to the extent it involves a contravention relating to a petroleum royalty. 4
5
6
- Example for subsection (4)—* 7
- a royalty return lodged by the corporation contains an entry that is known to be false or misleading in a material particular’. 8
9

Part 47 **Amendment of Pharmacy Business Ownership Act 2001** 10
11

Clause 123 Act amended 12

This part amends the *Pharmacy Business Ownership Act 2001*. 13
14

Clause 124 Replacement of s 197 (Executive officers must ensure corporation complies with Act) 15
16

Section 197— 17

omit, insert— 18

‘197 Executive officer may be taken to have committed offence 19
20

- ‘(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— 21
22
23
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 24
25
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 26
27

[s 125]

- '(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. 1
2
3
- '(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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.' 6
7
8

Part 48 **Amendment of Place Names Act 1994** 9 10

Clause 125 **Act amended** 11
 This part amends the *Place Names Act 1994*. 12

Clause 126 **Replacement of s 17 (Executive officers must ensure corporation complies with Act)** 13
 Section 17— 14
 omit, insert— 15
 16

'17 **Executive officer may be taken to have committed offence** 17
 18

'(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— 19
20
21

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or 22
23

(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 24
25

-
- '(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. 1
2
3
- '(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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.' 6
7
8

Part 49 **Amendment of Printing and Newspapers Act 1981** 9
10

Clause 127 Act amended 11
This part amends the *Printing and Newspapers Act 1981*. 12

Clause 128 Replacement of s 10 (Liability for offence by body corporate) 13
14
Section 10— 15
omit, insert— 16

'10 Executive officer may be taken to have committed offence 17
18

'(1) If a corporation commits an offence against a provision of this Act, an executive officer of the corporation is taken to have also committed the offence if— 19
20
21

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or 22
23

(b) the officer was knowingly concerned in the corporation's conduct. 24
25

[s 129]

- ‘(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. 1
2
3
- ‘(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (b) the liability, under section 9(2) or the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence. 6
7
8
- ‘(4) In this section— 9
- 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.’. 10
11
12
13

Part 50 **Amendment of Private** 14 **Employment Agents Act 2005** 15

Clause 129 Act amended 16
This part amends the *Private Employment Agents Act 2005*. 17

Clause 130 Replacement of s 45 (Executive officers must ensure corporation complies with Act) 18
19

Section 45— 20

omit, insert— 21

‘45 Executive officer may be taken to have committed offence 22
23

- ‘(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— 24
25
26

-
- (a) the officer authorised or permitted the corporation's conduct constituting the offence; or 1
2
- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 3
4
- '(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. 5
6
7
- '(3) This section does not affect either of the following— 8
- (a) the liability of the corporation for the offence; 9
- (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.' 10
11
12

Part 51 **Amendment of Private Health Facilities Act 1999** 13 14

Clause 131 **Act amended** 15
 This part amends the *Private Health Facilities Act 1999*. 16

Clause 132 **Replacement of s 143 (Executive officers must ensure corporation complies with Act)** 17
 Section 143— 18
 omit, insert— 20

'143 **Executive officer may be taken to have committed offence** 21
 22

'(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— 23
24
25

(a) the officer authorised or permitted the corporation's conduct constituting the offence; or 26
27

[s 133]

- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 1
2
- '(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
4
5
- '(3) This section does not affect either of the following— 6
- (a) the liability of the corporation for the offence; 7
- (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.'. 8
9
10

Part 52 **Amendment of Property Agents and Motor Dealers Act 2000** 11 12

Clause 133 Act amended 13

This part amends the *Property Agents and Motor Dealers Act 2000*. 14
15

Clause 134 Amendment of s 66 (Appointment of substitute licensee—pastoral house manager in charge of a licensee's business at a place) 16
17
18

Section 66(3) and (4), penalty, paragraph (a), from 'guilty' to 'section 591'— 19
20

omit, insert— 21

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'. 22
23

Clause 135 Amendment of s 112 (Carrying on of business under resident letting agent's licence) 24
25

Section 112(3), penalty, paragraph (a), from 'guilty' to 'section 591'— 26
27

	<i>omit, insert—</i>	1
	‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’.	2 3
Clause 136	Amendment of s 113 (Licensee to be in charge of a resident letting agent’s business at a place)	4 5
	Section 113(2), penalty, paragraph (a), from ‘guilty’ to ‘section 591’—	6 7
	<i>omit, insert—</i>	8
	‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’.	9 10
Clause 137	Amendment of s 132 (Licensee to be in charge of a real estate agent’s business at a place)	11 12
	Section 132(2), penalty, paragraph (a), from ‘guilty’ to ‘section 591’—	13 14
	<i>omit, insert—</i>	15
	‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’.	16 17
Clause 138	Amendment of s 164 (Employment of persons in real estate business)	18 19
	Section 164(3), penalty, paragraph (a), from ‘guilty’ to ‘section 591’—	20 21
	<i>omit, insert—</i>	22
	‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’.	23 24
Clause 139	Amendment of s 171 (Carrying on of business under pastoral house licence)	25 26
	Section 171, penalty, paragraph (a), from ‘guilty’ to ‘section 591’—	27 28

[s 140]

omit, insert— 1
'guilty under section 591 or the Criminal Code, chapter 2, of 2
an offence'. 3

Clause 140 Amendment of s 172 (Licensee to be in charge of pastoral house's business at a place) 4
5
Section 172(1), penalty, paragraph (a), from 'guilty' to 6
'section 591'— 7
omit, insert— 8
'guilty under section 591 or the Criminal Code, chapter 2, of 9
an offence'. 10

Clause 141 Amendment of s 173 (Appointment of pastoral house—general) 11
12
Section 173(1) and (7), penalty, paragraph (a), from 'guilty' to 13
'section 591'— 14
omit, insert— 15
'guilty under section 591 or the Criminal Code, chapter 2, of 16
an offence'. 17

Clause 142 Amendment of s 174A (Pre-appointment advice about types of appointment) 18
19
Section 174A, penalty, paragraph (a), from 'guilty' to 'section 20
591'— 21
omit, insert— 22
'guilty under section 591 or the Criminal Code, chapter 2, of 23
an offence'. 24

Clause 143 Amendment of s 175 (Appointment of pastoral house—sole and exclusive agencies) 25
26
Section 175(1), penalty, paragraph (a), from 'guilty' to 27
'section 591'— 28

omit, insert— 1
'guilty under section 591 or the Criminal Code, chapter 2, of 2
an offence'. 3

**Clause 144 Amendment of s 176 (Restriction on reappointment of 4
pastoral house for sales of residential property) 5**
Section 176(3), penalty, paragraph (a), from 'guilty' to 6
'section 591'— 7
omit, insert— 8
'guilty under section 591 or the Criminal Code, chapter 2, of 9
an offence'. 10

**Clause 145 Amendment of s 178 (Commission may be claimed only 11
in relation to actual amounts) 12**
Section 178(2), penalty, paragraph (a), from 'guilty' to 13
'section 591'— 14
omit, insert— 15
'guilty under section 591 or the Criminal Code, chapter 2, of 16
an offence'. 17

**Clause 146 Amendment of s 179 (Restriction on recovery of reward 18
or expense—no proper authorisation etc.) 19**
Section 179(2), penalty, paragraph (a), from 'guilty' to 20
'section 591'— 21
omit, insert— 22
'guilty under section 591 or the Criminal Code, chapter 2, of 23
an offence'. 24

**Clause 147 Amendment of s 180 (Restriction on recovery of reward 25
or expense above amount allowed) 26**
Section 180(6), penalty, paragraph (a), from 'guilty' to 27
'section 591'— 28

[s 148]

omit, insert— 1
'guilty under section 591 or the Criminal Code, chapter 2, of 2
an offence'. 3

Clause 148 Amendment of s 183 (Beneficial interest—options) 4

Section 183(2) and (4), penalty, paragraph (a), from 'guilty' to 5
'section 591'— 6

omit, insert— 7

'guilty under section 591 or the Criminal Code, chapter 2, of 8
an offence'. 9

**Clause 149 Amendment of s 184 (Beneficial interest—other than 10
options)** 11

Section 184(2), penalty, paragraph (a), from 'guilty' to 12
'section 591'— 13

omit, insert— 14

'guilty under section 591 or the Criminal Code, chapter 2, of 15
an offence'. 16

**Clause 150 Amendment of s 188 (Notice to be given about vacant 17
land)** 18

Section 188(1), (2) and (5), penalty, paragraph (a), from 19
'guilty' to 'section 591'— 20

omit, insert— 21

'guilty under section 591 or the Criminal Code, chapter 2, of 22
an offence'. 23

**Clause 151 Amendment of s 189 (Buyer's rights if notice not given or 24
materially defective)** 25

Section 189(4), penalty, paragraph (a), from 'guilty' to 26
'section 591'— 27

omit, insert— 28

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'. 1
2

Clause 152 Amendment of s 194 (Pastoral house etc. must notify chief executive of particular changes) 3
4

Section 194(1), (3) and (4), penalty, paragraph (a), from 'guilty' to 'section 591'— 5
6

omit, insert— 7

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'. 8
9

Clause 153 Amendment of s 195 (Display and publication of licensee's name) 10
11

Section 195(1) and (2), penalty, paragraph (a), from 'guilty' to 'section 591'— 12
13

omit, insert— 14

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'. 15
16

Clause 154 Amendment of s 196 (Pastoral house to keep employment register) 17
18

Section 196(1), (2) and (3), penalty, paragraph (a), from 'guilty' to 'section 591'— 19
20

omit, insert— 21

'guilty under section 591 or the Criminal Code, chapter 2, of an offence'. 22
23

Clause 155 Amendment of s 202 (Pastoral house must not act for more than 1 party) 24
25

Section 202(1), penalty, paragraph (a), from 'guilty' to 'section 591'— 26
27

omit, insert— 28

[s 156]

‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’. 1
2

Clause 156 Amendment of s 204 (Employment of persons in pastoral house business) 3
4

Section 204(2), penalty, paragraph (a), from ‘guilty’ to ‘section 591’— 5
6

omit, insert— 7

‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’. 8
9

Clause 157 Amendment of s 209 (Licensee to be in charge of auctioneer’s business at a place) 10
11

Section 209(2), penalty, paragraph (a), from ‘guilty’ to ‘section 591’— 12
13

omit, insert— 14

‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’. 15
16

Clause 158 Amendment of s 267 (Licensee or salesperson to be in charge of a property developer’s business at a place) 17
18

Section 267(2), penalty, paragraph (a), from ‘guilty’ to ‘section 591’— 19
20

omit, insert— 21

‘guilty under section 591 or the Criminal Code, chapter 2, of an offence’. 22
23

Clause 159 Amendment of s 278 (Employment of persons in property developer’s business) 24
25

Section 278(3), penalty, paragraph (a), from ‘guilty’ to ‘section 591’— 26
27

omit, insert— 28

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 1
2

**Clause 160 Amendment of s 283 (Licensee to be in charge of motor
dealer’s business at a place)** 3
4

Section 283(2), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 5
6

omit, insert— 7

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 8
9

**Clause 161 Amendment of s 338 (Employment of persons in motor
dealer business)** 10
11

Section 338(3), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 12
13

omit, insert— 14

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 15
16

**Clause 162 Amendment of s 343 (Licensee to be in charge of
commercial agent’s business at a place)** 17
18

Section 343(2), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 19
20

omit, insert— 21

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 22
23

**Clause 163 Amendment of s 358 (Employment of persons in
commercial agent’s business)** 24
25

Section 358(3), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 26
27

omit, insert— 28

[s 164]

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 1
2

Clause 164 Amendment of s 420 (How receivers are appointed) 3

Section 420(5), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 4
5

omit, insert— 6

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 7
8

**Clause 165 Amendment of s 475 (Corporation to give notices in
relation to claim) 9
10**

Section 475(2) and (5), penalty, paragraph (a), from ‘guilty’ to
‘section 591’— 11
12

omit, insert— 13

‘guilty under section 591 or the Criminal Code, chapter 2, of
an offence’. 14
15

**Clause 166 Replacement of s 591 (Executive officers must ensure
corporation complies with Act) 16
17**

Section 591— 18

omit, insert— 19

**‘591 Executive officer may be taken to have committed
offence 20
21**

‘(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— 22
23
24

(a) the officer authorised or permitted the corporation’s
conduct constituting the offence; or 25
26

(b) the officer was, directly or indirectly, knowingly
concerned in the corporation’s conduct. 27
28

‘(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—	1 2 3
(a)	whether the officer knew, or ought reasonably to have known, of the corporation’s conduct constituting the offence against section 57A(7); and	4 5 6
(b)	whether the officer was in a position to influence the corporation’s conduct in relation to the offence against section 57A(7); and	7 8 9
(c)	any other relevant matter.	10
‘(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 57A(7).	11 12 13 14
‘(4)	This section does not affect any of the following—	15
(a)	the liability of the corporation for the offence against section 57A(7);	16 17
(b)	the liability, under section 448B, of the executive officer for the offence against section 57A(7);	18 19
(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 section 57A(7).	20 21 22 23
‘448A	Liability of executive officer—particular offences committed by corporation	24 25
‘(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	26 27 28
‘(2)	However, it is a defence for the executive officer to prove that—	29 30
(a)	the officer did not know, and could not reasonably have been expected to have known, of the corporation’s	31 32

[s 170]

- conduct constituting its offence against the executive liability provision; or 1
2
- (b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision. 3
4
5
- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against the executive liability provision. 6
7
8
9
10
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision. 11
12
13
14
15
- ‘(5) This section does not affect any of the following— 16
- (a) the liability of the corporation for its offence against the executive liability provision; 17
18
- (b) the liability, under section 448B, of the executive officer for the corporation’s offence against the executive liability provision; 19
20
21
- (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 corporation’s offence against the executive liability provision. 22
23
24
25
- ‘(6) In this section— 26
- executive liability provision* means either of the following provisions— 27
28
- section 57E 29
 - section 57F(2). 30

'448B Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
(a) the liability of the corporation for the offence;	14
(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.'	15
	16
	17

Part 55	Amendment of Public Health	18
	(Infection Control for Personal	19
	Appearance Services) Act 2003	20

Clause 171	Act amended	21
	This part amends the <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> .	22
		23
	<i>Note—</i>	24
	See also the amendments in schedule 1.	25

Clause 172	Replacement of s 142 (Executive officers must ensure corporation complies with Act)	1 2
	Section 142—	3
	<i>omit, insert—</i>	4
'142	Liability of executive officer—particular offences committed by corporation	5 6
'(1)	An executive officer of a corporation commits an offence if—	7
(a)	the corporation commits an offence against an executive liability provision; and	8 9
(b)	the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	10 11 12
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	13 14
'(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—	15 16 17
(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	18 19 20
(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	21 22 23
(c)	any other relevant matter.	24
'(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.	25 26 27 28
'(4)	This section does not affect any of the following—	29
(a)	the liability of the corporation for the offence against the executive liability provision;	30 31
(b)	the liability, under section 142A, of the executive officer for the offence against the executive liability provision;	32 33

-
- (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. 1
2
3
4
- ‘(5) In this section— 5
executive liability provision means any of the following provisions— 6
7
- section 19(1) 8
 - section 19(2) 9
 - section 22. 10
- ‘142A Executive officer may be taken to have committed offence 11
12**
- ‘(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— 13
14
15
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 16
17
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 18
19
- ‘(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. 20
21
22
- ‘(3) This section does not affect either of the following— 23
- (a) the liability of the corporation for the offence; 24
 - (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.’. 25
26
27

[s 173]

Part 56	Amendment of Queensland Building Services Authority Act 1991	1 2 3
Clause 173	Act amended	4
	This part amends the <i>Queensland Building Services Authority Act 1991</i> .	5 6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 174	Amendment of s 103B (Developer register)	9
	Section 103B(5)(b)—	10
	<i>omit, insert—</i>	11
	‘(b) an executive officer of the company is convicted, under section 111BA or the Criminal Code, chapter 2, of the offence under section 72(10); and’.	12 13 14
Clause 175	Replacement of s 111B (Executive officers must ensure company complies with Act)	15 16
	Section 111B—	17
	<i>omit, insert—</i>	18
‘111B	Liability of executive officer—particular offences committed by company	19 20
	‘(1) If a company commits an offence against an executive liability provision, each executive officer of the company is taken to have also committed an offence against the provision.	21 22 23
	‘(2) However, the executive officer is not taken to have also committed an offence against the executive liability provision if—	24 25 26
	(a) firstly, the officer satisfies the evidential burden of showing that—	27 28

-
- (i) the officer did not know, and could not reasonably have been expected to have known, of the company's conduct constituting its offence against the executive liability provision; or
- (ii) the officer took all reasonable steps to ensure the company did not engage in the conduct constituting its offence against the executive liability provision; and
- (b) secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.
- '(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the company's conduct in relation to its offence against the executive liability provision.
- '(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the company has been proceeded against for, or convicted of, its offence against the executive liability provision.
- '(5) This section does not affect any of the following—
- (a) the liability of the company for its offence against the executive liability provision;
- (b) the liability, under section 111BA, of the executive officer for the company's 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 company, for the company's offence against the executive liability provision.
- '(6) In this section—
- executive liability provision* means either of the following provisions—
- section 42(9)
-

[s 176]

- section 42D. 1

'111BA Executive officer may be taken to have committed offence 2
3

- '(1) If a company commits an offence against a provision of this Act, each executive officer of the company is taken to have also committed the offence if— 4
5
6
- (a) the officer authorised or permitted the company's conduct constituting the offence; or 7
8
 - (b) the officer was, directly or indirectly, knowingly concerned in the company's conduct. 9
10
- '(2) The executive officer may be proceeded against for, and convicted of, the offence whether or not the company has been proceeded against for, or convicted of, the offence. 11
12
13
- '(3) This section does not affect either of the following— 14
- (a) the liability of the company for the offence; 15
 - (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.' 16
17
18

Part 57 Amendment of Queensland Heritage Act 1992 19
20

- Clause 176 Act amended** 21
- This part amends the *Queensland Heritage Act 1992*. 22
- Note—* 23
- See also the amendments in schedule 1. 24

Clause 177	Replacement of s 160 (Executive officers must ensure corporation complies with Act)	1 2
	Section 160—	3
	<i>omit, insert—</i>	4
'160	Liability of executive officer—particular offences committed by corporation	5 6
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	7 8 9
	'(2) However, it is a defence for the executive officer to prove that—	10 11
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	12 13 14 15
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	16 17 18
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	19 20 21 22 23
	'(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	24 25 26 27 28
	'(5) This section does not affect any of the following—	29
	(a) the liability of the corporation for its offence against the executive liability provision;	30 31
	(b) the liability, under section 160A, of the executive officer for the corporation's offence against the executive liability provision;	32 33 34

[s 177]

(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 corporation's offence against the executive liability provision.	1 2 3 4
‘(6)	In this section—	5
	<i>executive liability provision</i> means any of the following provisions—	6 7
•	section 76	8
•	section 87(6)	9
•	section 91(1)	10
•	section 104(1)	11
•	section 107(4)	12
•	section 155.	13
‘160A	Executive officer may be taken to have committed offence	14 15
‘(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—	16 17 18
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	19 20
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	21 22
‘(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.	23 24 25
‘(3)	This section does not affect either of the following—	26
(a)	the liability of the corporation for the offence;	27
(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.’.	28 29 30

Clause 178	Amendment of schedule (Dictionary)	1
	Schedule—	2
	<i>insert</i> —	3
	‘ <i>executive officer</i> , 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.’	4 5 6 7

Part 58 **Amendment of Racing Act 2002** 8

Clause 179	Act amended	9
	This part amends the <i>Racing Act 2002</i> .	10
Clause 180	Replacement of s 339 (Executive officers must ensure corporation complies with Act)	11 12
	Section 339—	13
	<i>omit, insert</i> —	14
‘339	Executive officer may be taken to have committed offence	15 16
	‘(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—	17 18 19
	(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	20 21
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	22 23
	‘(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.	24 25 26
	‘(3) This section does not affect either of the following—	27

-
- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against the executive liability provision.
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.
- ‘(5) This section does not affect any of the following—
- (a) the liability of the corporation for its offence against the executive liability provision;
 - (b) the liability, under section 205A, of the executive officer for the corporation’s 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 corporation’s offence against the executive liability provision.
- ‘(6) In this section—
- executive liability provision* means any of the following provisions—
- 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 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

[s 183]

- (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. 1
2
- '(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
4
5
- '(3) This section does not affect either of the following— 6
 - (a) the liability of the corporation for the offence; 7
 - (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.' 8
9
10

Part 60 Residential Services (Accreditation) Act 2002 11
12

Clause 183 Act amended 13
This part amends the *Residential Services (Accreditation) Act 2002*. 14
15
Note— 16
See also the amendments in schedule 1. 17

Clause 184 Replacement of s 172 (Executive officers must ensure corporation complies with Act) 18
19
Section 172— 20
omit, insert— 21
'172 Liability of executive officer—particular offences committed by corporation 22
23
'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision. 24
25
26

-
- '(2) However, the executive officer is not taken to have also committed an offence against the executive liability provision if—
- (a) firstly, the officer satisfies the evidential burden of showing that—
- (i) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or
- (ii) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision; and
- (b) secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.
- '(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.
- '(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.
- '(5) This section does not affect any of the following—
- (a) the liability of the corporation for its offence against the executive liability provision;
- (b) the liability, under section 172A, of the executive officer for the corporation's 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
-

[s 184]

of the corporation, for the corporation's offence against the executive liability provision.	1 2
'(6) In this section—	3
<i>executive liability provision</i> means any of the following provisions—	4 5
• section 75	6
• section 76(2)	7
• section 76(4).	8
'172A Executive officer may be taken to have committed offence	9 10
'(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—	11 12 13
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	14 15
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	16 17
'(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.	18 19 20
'(3) This section does not affect either of the following—	21
(a) the liability of the corporation for the offence;	22
(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.'	23 24 25

Part 61	Amendment of Residential Tenancies and Rooming Accommodation Act 2008	1
		2
		3
Clause 185	Act amended	4
	This part amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> .	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 186	Replacement of s 513 (Executive officers must ensure corporation complies with Act)	9
		10
	Section 513—	11
	<i>omit, insert—</i>	12
'513	Liability of executive officer—particular offences committed by corporation	13
		14
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	15
		16
		17
	'(2) However, it is a defence for the executive officer to prove that—	18
		19
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	20
		21
		22
		23
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	24
		25
		26
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	27
		28
		29
		30
		31

[s 186]

- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision. 1
2
3
4
5
- ‘(5) This section does not affect any of the following— 6
- (a) the liability of the corporation for its offence against the executive liability provision; 7
8
 - (b) the liability, under section 513A, of the executive officer for the corporation’s offence against the executive liability provision; 9
10
11
 - (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 corporation’s offence against the executive liability provision. 12
13
14
15
- ‘(6) In this section— 16
- executive liability provision* means any of the following provisions— 17
18
- section 53(2) 19
 - section 75(2) 20
 - section 116(1) 21
 - section 173(4) 22
 - section 178(4). 23

**‘513A Executive officer may be taken to have committed offence 24
25**

- ‘(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— 26
27
28
- (a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 29
30
 - (b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 31
32

[s 189]

- ‘(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. 1
2
3
- ‘(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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.’. 6
7
8

Part 63 **Amendment of Second-hand Dealers and Pawnbrokers Act 2003** 9
10
11

Clause 189 Act amended 12

This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*. 13
14

Clause 190 Replacement of s 112 (Executive officers must ensure corporation complies with Act) 15
16

Section 112— 17

omit, insert— 18

‘112 Executive officer may be taken to have committed offence 19
20

‘(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— 21
22
23

(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or 24
25

(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct. 26
27

- '(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. 1
2
3
- '(3) This section does not affect either of the following— 4
- (a) the liability of the corporation for the offence; 5
- (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.' 6
7
8

Part 64 **Amendment of Strategic Cropping Land Act 2011** 9
10

Clause 191 Act amended 11

This part amends the *Strategic Cropping Land Act 2011*. 12

Note— 13

See also the amendments in schedule 1. 14

Clause 192 Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences) 15
16

Section 250— 17

omit, insert— 18

'250 Liability of executive officer—particular offences committed by corporation 19
20

'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision. 21
22
23

'(2) However, it is a defence for the executive officer to prove that— 24
25

(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's 26
27

[s 192]

- conduct constituting its offence against the executive liability provision; or 1
2
- (b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision. 3
4
5
- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against the executive liability provision. 6
7
8
9
10
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision. 11
12
13
14
15
- ‘(5) This section does not affect any of the following— 16
- (a) the liability of the corporation for its offence against the executive liability provision; 17
18
- (b) the liability, under section 250A, of the executive officer for the corporation’s offence against the executive liability provision; 19
20
21
- (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 corporation’s offence against the executive liability provision. 22
23
24
25
- ‘(6) In this section— 26
- executive liability provision* means any of the following provisions— 27
28
- section 76(1) 29
 - section 76(2) 30
 - section 77(1) 31
 - section 77(2). 32

'250A Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
(a) the liability of the corporation for the offence;	14
(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.'	15
	16
	17

Part 65	Amendment of Surveyors Act 2003	18
		19

Clause 193	Act amended	20
	This part amends the <i>Surveyors Act 2003</i> .	21

Clause 194	Replacement of s 185 (Executive officers must ensure corporation complies with Act)	22
		23
	Section 185—	24
	<i>omit, insert—</i>	25

[s 195]

'185	Executive officer may be taken to have committed offence	1 2
'(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—	3 4 5
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
'(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.	10 11 12
'(3)	This section does not affect either of the following—	13
(a)	the liability of the corporation for the offence;	14
(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.'	15 16 17

Part 66	Amendment of Taxation Administration Act 2001	18 19
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Clause 195	Act amended	20
	This part amends the <i>Taxation Administration Act 2001</i> .	21
	<i>Note—</i>	22
	See also the amendments in schedule 1.	23

Clause 196	Replacement of s 140 (Executive officers must ensure corporation complies with tax laws)	24 25
	Section 140—	26
	<i>omit, insert—</i>	27

'140	Liability of executive officer—particular offences committed by corporation	1
		2
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	3 4 5
'(2)	However, it is a defence for the executive officer to prove that—	6 7
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	8 9 10 11
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	12 13 14
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	15 16 17 18 19
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	20 21 22 23 24
'(5)	This section does not affect either of the following—	25
	(a) the liability of the corporation for its offence against the executive liability provision;	26 27
	(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.	28 29 30 31
'(6)	In this section—	32
	<i>executive liability provision</i> means any of the following provisions—	33 34

'51B	Executive officer may be taken to have committed offence	1 2
'(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—	3 4 5
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
'(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.	10 11 12
'(3)	This section does not affect either of the following—	13
(a)	the liability of the corporation for the offence;	14
(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.'	15 16 17

Part 68	Amendment of Tourism Services Act 2003	18 19
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Clause 199	Act amended	20
	This part amends the <i>Tourism Services Act 2003</i> .	21

Clause 200	Replacement of s 89 (Executive officers must ensure corporation complies with Act)	22 23
	Section 89—	24
	<i>omit, insert—</i>	25

[s 201]

'89	Executive officer may be taken to have committed offence	1 2
	'(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—	3 4 5
	(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6 7
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8 9
	'(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.	10 11 12
	'(3) This section does not affect either of the following—	13
	(a) the liability of the corporation for the offence;	14
	(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.'	15 16 17

Part 69	Amendment of Tow Truck Act 1973	18 19
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Clause 201	Act amended	20
	This part amends the <i>Tow Truck Act 1973</i> .	21
	<i>Note—</i>	22
	See also the amendments in schedule 1.	23

Clause 202	Replacement of s 41 (Offences by corporation)	24
	Section 41—	25
	<i>omit, insert—</i>	26

‘41	Liability of executive officer—particular offences committed by corporation	1 2
‘(1)	An executive officer of a corporation commits an offence if—	3
(a)	the corporation commits an offence against an executive liability provision; and	4 5
(b)	the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	6 7 8
	Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.	9 10
‘(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—	11 12 13
(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	14 15 16
(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	17 18 19
(c)	any other relevant matter.	20
‘(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.	21 22 23 24
‘(4)	This section does not affect any of the following—	25
(a)	the liability of the corporation for the offence against the executive liability provision;	26 27
(b)	the liability, under section 41A, of the executive officer for the offence against the executive liability provision;	28 29
(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.	30 31 32 33

[s 203]

- ‘(5) In this section— 1
executive liability provision means either of the following 2
provisions— 3
- section 5 4
 - section 26. 5

**‘41A Executive officer may be taken to have committed 6
offence 7**

- ‘(1) If a corporation commits an offence against a provision of this 8
Act, each executive officer of the corporation is taken to have 9
also committed the offence if— 10
- (a) the officer authorised or permitted the corporation’s 11
conduct constituting the offence; or 12
 - (b) the officer was, directly or indirectly, knowingly 13
concerned in the corporation’s conduct. 14
- ‘(2) The executive officer may be proceeded against for, and 15
convicted of, the offence whether or not the corporation has 16
been proceeded against for, or convicted of, the offence. 17
- ‘(3) This section does not affect either of the following— 18
- (a) the liability of the corporation for the offence; 19
 - (b) the liability, under the Criminal Code, chapter 2, of any 20
person, whether or not the person is an executive officer 21
of the corporation, for the offence.’. 22

**Part 70 Amendment of Trading 23
(Allowable Hours) Act 1990 24**

Clause 203 Act amended 25
This part amends the *Trading (Allowable Hours) Act 1990*. 26

Clause 204	Amendment of s 44 (Parties to offences)	1
(1)	Sections 44(3) and (5)—	2
	<i>omit.</i>	3
(2)	Section 44(4)—	4
	<i>renumber</i> as section 44(3).	5
Clause 205	Insertion of new s 44A	6
	After section 44—	7
	<i>insert—</i>	8
'44A	Executive officer may be taken to have committed offence	9 10
'(1)	If a body corporate commits an offence against a provision of this Act, each executive officer of the body corporate is taken to have also committed the offence if—	11 12 13
	(a) the officer authorised or permitted the body corporate's conduct constituting the offence; or	14 15
	(b) the officer was, directly or indirectly, knowingly concerned in the body corporate's conduct.	16 17
'(2)	The executive officer may be proceeded against for, and convicted of, the offence whether or not the body corporate has been proceeded against for, or convicted of, the offence.	18 19 20
'(3)	This section does not affect either of the following—	21
	(a) the liability of the body corporate for the offence;	22
	(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.	23 24 25
'(4)	In this section—	26
	<i>executive officer</i> , 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.'	27 28 29 30

[s 206]

Part 71	Amendment of Transport Operations (Marine Pollution) Act 1995	1
		2
		3

Clause 206	Act amended	4
	This part amends the <i>Transport Operations (Marine Pollution) Act 1995</i> .	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8

Clause 207	Replacement of s 121 (Executive officers must ensure corporation complies with Act)	9
		10
	Section 121—	11
	<i>omit, insert—</i>	12
'121	Liability of executive officer—particular offences committed by corporation	13
		14
	'(1) If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	15
		16
		17
	'(2) However, it is a defence for the executive officer to prove that—	18
		19
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	20
		21
		22
		23
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision.	24
		25
		26
	'(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	27
		28
		29
		30
		31

-
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision. 1
2
3
4
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- ‘(5) This section does not affect any of the following— 6
- (a) the liability of the corporation for its offence against the executive liability provision; 7
8
- (b) the liability, under section 121A, of the executive officer for the corporation’s offence against the executive liability provision; 9
10
11
- (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 corporation’s offence against the executive liability provision. 12
13
14
15
- ‘(6) In this section— 16
- executive liability provision* means any of the following provisions— 17
18
- section 26(1) 19
 - section 27(1) 20
 - section 30(1) 21
 - section 35(1) 22
 - section 38(1) 23
 - section 38A(1) 24
 - section 42(1) 25
 - section 47(1) 26
 - section 48(1) 27
 - section 50(1) 28
 - section 50A(1) 29
 - section 50A(2) 30
 - section 50A(3) 31
-

[s 207]

• section 50A(4)	1
• section 51(2)	2
• section 51(3)	3
• section 55(1)	4
• section 55A(2)	5
• section 61(1)	6
• section 67A(2)	7
• section 127(5).	8
'121A Executive officer may be taken to have committed offence	9 10
‘(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—	11 12 13
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	14 15
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	16 17
‘(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.	18 19 20
‘(3) This section does not affect either of the following—	21
(a) the liability of the corporation for the offence;	22
(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.’.	23 24 25

Part 72	Amendment of Transport Operations (Road Use Management) Act 1995	1
		2
		3
Clause 208	Act amended	4
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	5
		6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 209	Replacement of s 57 (Executive officers must ensure corporation complies with transport Act)	9
	Section 57—	10
		11
	<i>omit, insert—</i>	12
'56A	Liability of executive officer—offence committed by corporation against executive liability (standard) provision	13
		14
		15
	'(1) An executive officer of a corporation commits an offence if—	16
	(a) the corporation commits an offence against an executive liability (standard) provision; and	17
		18
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	19
		20
		21
	Maximum penalty—the penalty for a contravention of the executive liability (standard) provision by an individual.	22
		23
	'(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—	24
		25
		26
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability (standard) provision; and	27
		28
		29
		30

[s 209]

- (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability (standard) provision; and 1
2
3
- (c) any other relevant matter. 4
- '(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 (standard) provision. 5
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9
- '(4) This section does not affect any of the following— 10
- (a) the liability of the corporation for the offence against the executive liability (standard) provision; 11
12
- (b) the liability, under section 57, of the executive officer for the offence against the executive liability (standard) provision; 13
14
15
- (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 (standard) provision. 16
17
18
19
- '(5) In this section— 20
- executive liability (standard) provision* means any of the following provisions— 21
22
- section 37(2) 23
 - section 53(2) 24
 - section 134. 25
- '56B Liability of executive officer—offence committed by corporation against executive liability (persuasive burden) provision** 26
27
28
- '(1) If a corporation commits an offence against an executive liability (persuasive burden) provision, each executive officer of the corporation is taken to have also committed an offence against the provision. 29
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- ‘(2) However, it is a defence for the executive officer to prove that—
- (a) the officer did not know, and could not reasonably have been expected to have known, of the corporation’s conduct constituting its offence against the executive liability (persuasive burden) provision; or
 - (b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability (persuasive burden) provision.
- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against the executive liability (persuasive burden) provision.
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability (persuasive burden) provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability (persuasive burden) provision.
- ‘(5) This section does not affect any of the following—
- (a) the liability of the corporation for its offence against the executive liability (persuasive burden) provision;
 - (b) the liability, under section 57, of the executive officer for the corporation’s offence against the executive liability (persuasive burden) 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 corporation’s offence against the executive liability (persuasive burden) provision.
- ‘(6) In this section—
- executive liability (persuasive burden) provision* means each of the following provisions—
- section 153A(1)
-

[s 209]

•	section 154(3)	1
•	section 154(4)	2
•	section 154(6)	3
•	section 156(2)	4
•	section 160(3)	5
•	section 161Q.	6
'57	Executive officer may be taken to have committed offence	7 8
'(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—	9 10 11
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	12 13
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	14 15
'(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.	16 17 18
'(3)	This section does not affect either of the following—	19
(a)	the liability of the corporation for the offence;	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.'	21 22 23

Part 73	Amendment of Transport (Rail Safety) Act 2010	1
		2
Clause 210	Act amended	3
	This part amends the <i>Transport (Rail Safety) Act 2010</i> .	4
Clause 211	Replacement of s 255 (Executive officers must ensure corporation complies with Act)	5
	Section 255—	6
	<i>omit, insert—</i>	7
‘255	Executive officer may be taken to have committed offence	9
		10
‘(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—	11
		12
		13
	(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	14
		15
	(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	16
		17
‘(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.	18
		19
		20
‘(3)	This section does not affect either of the following—	21
		22
	(a) the liability of the corporation for the offence;	23
		24
	(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.’.	25
		26
Clause 212	Amendment of s 277 (Meaning of rail safety undertaking)	26
	Section 277(a)—	27
	<i>omit, insert—</i>	28

‘(4) In this section—	1
<i>executive officer</i> , of a corporation, means a person who is	2
concerned with, or takes part in, the corporation’s	3
management, whether or not the person is a director or the	4
person’s position is given the name of executive officer.’.	5

Part 75	Amendment of Vocational Education, Training and Employment Act 2000	6 7 8
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Clause 215	Act amended	9
	This part amends the <i>Vocational Education, Training and Employment Act 2000</i> .	10 11

Clause 216	Omission of s 280 (Executive officers must ensure corporation complies with prescribed provision)	12 13
	Section 280—	14
	<i>omit</i> .	15

Part 76	Amendment of Wagering Act 1998	16 17
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Clause 217	Act amended	18
	This part amends the <i>Wagering Act 1998</i> .	19
	<i>Note—</i>	20
	See also the amendments in schedule 1.	21

[s 218]

Clause 218	Replacement of s 289 (Executive officers must ensure corporation complies with Act)	1 2
	Section 289—	3
	<i>omit, insert—</i>	4
'289	Liability of executive officer—offence committed by corporation against s 172(1)	5 6
	'(1) An executive officer of a corporation commits an offence if—	7
	(a) the corporation commits an offence against section 172(1); and	8 9
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	10 11 12
	Maximum penalty—the penalty for a contravention of section 172(1) by an individual.	13 14
	'(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—	15 16 17
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 172(1); and	18 19 20
	(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 172(1); and	21 22 23
	(c) any other relevant matter.	24
	'(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 172(1).	25 26 27 28
	'(4) This section does not affect any of the following—	29
	(a) the liability of the corporation for the offence against section 172(1);	30 31
	(b) the liability, under section 289A, of the executive officer for the offence against section 172(1);	32 33

[s 220]

See also the amendments in schedule 1.

		1
Clause 220	Replacement of s 268 (Executive officers must ensure corporation complies with Act)	2
	Section 268—	3
	<i>omit, insert—</i>	4
'268	Liability of executive officer—offence committed by corporation against executive liability (standard) provision	5
	'(1) An executive officer of a corporation commits an offence if—	6
	(a) the corporation commits an offence against an executive liability (standard) provision; and	7
	(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.	8
	Maximum penalty—the penalty for a contravention of the executive liability (standard) provision by an individual.	9
	'(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—	10
	(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability (standard) provision; and	11
	(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability (standard) provision; and	12
	(c) any other relevant matter.	13
	'(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 (standard) provision.	14
	'(4) This section does not affect any of the following—	15

(a)	the liability of the corporation for the offence against the executive liability (standard) provision;	1 2
(b)	the liability, under section 268B, of the executive officer for the offence against the executive liability (standard) provision;	3 4 5
(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 (standard) provision.	6 7 8 9
‘(5)	In this section—	10
	<i>executive liability (standard) provision</i> means any of the following provisions—	11 12
	• section 101	13
	• section 104(1)	14
	• section 251	15
	• section 254.	16
‘268A	Liability of executive officer—offence committed by corporation against executive liability (persuasive burden) provision	17 18 19
‘(1)	If a corporation commits an offence against an executive liability (persuasive burden) provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	20 21 22 23
‘(2)	However, it is a defence for the executive officer to prove that—	24 25
	(a) the officer did not know, and could not reasonably have been expected to have known, of the corporation’s conduct constituting its offence against the executive liability (persuasive burden) provision; or	26 27 28 29
	(b) the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability (persuasive burden) provision.	30 31 32 33

[s 220]

- ‘(3) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(b), a court must have regard to whether the officer was in a position to influence the corporation’s conduct in relation to its offence against the executive liability (persuasive burden) provision. 1
2
3
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6
- ‘(4) The executive officer may be proceeded against for, and convicted of, an offence against the executive liability (persuasive burden) provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability (persuasive burden) provision. 7
8
9
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11
- ‘(5) This section does not affect any of the following— 12
- (a) the liability of the corporation for its offence against the executive liability (persuasive burden) provision; 13
14
- (b) the liability, under section 268B, of the executive officer for the corporation’s offence against the executive liability (persuasive burden) provision; 15
16
17
- (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 corporation’s offence against the executive liability (persuasive burden) provision. 18
19
20
21
- ‘(6) In this section— 22
- executive liability (persuasive burden) provision*** means any 23
of the following provisions— 24
- section 167 25
 - section 242(1) 26
 - section 261(8) 27
 - section 262(6) 28
 - section 264(1) 29
 - section 264(2) 30
 - section 265(1). 31

[s 222]

'828	Liability of executive officer—particular offences committed by corporation	1 2
'(1)	If a corporation commits an offence against an executive liability provision, each executive officer of the corporation is taken to have also committed an offence against the provision.	3 4 5
'(2)	However, the executive officer is not taken to have also committed an offence against the executive liability provision if—	6 7 8
(a)	firstly, the officer satisfies the evidential burden of showing that—	9 10
(i)	the officer did not know, and could not reasonably have been expected to have known, of the corporation's conduct constituting its offence against the executive liability provision; or	11 12 13 14
(ii)	the officer took all reasonable steps to ensure the corporation did not engage in the conduct constituting its offence against the executive liability provision; and	15 16 17 18
(b)	secondly, the officer having complied with paragraph (a), the prosecution does not prove the contrary beyond reasonable doubt.	19 20 21
'(3)	In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (2)(a)(ii), a court must have regard to whether the officer was in a position to influence the corporation's conduct in relation to its offence against the executive liability provision.	22 23 24 25 26
'(4)	The executive officer may be proceeded against for, and convicted of, an offence against the executive liability provision whether or not the corporation has been proceeded against for, or convicted of, its offence against the executive liability provision.	27 28 29 30 31
'(5)	This section does not affect any of the following—	32
(a)	the liability of the corporation for its offence against the executive liability provision;	33 34

(b)	the liability, under section 829, of the executive officer for the corporation's offence against the executive liability provision;	1 2 3
(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 corporation's offence against the executive liability provision.	4 5 6 7
'(6)	In this section— <i>executive liability provision</i> means any of the following provisions—	8 9 10
	• section 22(7)	11
	• section 23(5)	12
	• section 808(1)	13
	• section 808(2)	14
	• section 808(3).	15
'829	Executive officer may be taken to have committed offence	16 17
'(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—	18 19 20
(a)	the officer authorised or permitted the corporation's conduct constituting the offence; or	21 22
(b)	the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	23 24
'(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.	25 26 27
'(3)	This section does not affect either of the following—	28
(a)	the liability of the corporation for the offence;	29

- (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.’. 1
2
3

Part 80 **Amendment of Water Supply** 4
(Safety and Reliability) Act 2008 5

- Clause 225 Act amended** 6
This part amends the *Water Supply (Safety and Reliability) Act 2008*. 7
8
Note— 9
See also the amendments in schedule 1. 10

- Clause 226 Replacement of s 487 (Executive officers must ensure corporation complies with Act)** 11
12
Section 487— 13
omit, insert— 14
‘487 Liability of executive officer—particular offences committed by corporation 15
16
‘(1) An executive officer of a corporation commits an offence if— 17
(a) the corporation commits an offence against an executive liability provision; and 18
19
(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. 20
21
22
Maximum penalty—the penalty for a contravention of the executive liability provision by an individual. 23
24
‘(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— 25
26
27

[s 226]

- (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 487A, 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 92
 - section 190
 - section 196(1)
 - section 196(2)
 - section 330(5)
 - section 343(1)
 - section 343(2)
 - section 343(3)

• section 343(4)	1
• section 344(1)	2
• section 344(2)	3
• section 345(2)	4
• section 351(4)	5
• section 352(4).	6
‘487A Executive officer may be taken to have committed offence	7 8
‘(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—	9 10 11
(a) the officer authorised or permitted the corporation’s conduct constituting the offence; or	12 13
(b) the officer was, directly or indirectly, knowingly concerned in the corporation’s conduct.	14 15
‘(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.	16 17 18
‘(3) This section does not affect either of the following—	19
(a) the liability of the corporation for the offence;	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.’.	21 22 23

'162A Executive officer may be taken to have committed offence	1
	2
'(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—	3
	4
	5
(a) the officer authorised or permitted the corporation's conduct constituting the offence; or	6
	7
(b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct.	8
	9
'(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.	10
	11
	12
'(3) This section does not affect either of the following—	13
(a) the liability of the corporation for the offence;	14
(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.	15
	16
	17
'(4) In this section—	18
<i>executive officer</i> , 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.'	19
	20
	21
	22

Part 82	Minor and consequential amendments	23
		24

Clause 229 Acts amended	25
Schedule 1 amends the Acts it mentions.	26

Schedule 1	Minor and consequential amendments	1 2
	section 229	3
	Animal Care and Protection Act 2001	4
1	Sections 17(2), 18(1), 30, 31, 32, 51(1), 91 and 92—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	This provision is an executive liability provision—see section 209.’.	8
	Biodiscovery Act 2004	9
1	Sections 29(1) and (3), 32(1), 50(1), 51, 52(1) and 53(1)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	This provision is an executive liability provision—see section 115.’.	13
	Building Act 1975	14
1	Sections 114A(2), 115(1), 221(5), 226(2) and (4), 231AL(6), 232(1), 245B(4) and 245L—	15 16
	<i>insert—</i>	17
	<i>Note—</i>	18
	This provision is an executive liability provision—see section 256A.’.	19

Casino Control Act 1982		1
1	Section 108(1)—	2
	<i>insert—</i>	3
	<i>'Note—</i>	4
	If a body corporate commits an offence against this provision, an executive officer of the body corporate may commit an offence against section 123.'	5
		6
		7
 Charitable and Non-Profit Gaming Act 1999		 8
1	Section 20—	9
	<i>insert—</i>	10
	<i>'Note—</i>	11
	If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 170.'	12
		13
 Child Employment Act 2006		 14
1	Sections 8A(1), 8B(1), 9(1), (2), (3) and (4), 10(1), 11(1), 12(7) and 13(10)—	15
	<i>insert—</i>	16
	<i>'Note—</i>	17
	This provision is an executive liability provision—see section 33.'	18
		19

Commission for Children and Young People and Child Guardian Act 2000	1 2
1 Section 166(3), note—	3
<i>omit, insert—</i>	4
‘ <i>Note—</i>	5
For other provisions of this Act applying to executive officers of corporations, see sections 383 and 383A.’	6 7
2 Sections 188(1), 191(2), 192(2), 193(2), 194(2), 240(8), 242(8) and 256(2)—	8 9
<i>insert—</i>	10
‘ <i>Note—</i>	11
This provision is an executive liability provision—see section 383.’	12
Criminal Law (Sexual Offences) Act 1978	13
1 Sections 6(3), 7(3) and (4) and 10(1)—	14
<i>insert—</i>	15
‘ <i>Note—</i>	16
This provision is an executive liability provision—see section 12.’	17
Disability Services Act 2006	18
1 Sections 90(2), 90A(2), 90B(2), 90C(1), 91(2)(a), (b) and (c), 104(7), 105A(7) and 161(6)—	19 20
<i>insert—</i>	21
‘ <i>Note—</i>	22

	This provision is an executive liability provision—see section 206.’.	1
	Duties Act 2001	2
1	Sections 471G(1), 471H(1), 480(1) and (2), 481 and 481A(2)—	3 4
	<i>insert—</i>	5
	<i>‘Note—</i>	6
	This provision is an executive liability provision under the <i>Taxation Administration Act 2001</i> , section 140.’.	7 8
	Education (Queensland College of Teachers) Act 2005	9
1	Section 82(1) and (2)—	10
	<i>insert—</i>	11
	<i>‘Note—</i>	12
	This provision is an executive liability provision—see section 228.’.	13
	Electricity Act 1994	14
1	Sections 48B, 89(1), 91A(2), 120AC(2), 120ZE(4), 120ZJ(2) and 135IR—	15 16
	<i>insert—</i>	17
	<i>‘Note—</i>	18
	This provision is an executive liability (standard) provision—see section 240A.’.	19 20

Schedule 1

2	Sections 87(1), 88(1), 88A(1), 131(5) and (6) and 135DO(1) and (2)—	1
	<i>insert—</i>	2
	<i>insert—</i>	3
	<i>Note—</i>	4
	This provision is an executive liability (persuasive burden) provision—see section 240B.’.	5
		6
	 Explosives Act 1999	 7
1	Section 32(1)—	8
	<i>insert—</i>	9
	<i>Note—</i>	10
	If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 117, to have also committed an offence against this provision.’.	11
		12
		13
	 Fire and Rescue Service Act 1990	 14
1	Sections 69(3), 72(1), 104C, 104D(1), 104E(1), 104FA(2) and 104FB(1) and (3)—	15
	<i>insert—</i>	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	This provision is an executive liability provision—see section 151.’.	19

Fisheries Act 1994	1
1 Sections 13(3), 77(1) and (2), 79, 79A, 82, 88A, 88B(2), 89, 90(1), 91, 92(1), 98, 99(3), 122 and 123—	2 3
<i>insert—</i>	4
‘ <i>Note—</i>	5
This provision is an executive liability provision—see section 219A.’.	6
 Food Act 2006	 7
1 Sections 32, 33, 34(1) and (2), 35(1) and (2), 36(1) and (2), 37(1), (2) and (3), 39(1), (2), (3) and (4), 49, 99(1), 123, 207, 221 and 271(6)—	8 9 10
<i>insert—</i>	11
‘ <i>Note—</i>	12
This provision is an executive liability (persuasive burden) provision—see section 260A.’.	13 14
2 Sections 38(1) and (2), 271B(2), 271C(2) and 271D(6)—	15
<i>insert—</i>	16
‘ <i>Note—</i>	17
This provision is an executive liability (standard) provision—see section 260.’.	18 19
 Gaming Machine Act 1991	 20
1 Section 325—	21
<i>insert—</i>	22
‘ <i>Note—</i>	23

Schedule 1

If a body corporate commits an offence against this provision, an executive officer of the body corporate may commit an offence against section 352.'. 1
2
3

Geothermal Energy Act 2010 4

1 Section 327, note— 5

omit, insert— 6

Note— 7

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*. 8
9
10
11

2 If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 333, to have also committed an offence against this provision.'. 12
13
14

Greenhouse Gas Storage Act 2009 15

1 Section 386(1)— 16

insert— 17

Note— 18

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 393, to have also committed an offence against this provision.'. 19
20
21

Industrial Relations Act 1999	1
1 Sections 138(4), 406(1) and 666(1)—	2
<i>insert—</i>	3
‘ <i>Note—</i>	4
This provision is an executive liability provision—see section 673.’.	5
Interactive Gambling (Player Protection) Act 1998	6
1 Section 119(1)—	7
<i>insert—</i>	8
‘ <i>Note—</i>	9
If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 247.’.	10
	11
Justices Act 1886	12
1 Section 102F(1)—	13
<i>insert—</i>	14
‘ <i>Note—</i>	15
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.’.	16
	17
	18

Keno Act 1996	1
1 Section 116(1)—	2
<i>insert—</i>	3
‘ <i>Note—</i>	4
If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 226.’.	5 6
Land Act 1994	7
1 Sections 198B, 214D(1), 404(1), 407, 419 and 440—	8
<i>insert—</i>	9
‘ <i>Note—</i>	10
This provision is an executive liability provision—see section 431J.’.	11
Lotteries Act 1997	12
1 Section 99(1)—	13
<i>insert—</i>	14
‘ <i>Note—</i>	15
If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 212.’.	16 17

Mineral Resources Act 1989		1
1	Sections 334C(1), 402(1) and 404D(1)—	2
	<i>insert—</i>	3
	<i>‘Note—</i>	4
	This provision is an executive liability provision—see section 412B.’.	5
2	Section 403(1)—	6
	<i>insert—</i>	7
	<i>‘Note—</i>	8
	If a company commits an offence against this provision, an executive officer of the company may commit an offence against section 412A.’.	9 10
Nuclear Facilities Prohibition Act 2007		11
1	Sections 7(1) and 13(4)—	12
	<i>insert—</i>	13
	<i>‘Note—</i>	14
	This provision is an executive liability provision—see section 22.’.	15
Offshore Minerals Act 1998		16
1	Section 38, note—	17
	<i>omit, insert—</i>	18
	<i>‘Note—</i>	19
	1 A works licence may be necessary because <i>exploration</i> includes activities that are directly related to exploration (see section 23(1))	20 21

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	and <i>recovery</i> includes activities that are directly related to recovery (see section 24(1)).	1 2
2	If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 443, to have also committed an offence against this provision.’.	3 4 5
Payroll Tax Act 1971		6
1	Section 93—	7
	<i>insert—</i>	8
	‘ <i>Note—</i>	9
	This provision is an executive liability provision under the <i>Taxation Administration Act 2001</i> , section 140.’.	10 11
Pest Management Act 2001		12
1	Sections 50(1) and 51(2)—	13
	<i>insert—</i>	14
	‘ <i>Note—</i>	15
	This provision is an executive liability provision—see section 122A.’.	16
2	Section 52(2)—	17
	<i>insert—</i>	18
	‘ <i>Note—</i>	19
	If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 122.’.	20 21

Petroleum and Gas (Production and Safety) Act 2004		1
1	Sections 617C(1), 641, 696(2) and (3), 733(1), 800(1) and 813(1) and (2)—	2 3
	<i>insert—</i>	4
	<i>'Note—</i>	5
	This provision is an executive liability provision—see section 814.'	6
 Public Health Act 2005		7
1	Section 57A(7)—	8
	<i>insert—</i>	9
	<i>'Note—</i>	10
	If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 448.'	11 12
2	Sections 57E and 57F(2)—	13
	<i>insert—</i>	14
	<i>'Note—</i>	15
	This provision is an executive liability provision—see section 448A.'	16
 Public Health (Infection Control for Personal Appearance Services) Act 2003		17 18
1	Sections 19(1) and (2) and 22—	19
	<i>insert—</i>	20
	<i>'Note—</i>	21
	This provision is an executive liability provision—see section 142.'	22

Queensland Building Services Authority Act 1991	1
1 Sections 42(9) and 42D—	2
<i>insert—</i>	3
‘ <i>Note—</i>	4
This provision is an executive liability provision—see section 111B.’.	5
Queensland Heritage Act 1992	6
1 Sections 76, 87(6), 91(1), 104(1), 107(4) and 155—	7
<i>insert—</i>	8
‘ <i>Note—</i>	9
This provision is an executive liability provision—see section 160.’.	10
Radiation Safety Act 1999	11
1 Sections 25, 26(1) and 27A(1)—	12
<i>insert—</i>	13
‘ <i>Note—</i>	14
This provision is an executive liability provision—see section 205.’.	15
Residential Services (Accreditation) Act 2002	16
1 Sections 75 and 76(2) and (4)—	17
<i>insert—</i>	18

	<i>'Note—</i>	1
	This provision is an executive liability provision—see section 172.'	2
	Residential Tenancies and Rooming Accommodation Act 2008	3
		4
1	Sections 53(2), 75(2), 116(1), 173(4) and 178(4)—	5
	<i>insert—</i>	6
	<i>'Note—</i>	7
	This provision is an executive liability provision—see section 513.'	8
	Strategic Cropping Land Act 2011	9
1	Sections 76(1) and (2) and 77(1) and (2)—	10
	<i>insert—</i>	11
	<i>'Note—</i>	12
	This provision is an executive liability provision—see section 250.'	13
2	Section 76(3), notes—	14
	<i>omit, insert—</i>	15
	<i>'Note—</i>	16
	For the effect of subsection (2), see section 262.'	17

Taxation Administration Act 2001	1
1 Sections 112(1), 119(1), 122(1) and 123(1)—	2
<i>insert—</i>	3
‘ <i>Note—</i>	4
This provision is an executive liability provision—see section 140.’	5
Tow Truck Act 1973	6
1 Sections 5 and 26—	7
<i>insert—</i>	8
‘ <i>Note—</i>	9
This provision is an executive liability provision—see section 41.’	10
Transport Operations (Marine Pollution) Act 1995	11
1 Sections 26(1), 27(1), 30(1), 35(1), 38(1), 38A(1), 42(1), 47(1), 48(1), 50(1), 50A(1), (2), (3) and (4), 51(2) and (3), 55(1), 55A(2), 61(1), 67A(2) and 127(5)—	12 13 14
<i>insert—</i>	15
‘ <i>Note—</i>	16
This provision is an executive liability provision—see section 121.’	17

Transport Operations (Road Use Management) Act 1995		1 2
1	Sections 37(2), 53(2) and 134—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	This provision is an executive liability (standard) provision—see section 56A.’.	6 7
2	Sections 153A(1), 154(3), (4) and (6), 156(2), 160(3) and 161Q—	8 9
	<i>insert—</i>	10
	<i>Note—</i>	11
	This provision is an executive liability (persuasive burden) provision—see section 56B.’.	12 13
Wagering Act 1998		14
1	Section 172(1)—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 289.’.	18 19
Waste Reduction and Recycling Act 2011		20
1	Sections 101, 104(1), 251 and 254—	21
	<i>insert—</i>	22

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	<i>Note—</i>	1
	This provision is an executive liability (standard) provision—see section 268.’.	2 3
2	Sections 167, 242(1), 261(8), 262(6), 264(1) and (2) and 265(1)—	4 5
	<i>insert—</i>	6
	<i>Note—</i>	7
	This provision is an executive liability (persuasive burden) provision—see section 268A.’.	8 9
	Water Act 2000	10
1	Sections 22(7), 23(5) and 808(1), (2) and (3)—	11
	<i>insert—</i>	12
	<i>Note—</i>	13
	This provision is an executive liability provision—see section 828.’.	14
	Water Supply (Safety and Reliability) Act 2008	15
1	Sections 92, 190, 196(1) and (2), 330(5), 343(1), (2), (3) and (4), 344(1) and (2), 345(2), 351(4) and 352(4)—	16 17
	<i>insert—</i>	18
	<i>Note—</i>	19
	This provision is an executive liability provision—see section 487.’.	20

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