

Directors' Liability Reform Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

Directors' Liability Reform Bill 2022

A Bill for

An Act to amend *The Criminal Code* and various other Acts in relation to the criminal liability of directors and other persons involved in the management of bodies corporate, and for related purposes.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Directors' Liability Reform Act 2022*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) Part 3 Division 1 —
 - (i) if the *Aboriginal Cultural Heritage Act 2021* sections 263 to 265 come into operation on or before assent day — on the day after assent day; or
 - (ii) otherwise — immediately after the *Aboriginal Cultural Heritage Act 2021* sections 263 to 265 come into operation;
- (c) Part 3 Division 5 —
 - (i) if the *Aquatic Resources Management Act 2016* sections 191 and 192 come into operation on or before assent day — on the day after assent day; or
 - (ii) otherwise — immediately after the *Aquatic Resources Management Act 2016* sections 191 and 192 come into operation;
- (d) section 27 —
 - (i) if the *TAB (Disposal) Act 2019* section 70 comes into operation on or before assent day — immediately after section 26 of this Act comes into operation; or
 - (ii) otherwise — on the day on which the *TAB (Disposal) Act 2019* section 70 comes into operation;

-
- 1 (e) Part 3 Division 9 — on a day fixed by proclamation;
- 2 (f) Part 3 Division 11 —
- 3 (i) if the *Building and Construction Industry*
- 4 *(Security of Payment) Act 2021* section 118
- 5 comes into operation on or before assent day —
- 6 on the day after assent day; or
- 7 (ii) otherwise — immediately after the *Building and*
- 8 *Construction Industry (Security of Payment)*
- 9 *Act 2021* section 118 comes into operation;
- 10 (g) section 72 —
- 11 (i) if the *Firearms Amendment Act 2022* section 29
- 12 comes into operation on or before assent day —
- 13 immediately after section 71 of this Act comes
- 14 into operation; or
- 15 (ii) otherwise — on the day on which the *Firearms*
- 16 *Amendment Act 2022* section 29 comes into
- 17 operation;
- 18 (h) section 79 —
- 19 (i) if the *TAB (Disposal) Act 2019* section 99 comes
- 20 into operation on or before assent day —
- 21 immediately after section 78 of this Act comes
- 22 into operation; or
- 23 (ii) otherwise — when the *TAB (Disposal) Act 2019*
- 24 section 99 comes into operation;
- 25 (i) the rest of the Act — on the day after assent day.

26 **3. Further provisions relating to commencement**

- 27 (1) In this section —
- 28 ***commencement day*** means the day after the day on which this
- 29 Act receives the Royal Assent.
- 30 (2) Despite section 2(i), if the *Aboriginal Cultural Heritage*
- 31 *Act 2021* section 310 comes into operation on or before
- 32 commencement day, Part 3 Division 2 of this Act —

s. 3

- 1 (a) does not come into operation; and
2 (b) is deleted.
- 3 (3) Despite section 2(i), if the *Aquatic Resources Management*
4 *Act 2016* section 267 comes into operation on or before
5 commencement day, Part 3 Division 28 of this Act —
6 (a) does not come into operation; and
7 (b) is deleted.
- 8 (4) Despite section 2(i), if the *Aquatic Resources Management*
9 *Act 2016* section 268 comes into operation on or before
10 commencement day, Part 3 Division 45 of this Act —
11 (a) does not come into operation; and
12 (b) is deleted.

1 **Part 2 — *The Criminal Code* amended**

2 **4. Act amended**

3 This Part amends *The Criminal Code*.

4 **5. Part I Chapter 6 inserted**

5 At the end of Part I insert:

6

7 **Chapter 6 — Criminal liability of officers of**
8 **bodies corporate**

9 **37. Overview**

10 (1) This Chapter contains a set of standard provisions
11 (sections 39, 40 and 41) that set out certain
12 circumstances in which directors and other officers of a
13 body corporate can incur criminal liability as a result of
14 an offence by the body corporate.

15 (2) Only one of sections 39, 40 and 41 can apply to an
16 offence.

17 **38. Term used: officer**

18 In this Chapter —
19 *officer*, in relation to a body corporate, has the meaning
20 given in the *Corporations Act 2001* (Commonwealth)
21 section 9.

22 **39. Officer liability for corporate offence: onus on**
23 **prosecution to prove reasonable steps not taken**

24 (1) This section applies to an offence if a provision of this
25 Code, or of another written law, expressly provides that
26 it applies to the offence.

s. 5

- 1 (2) If a body corporate is guilty of an offence to which this
2 section applies, an officer of the body corporate is also
3 guilty of the offence if the officer failed to take all
4 reasonable steps to prevent the commission of the
5 offence by the body corporate.
- 6 (3) In determining whether things done or omitted to be
7 done by the officer constitute reasonable steps, a court
8 must have regard to —
- 9 (a) what the officer knew, or ought to have known,
10 about the commission of the offence by the
11 body corporate; and
- 12 (b) whether the officer was in a position to
13 influence the conduct of the body corporate in
14 relation to the commission of the offence; and
- 15 (c) any other relevant matter.
- 16 **40. Officer liability for corporate offence: onus on**
17 **prosecution to prove reasonable steps not taken if**
18 **evidence suggesting reasonable steps adduced**
- 19 (1) This section applies to an offence if a provision of this
20 Code, or of another written law, expressly provides that
21 it applies to the offence.
- 22 (2) If a body corporate is guilty of an offence to which this
23 section applies, an officer of the body corporate is also
24 guilty of the offence unless the officer took all
25 reasonable steps to prevent the commission of the
26 offence by the body corporate.
- 27 (3) The prosecutor has the onus of proving that the officer
28 failed to take all reasonable steps to prevent the
29 commission of the offence by the body corporate if,
30 and only if, evidence that suggests a reasonable
31 possibility that the officer took all reasonable steps is
32 first adduced by or on behalf of the officer.

- 1 (4) In determining whether things done or omitted to be
2 done by the officer constitute reasonable steps, a court
3 must have regard to —
- 4 (a) what the officer knew, or ought to have known,
5 about the commission of the offence by the
6 body corporate; and
- 7 (b) whether the officer was in a position to
8 influence the conduct of the body corporate in
9 relation to the commission of the offence; and
- 10 (c) any other relevant matter.
- 11 **41. Officer liability for corporate offence: onus on**
12 **officer to prove reasonable steps taken**
- 13 (1) This section applies to an offence if a provision of this
14 Code, or of another written law, expressly provides that
15 it applies to the offence.
- 16 (2) If a body corporate is guilty of an offence to which this
17 section applies, an officer of the body corporate is also
18 guilty of the offence unless the officer took all
19 reasonable steps to prevent the commission of the
20 offence by the body corporate.
- 21 (3) The officer has the onus of proving that the officer took
22 all reasonable steps to prevent the commission of the
23 offence by the body corporate.
- 24 (4) In determining whether things done or omitted to be
25 done by the officer constitute reasonable steps, a court
26 must have regard to —
- 27 (a) what the officer knew, or ought to have known,
28 about the commission of the offence by the
29 body corporate; and
- 30 (b) whether the officer was in a position to
31 influence the conduct of the body corporate in
32 relation to the commission of the offence; and

- 1 (c) any other relevant matter.
- 2 **42. Further provisions relating to criminal liability of**
3 **officers of bodies corporate**
- 4 (1) This Chapter does not affect the liability of a body
5 corporate for any offence.
- 6 (2) This Chapter does not affect the liability of an officer,
7 or any other person, under Chapters II, LVII, LVIII
8 and LIX.
- 9 (3) An officer of a body corporate may be charged with,
10 and convicted of, an offence in accordance with
11 section 39, 40 or 41 whether or not the body corporate
12 is charged with, or convicted of, the offence committed
13 by the body corporate.
- 14 (4) If an officer of a body corporate who is charged with
15 an offence in accordance with section 39, 40 or 41
16 claims that the body corporate would have a defence if
17 it were charged with the offence —
- 18 (a) the onus of proving the defence is on the
19 officer; and
- 20 (b) the standard of proof required is the standard
21 that would apply to the body corporate in
22 relation to the defence.
- 23 (5) Subsection (4) does not limit any other defence
24 available to the officer.
- 25 **43. Penalties**
- 26 (1) This section applies to an offence if —
- 27 (a) section 39, 40 or 41 applies to the offence; and
28 (b) the specified penalty for the offence applies
29 only to a body corporate.

1 (2) The maximum penalty for the offence if committed by
2 an officer of a body corporate is one-fifth of the
3 maximum penalty that could be imposed on the body
4 corporate.

5 (3) This section does not limit the *Sentencing Act 1995*.
6

7 **6. Section 740D inserted**

8 Before section 740 insert:
9

10 **740D. Review of amendments made by *Directors' Liability***
11 ***Reform Act 2022***

12 (1) The Minister must review the operation and
13 effectiveness of the amendments made to this Code by
14 the *Directors' Liability Reform Act 2022*, and prepare a
15 report based on the review, as soon as practicable after
16 the 5th anniversary of the day on which the *Directors'*
17 *Liability Reform Act 2022* section 5 comes into
18 operation.

19 (2) The Minister must cause the report to be laid before
20 each House of Parliament as soon as practicable after it
21 is prepared, but not later than 12 months after the
22 5th anniversary.
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Part 3 — Amendments to other Acts

Division 1 — *Aboriginal Cultural Heritage Act 2021* amended

7. Act amended

This Division amends the *Aboriginal Cultural Heritage Act 2021*.

8. Sections 263 to 265 replaced

Delete sections 263 to 265 and insert:

263. Liability of officers for offence by body corporate

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 52(1)	s. 56(1)	s. 57(1) and (4)
s. 61(1)	s. 64(1)	s. 67(1)
s. 68(1)	s. 88(1)	s. 92
s. 93(1)	s. 94	s. 95
s. 127(1)	s. 133	s. 171(4)
s. 173	s. 183(1) and (2)	s. 190(1) and (2)
s. 196(1) and (2)	s. 205(1) and (2)	s. 240(2)

s. 252	s. 256	s. 304(1)
s. 306(2)		

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Division 2 — *Aboriginal Heritage Act 1972* amended

9. Act amended

This Division amends the *Aboriginal Heritage Act 1972*.

10. Section 57 amended

Delete section 57(2).

11. Section 58 inserted

After section 57 insert:

58. Liability of officers for offence by body corporate

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 17	s. 43(7)
s. 55	

Division 3 — *Animal Welfare Act 2002* amended

12. Act amended

This Division amends the *Animal Welfare Act 2002*.

1 **13. Section 80 replaced**

2 Delete section 80 and insert:

3

4 **80. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under a provision of this Act
8 listed in the Table.

9

Table

s. 6(1) and (2)	s. 7(1)
s. 13	s. 19(1)
s. 31(1)	s. 32(1)
s. 50(7)	

10

11 **Division 4 — Anzac Day Act 1960 amended**

12 **14. Act amended**

13 This Division amends the *Anzac Day Act 1960*.

14 **15. Section 4 amended**

15 In section 4(4) delete “held, and each member of the managing
16 body or committee of that racing club,” and insert:

17

18 held

19

1 **16. Section 5 amended**

2 In section 5(2) delete “club, and each member of the managing
3 body or committee of that racing club,” and insert:

4
5 club

6
7 **17. Section 6 amended**

8 In section 6(4) delete “held, and each member of the managing
9 body or committee of that club, association or body,” and insert:

10
11 held

12
13 **18. Section 7 amended**

14 In section 7(2) delete the passage that begins with “body, and”
15 and ends with “approval.” and insert:

16
17 body commits an offence.

18
19 **Division 5 — *Aquatic Resources Management Act 2016* amended**

20 **19. Act amended**

21 This Division amends the *Aquatic Resources Management*
22 *Act 2016*.

1 **20. Sections 191 and 192 replaced**

2 Delete sections 191 and 192 and insert:

3

4 **191. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under a provision of this Act
8 listed in the Table.

9

Table

s. 7(8)	s. 31(2) and (3)
s. 49(2) and (3)	s. 64(2) and (3)
s. 65(2) and (3)	s. 69(2)
s. 86	s. 94(2) and (3) (including arising under subsection (4), (5) or (6))
s. 104(2) and (3)	s. 106(1) and (2)
s. 107(1)	s. 109(2) and (4)
s. 110(2)	s. 112(3)
s. 114(4)	s. 125(4)
s. 129	s. 138(1)
s. 140(1)	s. 141(1)
s. 211(4)	s. 260(1) and (2)

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Division 6 — *Architects Act 2004* amended

21. Act amended

This Division amends the *Architects Act 2004*.

22. Section 76 replaced

Delete section 76 and insert:

76. Liability of officers for offence by body corporate

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 14(1)	s. 15
s. 42(2)	s. 64(2) and (3)
s. 65(1)	s. 66
s. 67(2) and (3)	s. 69(1)
s. 70	

Division 7 — *Auction Sales Act 1973* amended

23. Act amended

This Division amends the *Auction Sales Act 1973*.

24. Section 35 amended

Delete section 35(4).

1 **Division 8 — *Betting Control Act 1954* amended**

2 **25. Act amended**

3 This Division amends the *Betting Control Act 1954*.

4 **26. Section 27G replaced**

5 Delete section 27G and insert:

6

7 **27G. Liability of officers for offence by body corporate**

8 *The Criminal Code* section 39 (which provides for the
9 criminal liability of officers of a body corporate)
10 applies to an offence under a provision of this Act
11 listed in the Table.

12

Table

s. 11C(9) and (13)	s. 11E(5)
s. 11G(1) and (2)	s. 14A(2)
s. 20A(2)	s. 20B(6)
s. 23(1)	s. 24(1)
s. 26C(1)	s. 27
s. 27A(2), (2B), (2C) and (3)	s. 27D(2A)
s. 28C	s. 28D

13

14 **27. Section 27G amended**

15 In section 27G in the Table delete “s. 27D(2A)”.

1 **28. Section 27H amended**

2 Delete section 27H(3).

3 Note: The heading to amended section 27H is to read:

4 **Liability of individuals, partners, bodies corporate and licensed**
5 **managers**

6 **Division 9 — Biodiversity Conservation Act 2016 amended**

7 **29. Act amended**

8 This Division amends the *Biodiversity Conservation Act 2016*.

9 **30. Sections 237 and 238 replaced**

10 Delete sections 237 and 238 and insert:
11

12 **237. Liability of officers for offence by body corporate**

13 (1) *The Criminal Code* section 39 (which provides for the
14 criminal liability of officers of a body corporate)
15 applies to an offence under a provision of this Act
16 listed in Table A.

17 **Table A**

s. 48(1)	s. 65(1)
s. 150(1)	s. 158(3)
s. 172(1)	s. 173(1) and (2)

18 (2) *The Criminal Code* section 39 (which provides for the
19 criminal liability of officers of a body corporate)
20 applies to an offence under a provision of this Act
21 listed in Table B if the offence involves a cetacean or
22 threatened fauna.

1

Table B

s. 152(1)	s. 153(1)
s. 157(1)	s. 158(2)
s. 159	s. 160

2

- (3) *The Criminal Code* section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in Table C if the offence involves threatened flora.

3

4

5

6

7

Table C

s. 176(1)	s. 177(1)
s. 178(2)	s. 179

8

9 **Division 10 — *Biosecurity and Agriculture Management***
10 ***Act 2007* amended**

11 **31. Act amended**

12 This Division amends the *Biosecurity and Agriculture*
13 *Management Act 2007*.

14 **32. Section 110 replaced**

15 Delete section 110 and insert:

16

17 **110. Liability of officers for offence by body corporate**

18 *The Criminal Code* section 39 (which provides for the
19 criminal liability of officers of a body corporate)
20 applies to an offence under a provision of this Act
21 listed in the Table.

1

Table

s. 15(1), (2) and (3)	s. 17
s. 18	s. 19(2), (3) and (4)
s. 20(2)	s. 21(2), (3) and (4)
s. 23(1) and (3)	s. 24(2) and (4)
s. 25	s. 26(1)
s. 29	s. 30(2) and (3)
s. 32	s. 56(1), (2), (3), (4), (5) and (6)
s. 57	s. 58(2)
s. 60	s. 61(1)
s. 62(1)	s. 84(5)
s. 92	

2

3 **Division 11 — *Building and Construction Industry (Security of***
4 ***Payment) Act 2021 amended***

5 **33. Act amended**

6 This Division amends the *Building and Construction Industry*
7 *(Security of Payment) Act 2021*.

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 12 Building Services (Complaint Resolution and Administration)
Act 2011 amended

s. 34

1 **34. Section 118 replaced**

2 Delete section 118 and insert:

3

4 **118. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under section 65 or 87 of this Act.

8

9 **Division 12 — Building Services (Complaint Resolution and**
10 **Administration) Act 2011 amended**

11 **35. Act amended**

12 This Division amends the *Building Services (Complaint*
13 *Resolution and Administration) Act 2011*.

14 **36. Section 105 replaced**

15 Delete section 105 and insert:

16

17 **105. Liability of officers for offence by body corporate**

18 *The Criminal Code* section 39 (which provides for the
19 criminal liability of officers of a body corporate)
20 applies to an offence under a provision of this Act
21 listed in the Table.

22

Table

s. 53(1)	s. 71(2)
s. 80(7)	

23

1 **Division 13 — *Building Services (Registration)***
2 ***Act 2011* amended**

3 **37. Act amended**

4 This Division amends the *Building Services (Registration)*
5 *Act 2011*.

6 **38. Section 97 replaced**

7 Delete section 97 and insert:
8

9 **97. Liability of officers for offence by body corporate**

10 *The Criminal Code* section 39 (which provides for the
11 criminal liability of officers of a body corporate)
12 applies to an offence under a provision of this Act
13 listed in the Table.

14

Table

s. 4(1)	s. 5(2)
s. 6(1)	s. 7(1) and (5)
s. 22(2) and (3)	s. 25
s. 33(1)	s. 34(1) and (3)
s. 35(1), (2) and (3)	s. 36(1)
s. 37(1)	s. 99

15

1 **Division 14 — *Charitable Collections Act 1946* amended**

2 **39. Act amended**

3 This Division amends the *Charitable Collections Act 1946*.

4 **40. Section 15 amended**

5 Delete section 15(4).

6 **41. Section 15A inserted**

7 After section 15 insert:

8

9 **15A. Liability of officers for offence by body corporate**

10 *The Criminal Code* section 39 (which provides for the
11 criminal liability of officers of a body corporate)
12 applies to an offence under section 15(2) or (3A) of
13 this Act.
14

15 **Division 15 — *Contaminated Sites Act 2003* amended**

16 **42. Act amended**

17 This Division amends the *Contaminated Sites Act 2003*.

18 **43. Section 92 amended**

19 In section 92:

20 (a) after “118,” insert:

21

22 118A,

23

1 (b) delete the passage that begins with “as if” and ends
2 with “Act.” and insert:
3

4 as if —

5 (a) a reference in those sections to “this Act” were
6 a reference to this Act; and

7 (b) a reference in section 118A to “Tier 1 offences
8 and Tier 2 offences” were a reference to an
9 offence under a provision of this Act listed in
10 the Table.

11 **Table**

s. 10(11)	s. 11(3) and (9)
s. 12(6)	s. 30(6)
s. 43(1)	s. 54(2) and (5)
s. 68(1)	s. 74(1)
s. 93(3)	s. 94
s. 95(1)	s. 96(3)

12

13 **Division 16 — *Criminal Law (Unlawful Consorting and***
14 ***Prohibited Insignia) Act 2021* amended**

15 **44. Act amended**

16 This Division amends the *Criminal Law (Unlawful Consorting*
17 *and Prohibited Insignia) Act 2021*.

1 **45. Section 25 amended**

2 Delete section 25(1) and (4) to (6).

3 **46. Section 25A inserted**

4 After section 25 insert:

5

6 **25A. Liability of officers for offence by body corporate**

7 *The Criminal Code* section 41 (which provides for the
8 criminal liability of officers of a body corporate)
9 applies to an offence under section 25(2) of this Act.

10

11 **Division 17 — *Criminal Procedure Act 2004* amended**

12 **47. Act amended**

13 This Division amends the *Criminal Procedure Act 2004*.

14 **48. Section 180 replaced**

15 Delete section 180 and insert:

16

17 **180. Liability of officers for offence by body corporate**

18 *The Criminal Code* section 39 (which provides for the
19 criminal liability of officers of a body corporate)
20 applies to an offence under a provision of this Act
21 listed in the Table.

22

Table

s. 137(5)	s. 155(4)
s. 170(4)	

23

1 **Division 18 — *Dangerous Goods Safety Act 2004* amended**

2 **49. Act amended**

3 This Division amends the *Dangerous Goods Safety Act 2004*.

4 **50. Section 61 replaced**

5 Delete section 61 and insert:

6

7 **61. Liability of officers for offence by body corporate**

8 *The Criminal Code* section 39 (which provides for the
9 criminal liability of officers of a body corporate)
10 applies to an offence under a provision of this Act
11 listed in the Table.

12

Table

s. 8(1)	s. 9(2)
s. 10	s. 11(2)
s. 12	s. 13
s. 14(1)	s. 15(1)
s. 16	s. 17(2) for a contravention of s. 11(2), 12, 13, 14(1), 15(1) or 16 in aggravated circumstances as defined in s. 17(1)
s. 24	s. 47(7)
s. 55(1), (2) and (3)	s. 65(5)

13

1 **Division 19 — *Debt Collectors Licensing Act 1964* amended**

2 **51. Act amended**

3 This Division amends the *Debt Collectors Licensing Act 1964*.

4 **52. Section 23 deleted**

5 Delete section 23.

6 **Division 20 — *Emergency Management Act 2005* amended**

7 **53. Act amended**

8 This Division amends the *Emergency Management Act 2005*.

9 **54. Section 98 replaced**

10 Delete section 98 and insert:

11

12 **98. Liability of officers for offence by body corporate**

13 (1) *The Criminal Code* section 39 (which provides for the
14 criminal liability of officers of a body corporate)
15 applies to an offence under section 95 of this Act.

16 (2) *The Criminal Code* section 41 (which provides for the
17 criminal liability of officers of a body corporate)
18 applies to an offence under a provision of this Act
19 listed in the Table.

20

Table

s. 85	s. 86(1) in relation to a direction given under s. 47(1), 71(1) or 75(1)
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s. 87	s. 89
s. 90	

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Division 21 — *Employment Agents Act 1976* amended

3

55. Act amended

4

This Division amends the *Employment Agents Act 1976*.

5

56. Section 30 amended

6

Delete section 30(3).

7

Division 22 — *Energy Operators (Powers) Act 1979* amended

8

57. Act amended

9

This Division amends the *Energy Operators (Powers) Act 1979*.

10

58. Section 86 amended

11

Delete section 86(1) to (2a).

12

Note: The heading to amended section 86 is to read:

13

Liability of bodies corporate

14

Division 23 — *Energy Safety Act 2006* amended

15

59. Act amended

16

This Division amends the *Energy Safety Act 2006*.

17

60. Section 35 deleted

18

Delete section 35.

1 **Division 24 — *Environmental Protection Act 1986* amended**

2 **61. Act amended**

3 This Division amends the *Environmental Protection Act 1986*.

4 **62. Section 118 amended**

5 Delete section 118(1) to (3).

6 Note: The heading to amended section 118 is to read:

7 **Establishing state of mind of body corporate**

8 **63. Section 118A inserted**

9 After section 118 insert:

10

11 **118A. Liability of officers for offence by body corporate**

12 *The Criminal Code* section 41 (which provides for the
13 criminal liability of officers of a body corporate)
14 applies to Tier 1 offences and Tier 2 offences.

15

16 **Division 25 — *Exotic Diseases of Animals Act 1993* amended**

17 **64. Act amended**

18 This Division amends the *Exotic Diseases of Animals Act 1993*.

19 **65. Section 58 replaced**

20 Delete section 58 and insert:

21

22 **58. Liability of officers for offence by body corporate**

23 *The Criminal Code* section 39 (which provides for the
24 criminal liability of officers of a body corporate)
25 applies to an offence under a provision of this Act
26 listed in the Table.

1

Table

s. 8	s. 9(2)
s. 10(1)	s. 22
s. 32(1)	s. 37(1)
s. 39(3)	

2

3

Division 26 — Fair Trading Act 2010 amended

4

66. Act amended

5

This Division amends the *Fair Trading Act 2010*.

6

67. Section 94A inserted

7

After section 94 insert:

8

9

94A. Liability of officers for offence by body corporate

10

(1) *The Criminal Code* section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under section 62(2) of this Act.

11

12

13

(2) *The Criminal Code* section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of the *Australian Consumer Law (WA)* listed in Table A.

14

15

16

17

Table A

s. 157(1) and (2)	s. 159(1) and (2)
s. 161(1), (3) and (4)	s. 163(1) and (2)
s. 164(1)	s. 166(1)

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 26 Fair Trading Act 2010 amended

s. 67

s. 167(1)	s. 169(1)
s. 170(1)	s. 171(1)
s. 173(1)	s. 176(1)
s. 177(1)	s. 178(1)
s. 179(1)	s. 180(1)
s. 181(1) and (2)	s. 182(1) and (2)
s. 183(1)	s. 188(1)
s. 192(1)	s. 193(1)
s. 206(1)	

- 1 (3) *The Criminal Code* section 41 (which provides for the
2 criminal liability of officers of a body corporate)
3 applies to an offence under a provision of the
4 *Australian Consumer Law (WA)* listed in Table B.

5

Table B

s. 151(1)	s. 152(1)
s. 153(1)	s. 155(1)
s. 156(1)	s. 158(1), (3), (5) and (7)
s. 162(1), (2) and (3)	s. 164(2)
s. 168(1)	s. 172(1) and (2)
s. 174(1) and (2)	s. 175(1)

s. 194(1), (2), (3) and (5)	s. 195(1) and (2)
s. 197(1), (2), (3) and (5)	s. 198(1) and (2)
s. 199(1) and (2)	s. 200(1)
s. 203(1), (2) and (3)	s. 204(1) and (2)

1

2 **68. Section 95 amended**

3 Delete section 95(1) to (3).

4 Note: The heading to amended section 95 is to read:

5 **Vicarious liability of employers, principals and other persons**

6 **Division 27 — Firearms Act 1973 amended**

7 **69. Act amended**

8 This Division amends the *Firearms Act 1973*.

9 **70. Section 21B amended**

10 (1) In section 21B(1):

11 (a) delete paragraph (a);

12 (b) delete “each” and insert:

13

14 the person

15

16 (2) Delete section 21B(2) to (4).

17 Note: The heading to amended section 21B is to read:

18 **Liability for certain offences**

1 **71. Section 21C inserted**

2 After section 21B insert:

3

4 **21C. Liability of officers for offence by body corporate**

5 (1) In this section —

6 *relevant offence* means an offence under a relevant
7 provision, when committed in the course of the
8 business carried on under a Dealer's Licence, a
9 Repairer's Licence or a Manufacturer's Licence;

10 *relevant provision* means section 19(2) or (4) or 23(1),
11 (5), (7) or (9) of this Act.

12 (2) *The Criminal Code* section 39 (which provides for the
13 criminal liability of officers of a body corporate)
14 applies to a relevant offence.
15

16 **72. Section 21C amended**

17 In section 21C(1) delete the definition of *relevant provision* and
18 insert:

19

20 *relevant provision* means section 19(2), 23(1), (5), (7)
21 or (9), 23AC or 23AD of this Act.
22

23 **Division 28 — *Fish Resources Management Act 1994* amended**

24 **73. Act amended**

25 This Division amends the *Fish Resources Management*
26 *Act 1994*.

1 **74. Section 204 replaced**

2 Delete section 204 and insert:

3

4 **204. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
 6 criminal liability of officers of a body corporate)
 7 applies to an offence under a provision of this Act
 8 listed in the Table.

9

Table

s. 7(7)	s. 46	s. 47
s. 48A(2)	s. 49	s. 74(1) and (2)
s. 77(1) and (2)	s. 79(1)	s. 82(1)
s. 86	s. 88	s. 90
s. 96	s. 97A	s. 100A(1) and (2) (including arising under subsection (3), (4) or (5))
s. 104	s. 105	s. 155(2)
s. 170(1)	s. 171(1)	s. 172
s. 173(1)	s. 174(1)	s. 175(1)
s. 176	s. 225(4) and (5)	s. 255(3)

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Division 29 — *Food Act 2008* amended

75. Act amended

This Division amends the *Food Act 2008*.

76. Section 128 replaced

Delete section 128 and insert:

128. Liability of officers for offence by body corporate

- (1) *The Criminal Code* section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under section 22(1) of this Act.
- (2) *The Criminal Code* section 41 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 14(1) and (2)	s. 15(1) and (2)
s. 16(1), (2), (3) and (4)	s. 17(1) and (2)
s. 18(1) and (2)	s. 19(1), (2) and (3)
s. 20(1)	s. 21(1) and (2)
s. 22(2), (3) and (4)	

1 **Division 30 — *Gaming and Wagering Commission***
 2 ***Act 1987 amended***

3 **77. Act amended**

4 This Division amends the *Gaming and Wagering Commission*
 5 *Act 1987*.

6 **78. Section 37 replaced**

7 Delete section 37 and insert:
 8

9 **37. Liability of officers for offence by body corporate**

10 *The Criminal Code* section 39 (which provides for the
 11 criminal liability of officers of a body corporate)
 12 applies to an offence under a provision of this Act
 13 listed in the Table.

14 **Table**

s. 22(5)	s. 29(1) and (2)
s. 41(3)	s. 43A(2)
s. 44(1)	s. 45(1) and (2)
s. 57(3)	s. 85(4)
s. 89(2)	s. 93B(3)
s. 104C(4)	s. 104E(1), (2) and (3)
s. 104F(1) and (4)	s. 104L(1), (2) and (3)
s. 104M(1), (2) and (3)	s. 106(1)
s. 109H(2)	

15

1 **79. Section 37 amended**

2 In section 37 in the Table delete “s. 109H(2)”.

3 **80. Section 99 amended**

4 In section 99(d) delete “who pursuant to section 37 would be
5 liable in relation to a conviction of that body for an offence of
6 failing to pay those moneys on demand.” and insert:

7

8 who, if that body committed an offence of failing to pay those
9 moneys on demand, would be criminally liable in accordance
10 with section 37 of this Act.

11

12 **Division 31 — *Gas Corporation (Business Disposal)***
13 ***Act 1999* amended**

14 **81. Act amended**

15 This Division amends the *Gas Corporation (Business Disposal)*
16 *Act 1999*.

17 **82. Section 13 deleted**

18 Delete section 13.

19 **Division 32 — *Gold Corporation Act 1987* amended**

20 **83. Act amended**

21 This Division amends the *Gold Corporation Act 1987*.

22 **84. Section 76 deleted**

23 Delete section 76.

1 **Division 33 — *Heritage Act 2018* amended**

2 **85. Act amended**

3 This Division amends the *Heritage Act 2018*.

4 **86. Sections 143 and 144 replaced**

5 Delete sections 143 and 144 and insert:

6

7 **143. Liability of officers for offence by body corporate**

8 *The Criminal Code* section 39 (which provides for the
9 criminal liability of officers of a body corporate)
10 applies to an offence under a provision of this Act
11 listed in the Table.

12

Table

s. 129(1), (2) and (3)	s. 130(1), (2) and (3)
s. 132(1)	s. 133(4)
s. 134(6)	

13

14 **Division 34 — *Home Building Contracts Act 1991* amended**

15 **87. Act amended**

16 This Division amends the *Home Building Contracts Act 1991*.

1 **88. Section 30 replaced**

2 Delete section 30 and insert:

3

4 **30. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under a provision of this Act
8 listed in the Table.

9

Table

s. 5(3)	s. 10(1) and (5)
s. 12(1)	s. 13(1)
s. 14(1)	s. 25C(1) and (2)
s. 25J(2), (3) and (5)	s. 25L(1)
s. 28(3)	

10

11 **Division 35 — Hope Valley-Wattleup Redevelopment**
12 **Act 2000 amended**

13 **89. Act amended**

14 This Division amends the *Hope Valley-Wattleup Redevelopment*
15 *Act 2000*.

16 **90. Section 30 deleted**

17 Delete section 30.

1 **Division 36 — *Liquor Control Act 1988* amended**

2 **91. Act amended**

3 This Division amends the *Liquor Control Act 1988*.

4 **92. Section 164 amended**

5 In section 164(1):

- 6 (a) delete paragraph (a);
7 (b) delete “each” and insert:
8
9 the manager

10
11 Note: The heading to amended section 164 is to read:

12 **Offences by bodies corporate and partnerships**

13 **93. Section 164A inserted**

14 After section 164 insert:

15
16 **164A. Liability of officers for offence by body corporate**

17 *The Criminal Code* section 39 (which provides for the
18 criminal liability of officers of a body corporate)
19 applies to an offence under a provision of this Act
20 listed in the Table.

21 **Table**

s. 37A	s. 77(1)
s. 100(2), (2a) and (8)	s. 101(3)
s. 102(1)	s. 104(1)
s. 106(1) and (3)	s. 109(4A)

s. 110(1), (2), (3) and (7)	s. 115(1) and (2)
s. 117(7)	s. 119A(5)
s. 121(1) and (2)	s. 122(2)
s. 126D(2)	s. 152M
s. 154(3)	

1

2 **94. Section 167 amended**

3 In section 167(2)(b) delete “section 101, 164 or 165” and insert:

4

5 section 101, 164, 164A or 165

6

7 **Division 37 — *Litter Act 1979* amended**

8 **95. Act amended**

9 This Division amends the *Litter Act 1979*.

10 **96. Section 24C deleted**

11 Delete section 24C.

12 **Division 38 — *Major Events (Aerial Advertising)***
13 ***Act 2009* amended**

14 **97. Act amended**

15 This Division amends the *Major Events (Aerial Advertising)*
16 *Act 2009*.

17 **98. Section 3 amended**

18 In section 3 delete the definition of *officer*.

1 **99. Section 16 replaced**

2 Delete section 16 and insert:

3

4 **16. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under section 11(1) of this Act.

8

9 **Division 39 — Medicines and Poisons Act 2014 amended**

10 **100. Act amended**

11 This Division amends the *Medicines and Poisons Act 2014*.

12 **101. Section 118 replaced**

13 Delete section 118 and insert:

14

15 **118. Liability of officers for offence by body corporate**

16 (1) *The Criminal Code* section 39 (which provides for the
17 criminal liability of officers of a body corporate)
18 applies to an offence under a provision of this Act
19 listed in Table A.

20

Table A

s. 13(1) and (4)	s. 15(1) and (2)
s. 19	s. 20(1)
s. 23(1) and (2)	s. 24(2)

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 40 Metropolitan Redevelopment Authority Act 2011 amended

s. 102

s. 54(1)	s. 64
s. 106(1)	s. 107(2)

- 1 (2) *The Criminal Code* section 41 (which provides for the
2 criminal liability of officers of a body corporate)
3 applies to an offence under a provision of this Act
4 listed in Table B.

5 **Table B**

s. 14(1) and (4)	s. 16(1), (2) and (3)
s. 17	s. 18(1) and (2)
s. 21(3)	s. 22(1)
s. 24(4)	

6

7 **Division 40 — Metropolitan Redevelopment Authority**
8 **Act 2011 amended**

9 **102. Act amended**

10 This Division amends the *Metropolitan Redevelopment*
11 *Authority Act 2011*.

12 **103. Section 129 deleted**

13 Delete section 129.

14 **Division 41 — Mining Act 1978 amended**

15 **104. Act amended**

16 This Division amends the *Mining Act 1978*.

1 **105. Section 154A inserted**

2 After section 154 insert:

3

4 **154A. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under section 155(1) of this Act.

8

9 **Division 42 — *Misuse of Drugs Act 1981* amended**

10 **106. Act amended**

11 This Division amends the *Misuse of Drugs Act 1981*.

12 **107. Section 35 replaced**

13 Delete section 35 and insert:

14

15 **35. Liability of officers for offence by body corporate**

16 *The Criminal Code* section 39 (which provides for the
17 criminal liability of officers of a body corporate)
18 applies to an offence under a provision of this Act
19 listed in the Table.

20

Table

s. 5(1)	s. 6(1) and (2)
s. 7(1) and (2)	s. 7A(1) and (3)
s. 18(1)	

21

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 43 Nuclear Waste Storage and Transportation (Prohibition) Act
1999 amended

s. 108

1 **Division 43 — Nuclear Waste Storage and Transportation**
2 **(Prohibition) Act 1999 amended**

3 **108. Act amended**

4 This Division amends the *Nuclear Waste Storage and*
5 *Transportation (Prohibition) Act 1999*.

6 **109. Section 8 replaced**

7 Delete section 8 and insert:

8
9 **8. Liability of officers for offence by body corporate**

10 *The Criminal Code* section 39 (which provides for the
11 criminal liability of officers of a body corporate)
12 applies to an offence under section 7(2) or 7A(2) of
13 this Act.
14

15 **Division 44 — Pawnbrokers and Second-hand Dealers**
16 **Act 1994 amended**

17 **110. Act amended**

18 This Division amends the *Pawnbrokers and Second-hand*
19 *Dealers Act 1994*.

20 **111. Section 89 amended**

21 (1) Delete section 89(3).

22 (2) In section 89(4) delete “the licensee and the defence available to
23 an officer under subsection (3) is not available to an officer who
24 is also”.

25 Note: The heading to amended section 89 is to read:

26 **Liability of partners and bodies corporate**

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Division 45 — *Pearling Act 1990* amended

112. Act amended

This Division amends the *Pearling Act 1990*.

113. Section 56 replaced

Delete section 56 and insert:

56. Liability of officers for offence by body corporate

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

Table

s. 7(2)	s. 8(2)
s. 12(4)	s. 16
s. 19(2)	s. 20
s. 21(1)	

Division 46 — *Perry Lakes Redevelopment Act 2005* amended

114. Act amended

This Division amends the *Perry Lakes Redevelopment Act 2005*.

115. Section 50 deleted

Delete section 50.

1 **Division 47 — *Pharmacy Act 2010* amended**

2 **116. Act amended**

3 This Division amends the *Pharmacy Act 2010*.

4 **117. Section 71 replaced**

5 Delete section 71 and insert:
6

7 **71. Liability of officers for offence by body corporate**

8 *The Criminal Code* section 39 (which provides for the
9 criminal liability of officers of a body corporate)
10 applies to an offence under a provision of this Act
11 listed in the Table.

12 **Table**

s. 52	s. 53
s. 54(1)	s. 55(2) and (5)
s. 56(4)	s. 57
s. 59	s. 60
s. 64(1)	

13

14 **Division 48 — *Private Hospitals and Health Services***
15 ***Act 1927* amended**

16 **118. Act amended**

17 This Division amends the *Private Hospitals and Health Services*
18 *Act 1927*.

1 **119. Section 26M replaced**

2 Delete section 26M and insert:

3

4 **26M. Liability of officers for offence by body corporate**

5 *The Criminal Code* section 39 (which provides for the
6 criminal liability of officers of a body corporate)
7 applies to an offence under a provision of this Act
8 listed in the Table.

9

Table

s. 26DA(1)	s. 26G(2)
s. 26K	s. 26L

10

11 **Division 49 — *Prostitution Act 2000* amended**

12 **120. Act amended**

13 This Division amends the *Prostitution Act 2000*.

14 **121. Section 59 replaced**

15 Delete section 59 and insert:

16

17 **59. Liability of officers for offence by body corporate**

18 *The Criminal Code* section 41 (which provides for the
19 criminal liability of officers of a body corporate)
20 applies to an offence under a provision of this Act
21 listed in the Table.

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 50 Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Act 2021 amended

s. 122

1

Table

s. 7(1)	s. 16(1) and (2)
s. 17(1)	s. 18(1)
s. 21	

2

3 **Division 50 — *Protection of Information (Entry Registration***
4 ***Information Relating to COVID-19 and Other Infectious***
5 ***Diseases) Act 2021 amended***

6 **122. Act amended**

7 This Division amends the *Protection of Information (Entry*
8 *Registration Information Relating to COVID-19 and Other*
9 *Infectious Diseases) Act 2021*.

10 **123. Section 9 replaced**

11 Delete section 9 and insert:

12

13 **9. Liability of officers for offence by body corporate**

14 *The Criminal Code* section 39 (which provides for the
15 criminal liability of officers of a body corporate)
16 applies to an offence under a provision of this Act
17 listed in the Table.

18

Table

s. 6(3)	s. 7
s. 8(2), (3) and (7)	

19

1 **Division 51 — *Public Health Act 2016* amended**

2 **124. Act amended**

3 This Division amends the *Public Health Act 2016*.

4 **125. Section 4 amended**

5 In section 4(1) delete the definition of *officer*.

6 **126. Sections 282 and 283 replaced**

7 Delete sections 282 and 283 and insert:

8

9 **282. Liability of officers for offence by body corporate**

10 *The Criminal Code* section 41 (which provides for the
11 criminal liability of officers of a body corporate)
12 applies to an offence under section 37(1), (2) or (3)
13 or 38(1), (2) or (3) of this Act.
14

15 **Division 52 — *Radiation Safety Act 1975* amended**

16 **127. Act amended**

17 This Division amends the *Radiation Safety Act 1975*.

18 **128. Section 56 amended**

19 Delete section 56(4).

20 **129. Section 56A inserted**

21 After section 56 insert:

22

23 **56A. Liability of officers for offence by body corporate**

24 *The Criminal Code* section 39 (which provides for the
25 criminal liability of officers of a body corporate)

1 applies to an offence under a provision of this Act
2 listed in the Table.

3 **Table**

s. 25(1)	s. 28(4)
s. 36(3)	s. 46(5)
s. 52(1) for a contravention of s. 48(1)	s. 52(2)

4

5 **Division 53 — Retail Trading Hours Act 1987 amended**

6 **130. Act amended**

7 This Division amends the *Retail Trading Hours Act 1987*.

8 **131. Section 34 deleted**

9 Delete section 34.

10 **Division 54 — Retirement Villages Act 1992 amended**

11 **132. Act amended**

12 This Division amends the *Retirement Villages Act 1992*.

13 **133. Section 79 replaced**

14 Delete section 79 and insert:

15

16 **79. Liability of officers for offence by body corporate**

17 *The Criminal Code* section 39 (which provides for the
18 criminal liability of officers of a body corporate)
19 applies to an offence under a provision of this Act
20 listed in the Table.

1

Table

s. 6(3)	s. 13(2), (3) and (5)
s. 14A(2)	s. 15(1), (4) and (5)
s. 16(1) and (2)	s. 18(2A), (3) and (5)
s. 23(6)	s. 24(9)
s. 25(1)	s. 75F(2)
s. 75H(3) and (5)	s. 75(6)

2

3 **Division 55 — Road Traffic (Vehicles) Act 2012 amended**

4 **134. Act amended**

5 This Division amends the *Road Traffic (Vehicles) Act 2012*.

6 **135. Section 108 replaced**

7 Delete section 108 and insert:

8

9 **108. Liability of officers for offence by body corporate**

10 (1) *The Criminal Code* section 41 (which provides for the
11 criminal liability of officers of a body corporate)
12 applies to an offence under a provision of a road law
13 listed in the 2nd column of the Table.

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 55 Road Traffic (Vehicles) Act 2012 amended

s. 135

1

Table

Road law	Provision to which <i>The Criminal Code</i> s. 41 applies
<i>Road Traffic (Administration) Act 2008</i>	s. 44 in relation to a direction given under s. 39(2), 40(2) or 41(2) s. 56(4) s. 57(3) and (4) s. 58(5) s. 71(5) and (7)
<i>Road Traffic (Vehicles) Act 2012</i>	s. 29(1) s. 31(1) s. 36(1) s. 39(1) and (3) s. 66 in relation to a direction given under s. 64(2) or (5) or 65(3) or (5) s. 80(1) s. 86(1) s. 87(1) and (2) s. 95 s. 96 s. 97 s. 98(2) s. 99 s. 100

Road law	Provision to which <i>The Criminal Code</i> s. 41 applies
	s. 105(2), (3) and (8) s. 106(2) s. 107(1) s. 127 s. 129

1 (2) The matters set out in section 113(2) of this Act may be
 2 relevant matters for the purposes of *The Criminal Code*
 3 section 41(4)(c) as it applies under subsection (1).
 4

**Division 56 — *Security and Related Activities (Control)*
 Act 1996 amended**

136. Act amended

This Division amends the *Security and Related Activities (Control) Act 1996*.

137. Section 88A amended

In section 88A(1)(b) delete “section 89, 90” and insert:

section 89

138. Section 89 amended

In section 89(3) delete “the licensee and the defence available to an officer under section 90 is not available to an officer who is also”.

1 **139. Section 90 deleted**

2 Delete section 90.

3 **Division 57 — *Surveillance Devices Act 1998* amended**

4 **140. Act amended**

5 This Division amends the *Surveillance Devices Act 1998*.

6 **141. Section 39 deleted**

7 Delete section 39.

8 **Division 58 — *Swan and Canning Rivers Management***
9 ***Act 2006* amended**

10 **142. Act amended**

11 This Division amends the *Swan and Canning Rivers*
12 *Management Act 2006*.

13 **143. Section 121 amended**

14 Delete section 121(1) to (3).

15 Note: The heading to amended section 121 is to read:

16 **Establishing state of mind of body corporate**

17 **144. Section 121A inserted**

18 At the end of Part 8 Division 1 insert:

19

20 **121A. Liability of officers for offence by body corporate**

21 *The Criminal Code* section 39 (which provides for the
22 criminal liability of officers of a body corporate)
23 applies to an offence under a provision of this Act
24 listed in the Table.

1

Table

s. 30(3)	s. 32(5)
s. 70(1) and (2)	s. 71(1)
s. 88	s. 101
s. 116(4)	

2

3 **Division 59 — Tobacco Products Control Act 2006 amended**

4 **145. Act amended**

5 This Division amends the *Tobacco Products Control Act 2006*.

6 **146. Section 109 replaced**

7 Delete section 109 and insert:

8

9 **109. Liability of officers for offence by body corporate**

- 10 (1) *The Criminal Code* section 39 (which provides for the
 11 criminal liability of officers of a body corporate)
 12 applies to an offence under a provision of this Act
 13 listed in Table A.

14

Table A

s. 16(1)	s. 17	s. 18
s. 19	s. 20(1)	s. 21
s. 21A	s. 21B	s. 22(1)
s. 24(1) and (2)	s. 25(1), (2), (3) and (4)	s. 26(2) and (3)

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 60 Transport Co-ordination Act 1966 amended

s. 147

s. 27(1) and (2)	s. 28(3)	s. 29
s. 30(1)	s. 34	s. 50(5)
s. 51	s. 57(1), (3) and (5)	s. 58(1) and (2)
s. 103(1) and (2)	s. 106	s. 107F(2)

- 1 (2) *The Criminal Code* section 41 (which provides for the
2 criminal liability of officers of a body corporate)
3 applies to an offence under a provision of this Act
4 listed in Table B.

5 **Table B**

s. 31(1), (2), (3) and (4)	s. 33(1)
s. 35(2) and (3)	s. 104
s. 105	

6

7 **Division 60 — Transport Co-ordination Act 1966 amended**

8 **147. Act amended**

9 This Division amends the *Transport Co-ordination Act 1966*.

10 **148. Section 55A deleted**

11 Delete section 55A.

1 **Division 62 — *Unauthorised Documents Act 1961* amended**

2 **151. Act amended**

3 This Division amends the *Unauthorised Documents Act 1961*.

4 **152. Section 6 deleted**

5 Delete section 6.

6 **Division 63 — *Veterinary Chemical Control and Animal Feeding***
7 ***Stuffs Act 1976* amended**

8 **153. Act amended**

9 This Division amends the *Veterinary Chemical Control and*
10 *Animal Feeding Stuffs Act 1976*.

11 **154. Section 61 amended**

12 Delete section 61(1).

13 Note: The heading to amended section 61 is to read:

14 **Vicarious liability for sales**

15 **Division 64 — *Veterinary Practice Act 2021* amended**

16 **155. Act amended**

17 This Division amends the *Veterinary Practice Act 2021*.

18 **156. Sections 142 and 143 replaced**

19 Delete sections 142 and 143 and insert:

20

21 **142. Liability of officers for offence by body corporate**

22 *The Criminal Code* section 39 (which provides for the
23 criminal liability of officers of a body corporate)
24 applies to an offence under a provision of this Act
25 listed in the Table.

1

Table

s. 57(1), (2), (3) and (4)	s. 58(2) and (3)
s. 60(1) and (3)	s. 65(2) and (4)

2

3

Division 65 — *Waste Avoidance and Resource Recovery Act 2007* amended

4

5

157. Act amended

6

This Division amends the *Waste Avoidance and Resource Recovery Act 2007*.

7

8

158. Section 47ZY amended

9

Delete section 47ZY(2).

10

159. Section 93 amended

11

In section 93:

12

(a) after “118,” insert:

13

118A,

14

15

16

(b) in paragraph (c) delete “Act.” and insert:

17

Act; and

18

19

20

(c) after paragraph (c) insert:

21

22

(d) a reference in section 118A to “Tier 1 offences and Tier 2 offences” were a reference to an offence under a provision of this Act listed in the Table.

23

24

25

1

Table

s. 47E(2)	s. 47F(4)
s. 47I(1)	s. 47M(3), (4) and (5)
s. 47N(4)	s. 47ZN(1), (3) and (4)
s. 47ZZF(1)	s. 78(1)

2

3

Division 66 — *Water Services Act 2012* amended

4

160. Act amended

5

This Division amends the *Water Services Act 2012*.

6

161. Section 196 replaced

7

Delete section 196 and insert:

8

9

196. Liability of officers for offence by body corporate

10

The Criminal Code section 39 (which provides for the criminal liability of officers of a body corporate) applies to an offence under a provision of this Act listed in the Table.

11

12

13

14

Table

s. 5(1)	s. 88(1)
s. 89(1) and (2)	s. 99(1)
s. 102(1)	

15

1 **Division 67 — *Waterways Conservation Act 1976* amended**

2 **162. Act amended**

3 This Division amends the *Waterways Conservation Act 1976*.

4 **163. Section 73 amended**

5 Delete section 73(1).

6 **Division 68 — *Western Australian Products Symbol***
7 ***Act 1972* amended**

8 **164. Act amended**

9 This Division amends the *Western Australian Products Symbol*
10 *Act 1972*.

11 **165. Section 13 deleted**

12 Delete section 13.

13 **Division 69 — *Workers' Compensation and Injury Management***
14 ***Act 1981* amended**

15 **166. Act amended**

16 This Division amends the *Workers' Compensation and Injury*
17 *Management Act 1981*.

18 **167. Section 170 amended**

19 (1) In section 170(2b) delete “amount, whether or not the
20 responsible officer has been convicted under subsection (5).”
21 and insert:

22
23 amount.
24

Directors' Liability Reform Bill 2022

Part 3 Amendments to other Acts

Division 69 Workers' Compensation and Injury Management Act 1981
amended

s. 168

1 (2) Delete section 170(5).

2 (3) Delete section 170(6) and insert:

3

4 (6) In subsections (2b) and (2c) —

5 *responsible officer*, in relation to the commission of an
6 offence by a body corporate, means a person who is
7 convicted of that offence in accordance with
8 section 170A.

9

10 **168. Section 170A inserted**

11 After section 170 insert:

12

13 **170A. Liability of officers for offence by body corporate**

14 *The Criminal Code* section 39 (which provides for the
15 criminal liability of officers of a body corporate)
16 applies to an offence under section 170(1) of this Act.

17

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