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**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

DIRECTORS LIABILITY LEGISLATION AMENDMENT BILL 2012

EXPLANATORY STATEMENT

**Presented by
Simon Corbell MLA
Attorney General**

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Overview of the Bill

The Directors Liability Legislation Amendment Bill 2012 (the Bill) amends a number of ACT laws which impose executive liability, to ensure that such liability is appropriately cast.

Directors' Liability is one of the 27 regulatory reforms under the Seamless National Economy (SNE) National Partnership Agreement. The reforms aim to achieve a nationally consistent and principled approach to the imposition of personal criminal liability of directors or other corporate officers for corporate fault.

Two key concepts relating to corporations are as follows:

- A corporation has a separate identity from that of a director or manager of the corporation. Consequently, a director or manager is not criminally responsible for an offence committed by a corporation, unless separate provision for this exists.
- A person (including a director or manager) can be prosecuted as an accessory to the commission of an offence by a corporation (for example, by aiding or abetting its commission). This is referred to as *accessorial liability* in this note. Accessorial liability is not altered by this bill – directors and managers will remain liable as accessories for criminal conduct to which they were an accessory.

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

- **Type 1 executive responsibility.** This requires the prosecution to prove every element of the offence alleged to have been committed by the director or manager, including the element (the responsibility element) that he or she failed to take all reasonable steps to prevent or stop the commission of the offence by the corporation. The taking of reasonable steps was often previously referred to as using due diligence.
- **Type 2 executive responsibility.** This provides that the responsibility element is to be presumed without the need for further proof, unless the director or manager adduces or points to evidence that suggested a reasonable possibility that there was no such failure to take reasonable steps.
- **Type 3 executive responsibility.** This provides that the responsibility element is to be presumed without the need for further proof, and that the director or manager bears the burden of proving, on the balance of probabilities, that there was no such failure to take reasonable steps.

The object of this bill is to amend certain acts that impose executive liability so as:

- to change the type of executive liability that is imposed for certain offences under those acts from type 2 and 3 executive liability to type 1 executive liability; and
- to include standard provisions for executive liability and accessorial liability.

The bill removes all type 2 and type 3 liability from the Acts being amended.

Human rights implications

The Directors Liability Legislation Amendment Bill 2012 may positively engage the right to liberty and security of person in section 18 of the *Human Rights Act 2004* (HRA), by removing arbitrariness and inconsistency in the casting of liability on directors.

Section 18(1) of the HRA provides that ‘everyone has the right to liberty and security of person. In particular, no-one may be arbitrarily arrested or detained’.

Section 30(1) of the HRA provides that international law, and the judgements of foreign and international tribunals, may be considered when working out the nature and extent of a right in the HRA. Key to section 18(1) of the HRA is the concept of arbitrariness. In *Hugo Van Alphen v The Netherlands* (Communication No. 305/1988, 15 August 1990), the United Nations Human Rights Committee held that ‘arbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability.

In *Neilsen v Attorney-General* [2001] 3 NZLR 433, Richardson P of the New Zealand Court of Appeal stated that ‘an arrest or detention is arbitrary if it is capricious, unreasoned, without reasonable cause: if it is made without reference to an adequate determining principle or without following proper procedure’.

Section 18(1) may be engaged where criminal liability may be found to exist, and a person may lose their liberty as a consequence, in circumstances which involve elements of inappropriateness or injustice. In determining the arbitrariness of imprisonment, it is necessary to also consider arbitrariness in the underlying offence. This view is supported by *Lau Cheong v HKSAR* [2002] 2 HKLRD 612: ‘[Hong Kong equivalent of HRA 18(1)] prohibits not merely ‘unlawful’ imprisonment but ‘arbitrary or unlawful’ imprisonment. It envisages that a term of imprisonment lawfully ordered by nonetheless be ‘arbitrary’. It follows that such arbitrariness may reside in the substantive rules of criminal liability whose breach led to the imprisonment ordered’.

The bill positively engages section 18(1) by removing inconsistency and arbitrariness from the directors’ liability provisions in the ACT statute book. The bill removes presumptions of director responsibility (type 2 and 3) and requires the prosecution to prove responsibility. The bill also introduces greater clarity and consistency in directors’ liability provisions.

CLAUSE NOTES

Clause 1 Name of Act

This Act is the *Directors Liability Legislation Amendment Act 2012*.

Clause 2 Commencement

This clause provides for the commencement of the Act. The act is to commence the day after the Act's notification day.

Clause 3 Legislation amended

This clause provides that the legislation mentioned in schedule 1 is amended by the Act.

Schedule 1 Legislation amended

Schedule 1 amends the following acts to give effect to the object set out in the overview above:

Part 1.1

Electricity (Greenhouse Gas Emissions) Act 2004

Previously, directors and managers could be prosecuted for a number of offences under section 63 of this Act under the principles applicable for type 1 executive responsibility. The bill amends section 63 to provide when a director may be prosecuted for an executive responsibility offence.

Two offences have been retained as type 1 executive responsibility offences:

- section 35 (Failing to surrender abatement certificate under order); and
- section 37 (Person improperly creates abatement certificate).

The element of executive responsibility has been removed from other offences:

- section 17 (benchmark participant fails to give a greenhouse gas benchmark statement in accordance with the section);
- section 27 (person contravenes a condition of the person's accreditation as an abatement certificate provider etc);
- section 55 (fail to provide regulator with information etc);
- section 56 (disclosing confidential information in contravention of order); and
- section 62 (benchmark participant or an accredited abatement certificate provider must not engage in conduct that contravenes a greenhouse gas benchmark rule).

Charges under these offences still may be brought against corporations or individuals who have committed the offence (including directors or managers) but no longer have any special application to directors or managers.

Part 1.2

Environment Protection Act 1997

Previously, directors and managers could be prosecuted for a number of offences under section 147 of this Act under the principles applicable for type 2 executive responsibility. The bill amends section 147 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 42 (Conducting prescribed classes of activities);
- section 44(1) (Conducting activities other than prescribed activities);
- section 45(1) (Compliance with authorisation);
- section 91D(9) (Order to remediate land);
- section 126 (Contravention of environment protection order);
- section 137 (Causing serious environmental harm);
- section 138 (Causing material environmental harm);
- section 139 (Causing environmental harm);
- section 141 (Causing environmental nuisance);
- section 142 (Placing pollutant where it could cause harm);
- section 159A(1) (National pollutant inventory—provision of information).

The element of executive responsibility has been removed from other offences in the Act, including:

- section 23 (Person not notifying authority of unauthorised environmental situation, its nature and the action taken to deal with the situation and any environmental harm that has been caused by the person.)
- section 23A (Lessee or occupier of land not notifying authority of discovery land is contaminated)
- section 67 (Holder of an environmental authorisation ceasing permanently to conduct the authorised activity, failing to notify the authority in writing within 10 working days of the cessation)
- section 69 (Failing to give Authority environmental improvement plan on notice)
- section 76 (Failure to conduct environmental audit on notice from Authority)
- section 77 (Fail to provide Authority with further information)
- section 78 (5) (Fail to pass on auditor report within 20 days of receipt)
- section 82 (3) (Failing to comply with notice requiring preparation of draft emergency plan)
- section 84 (3) (Failing to comply with notice about emergency plan)
- section 91C (8) (Failing to comply with order about notice about conducting land contamination examination)
- section 92 (Person failing to give fuel sales information to Director-General)
- section 92A (1) (Disclosure of confidential information)
- section 108 (2) (Interfere or remove seized thing)
- section 111 (Person not giving name and address)
- section 112 (Obstruct / hinder analyst)
- section 134 (Contravention of discovery order)

- section 148 (Fail to notify the transferee of the existence and content of the instrument)
- section 149 (1) and (4) (Fail to notify authority of proposed installation, construction or modification to prescribed equipment or comply with notice for further information)
- section 150 (Fail to comply with inspector's requirement)
- Sch 2, cl 2.2 (Sell article emitting excessive noise)
- Sch 2, cl 2.3 (2) (Emit pollutant in excess of prescribed concentration)
- Sch 2, cl 2.4 (2) (Sell non-compliant / not-prescribed solid fuel-burning equipment)
- Sch 2, cl 2.5 (4) (Interfere with solid fuel-burning equipment or attached plates)

Part 1.3

Fisheries Act 2000

Previously, directors and managers could be prosecuted for a number of offences under section 111 of this Act under the principles applicable for type 2 executive responsibility. The bill amends section 111 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 45 (Sale of fish by commercial fishers);
- section 49 (Commercial fishers, priority species licence holders and fish dealers to supply information);
- section 76 (2) (Importing or exporting live fish without authority);
- section 76A (Trafficking in commercial quantity of fish of priority species);
- section 76B (Taking commercial quantity of fish of priority species);
- section 76C (Possessing commercial quantity of fish of a priority species);
- section 77 (Possessing fish obtained illegally);
- section 78 (Noxious fish);
- section 80 (1) (Fishing closure offences);
- section 81 (1) (Prohibited size and weight offences);
- section 86 (1) (Non-permitted fishing gear);
- section 87 (1) (Use and possession of commercial gear).

The element of executive responsibility has been removed from other offences in the Act:

- section 37 (1) (Fish dealer to be registered under Territory law or under a corresponding law)
- section 46 (1) (Commercial fishing licence holder fail to keep record of fish taken or sold)
- section 46 (2) (Commercial fishing licence holder fail make record priority species holder receives or sells)
- section 46 (3) (Commercial fishing licence holder fail to make record of all fish received, processed or sold)
- section 47 (1) (Commercial fishing licence holder fail to keep record of fish taken or sold for 5 years)

- section 47 (2) (Commercial fishing licence holder fail keep record priority species holder receives or sells for 5 years)
- section 47 (3) (Commercial fishing licence holder fail to keep record of all fish received, processed or sold for 5 years)
- section 48 (1) (Fail to produce records to conservation officer)
- section 61 (2) (Person not comply with requirements of warrant)
- section 64 (4) (Person not complying with conservator requirement for name and address)
- section 65 (2) (Person not complying with direction from conservation officer to remove fishing gear from water)
- section 74 (1) (Sell or process fish taken from public waters without holding commercial licence)
- section 74 (2) (Commercial fishing licence holder taking fish not permitted by licence)
- section 75 (1) (Scientific licence holder takes fish not permitted by licence)
- section 76 (1) (Unlicensed import or export of fish)
- section 79 (2) (Releasing live fish without written approval)
- section 80 (3) (Possess fish taken in contravention of fishing closure)
- section 81 (2) (Take out of size or weight fish from public water)
- section 82 (2) (Take excess of quantity of fish permitted)
- section 83 (1) (Behead or fillet fish in or beside public)
- section 84 (1) (Use live fin fish as bait)
- section 85 (1) (Unauthorised use of fishing gear)
- section 86 (2) (Possess non-permitted fishing gear in or beside public waters)
- section 87 (1) (Use commercial fishing gear in or beside public waters)
- section 87 (2) (Possess commercial fishing gear in or beside public waters)
- section 88 (Unauthorised disturbance or damage of spawn or spawning fish in public waters)

The definition of ‘executive officer’ is omitted from the Act, as the amendment includes a new definition of the term.

Part 1.4

Guardianship and Management of Property Act 1991

Previously, directors and managers could be prosecuted for one offence under section 74 of this Act (in relation to the offence in section 72) under the principles applicable for type 2 executive responsibility.

Section 74 has been reframed in similar terms to other retained type 1 executive responsibility offences:

- section 72 (Acting contrary to injunctive order)

Part 1.5

Heritage Act 2004

Previously, directors and managers could be prosecuted for a number of offences under section 116 of this Act under the principles applicable for type 2 executive

responsibility. The bill amends section 116 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 65 (Contravention of heritage direction—offence);
- section 74 (Diminishing heritage significance of place or object);
- section 75 (Damaging Aboriginal place or object).

The element of executive responsibility has been removed from other offences in the Act:

- section 51 (1) (Discover aboriginal place or object and not report discovery to council)
- section 55 (1) (Publish restricted information about place or object)
- section 75 (3) (Damage Aboriginal place or object)
- section 83 (2) (Fail to comply with authorised officer directions on entry to premises)
- section 84 (5) (Unauthorised interference with seized thing)
- section 85 (3) (Contravene requirement to give name and address)
- section 96 (Contravention of discovery order)

Part 1.6

Medicines, Poisons and Therapeutic Goods Act 2008

Previously, directors and managers could be prosecuted for a number of offences under section 172 of this Act under the principles applicable for ‘type 1 executive responsibility’. The bill amends section 172 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 26 (1) (Supplying declared substances);
- section 28 (Supplying declared substances on invalid supply authorities—recklessness);
- section 29 (Supplying declared substances on invalid supply authorities—other offences);
- section 30 (Cancellation etc of invalid supply authorities for declared substances);
- section 34 (1), (2) and (3) (Discarding declared etc substances);
- section 35 (1) (Obtaining certain declared substances);
- section 36 (Possessing certain declared substances);
- section 37 (1) and (3) (Administering certain declared substances);
- section 38 (1) (Issuing purchase orders for declared substances);
- section 40 (1) and (3) (Prescribing medicines);
- section 41 (Issuing requisitions for medicines);
- section 42 (Issuing standing orders for medicines);
- section 43 (1) and (2) (Medicines for animals not to be prescribed etc for human use);

- section 44 (Contravening authorisation conditions for regulated substances);
- section 45 (1) (Pretending to be authorised to deal with regulated substance);
- section 55 (Registers—changes etc to entries);
- section 59 (1) (Packaging of supplied regulated substances);
- section 60 (1) (Labelling of supplied regulated substances);
- section 61 (Storing declared substances)
- section 64 (2) (False statements to obtain certain regulated substances etc);
- section 65 (Falsely representing substance is regulated);
- section 68 (Vending machines—use for supply of regulated substances);
- section 69 (Vending machines—use for supply of unscheduled medicines);
- section 74 (1) (Supplying regulated therapeutic goods);
- section 76 (Pretending to be authorised to deal with regulated therapeutic goods);
- section 77 (Falsely representing thing is regulated);
- section 96 (1) (Contravening licence conditions).

The element of executive responsibility has been removed from other offences in the Act:

- section 26 (2) (Unauthorised self supply of declared substance to another person)
- section 27 (1) (Supply declared substance on invalid supply authority)
- section 31 (1) (Fail to give chief health officer required information about controlled medicine or declared substance supply)
- section 31 (2) (Fail to give chief health officer required information about controlled medicine or declared substance supply)
- section 32 (1) (Fail to tell chief health officer and police about cancelled authority)
- section 32 (2) (Fail to on occurrence of designated circumstance in relation to a supply of a declared substance tell chief health officer and police about authority)
- section 34 (5) (Discard low or moderate harm poison in a way that puts people or environment at risk)
- section 35 (2) (Obtain prescription only medicine--unauthorised)
- section 38 (2) (Fail to comply with requirements of authorised purchase order)
- section 39 (2) (Fail to report loss of reportable substance)
- section 39 (3) (Fail to report theft of reportable substance)
- section 45 (Pretending to be authorised to deal with regulated substance)
- section 46 (1) (Fail to appropriately keep records)
- section 47 (1) (Fail to keep cancelled authority for at least 2 years)
- section 49 (1) (Fail to keep register for regulated substance)
- section 49 (2) (Fail to properly keep register for regulated substance)
- section 50 (1) (Fail to keep register of regulated substance at place prescribed)
- section 50 (2) (Fail to keep register of regulated substance at place prescribed)
- section 51 (1) (Duty to ensure entries in register)
- section 52 (1) (Fail to sign entry in registry for regulated substance)
- section 53 (Fail to sign entry witnessing administration of medicine)
- section 54 (Witnessing discarding substance not sign entry)
- section 56 (1) (Fail to keep register for 2 years)

- section 57 (1) (Fail to report material damage, theft, lost or destruction of register)
- section 57 (2) (Fail to take an inventory as prescribed by regulation of regulated substances in possession at time of register being damaged, lost, stolen etc)
- section 60 (2) (Authorised supplier of regulated substance not labelled)
- section 62 (Person uses container to store regulated substance where container permanently marked with different regulated substance)
- section 64 (3) (Person makes false or misleading statement to obtain reportable substance from person authorised to administer etc)
- section 66 (1) (Person publishes advertisement promoting or encouraging use of controlled medicine or prohibited substance)
- section 75 (1) (Contravention of authorised condition for regulated therapeutic good when dealing with regulated therapeutic good)
- section 94 (1) (Licence-holder fail to return licence)
- section 96 (2) (Licence-holder contravenes licence condition)
- section 145 (1) (Fail to return licence or approval)

Part 1.7

Racing Act 1999

Previously, directors and managers could be prosecuted for a number of offences under section 61I this Act under the principles applicable for ‘type 1 executive responsibility’. The bill amends section 61I to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 4 (Restriction on races for the purpose of betting);
- section 8 (Race meetings to be conducted in compliance with conditions);
- section 61F (Offence—use of race field information without approval);
- section 61G (Offence—failing to pay race field information charge);
- section 61H (Offence—failing to comply with condition on approval).

The element of executive responsibility has been removed from other offences in the Act:

- section 13 (Fail to let public know of special rules involved in conduct of race meeting)

Part 1.8

Radiation Protection Act 2006

Previously, directors and managers could be prosecuted for a number of offences under section 64 of this Act under the principles applicable for ‘type 1 executive responsibility’. The bill amends section 64 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 42 (Prohibition on abandoning radiation source);
- section 53 (Failure to comply with safety duty—general offence);
- section 54 (Failure to comply with safety duty—exposing people to substantial risk of death or serious harm);
- section 55 (Failure to comply with safety duty—causing death or serious harm to people);
- section 56 (Failure to comply with safety duty—exposing property or environment to substantial risk of substantial damage);
- section 58 (Failure to comply with condition of licence);
- section 59 (1) and (2) (Dealing with regulated radiation source without licence);
- section 61 (Failure to comply with condition of registration of radiation source);
- section 62 (Dealings with prohibited radiation source);
- section 63 (1) (Failure to notify council of dangerous event).

The element of executive responsibility has been removed from other offences in the Act:

- section 59 (3) (Unauthorised personal dealing with regulated radiation source)
- section 60 (1) (Own unregistered radiation source)
- section 63 (2) (Fail to give council information required by council on dangerous event)

Part 1.9

Tree Protection Act 2005

Previously, directors and managers could be prosecuted for a number of offences under section 108 this Act under the principles applicable for ‘type 1 executive responsibility’. The bill amends section 108 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 15 (Damaging protected trees—general);
- section 16 (2), (3) or (4) (Damaging protected trees—work done as part of a business);
- section 17 (1) or (2) (Doing prohibited groundwork—general);
- section 18 (2) or (3) (Doing prohibited groundwork—work done as part of a business).

The element of executive responsibility has been removed from other offences in the Act:

- section 16 (5) (Damage tree through work)
- section 17 (3) (Doing prohibited groundwork at certain place)
- section 18 (4) (Doing prohibited groundwork as part of business at certain place in business)
- section 20 (2) (Contravene tree protection condition of development approval)

- section 20 (3) (Contravene tree protection condition of development approval while part of business)
- section 30 (1) (Contravention of condition of approval)
- section 78 (Intentionally contravene tree protection direction)

Part 1.10

Unlawful Gambling Act 2009

Previously, directors and managers could be prosecuted for a number of offences under section 34 of this Act under the principles applicable for ‘type 1 executive responsibility’. The bill amends section 34 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 23 (Cheating);
- section 24 (Arranging unlawful gambling);
- section 25 (Conducting unlawful gambling);
- section 26 (Owning etc place used for unlawful gambling);
- section 27 (Advertising etc unlawful gambling or place where unlawful gambling conducted);
- section 30 (Receiving proceeds from unlawful gambling);
- section 31 (Possessing instrument of gambling).

The element of executive responsibility has been removed from other offences in the Act:

- section 27 (Advertising unlawful gambling etc)
- section 28 (Invite child to bet)
- section 32 (Fail to conduct game in accordance with approval)
- section 33 (Person conducting two-up game – fail to comply with rules regarding charging)

Part 1.11

Waste Minimisation Act 2001

Previously, directors and managers could be prosecuted for a number of offences under section 53 of this Act under the principles applicable for ‘type 3 executive responsibility’. The bill amends section 53 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 11 (Industry members may be required to give background information);
- section 18 (5) (Contravention of IWRP);

The element of executive responsibility has been removed from other offences in the Act:

- section 12 (5) (Offence for each day for which contravention of s 12 (4) continues)
- section 18 (6) (Offence for each day for which contravention of s 18 (5) continues)
- section 35 (2) (Person not complying with authorised officer on entry to property)
- section 36 (4) (Person not given personal details when required by authorised officer)
- section 37 (5) (Interfere with seized goods)

Part 1.12

Water Resources Act 2007

Previously, directors and managers could be prosecuted for a number of offences under section 104 of this Act under the principles applicable for ‘type 2 executive responsibility’. The bill amends section 104 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 77C (Offence—do waterway work without licence);
- section 77H (Offence—contravene notice prohibiting or restricting taking of water);
- section 77I (Offences—contravene directions).

The element of executive responsibility has been removed from other offences in the Act:

- section 77A (1) (Take surface water without licence)
- section 77A (2) (Owner of land take ground water from bore without licence)
- section 77A (4) ()
- section 77B (1) (Person does unlicensed drilling work for bore)
- section 77B (2) (Land occupier permits unlicensed drilling work for bore)
- section 77B (3) (Licensed driller for bore work does drilling on land where occupier does not have licence)
- section 77D (Person does certain work without recharge licence)
- section 77E (1) (Fail to produce licence)
- section 77F (1) (Contravene licence condition)
- section 77G (1) (Licence holder contravene water taking licence condition - fail to install water meter)
- section 77G (2) (Licence holder contravene water taking licence condition - fail to maintain working water meter)
- section 77G (3) (Licence holder contravene water taking licence condition - fail to record water meter readings as required)
- section 77G (4) (Licence holder contravene water taking licence condition - fail to fail to give authority meter readings)
- section 77G (5) (Licence holder contravene water taking licence condition - fail to record water meter readings as required)
- section 82 (2) (Not comply with direction of authorised officer on entry to premises)

- section 83 (7) (Interfere with seized thing etc)
- section 84 (4) (Not give personal details on request from authorised officer)

Part 1.13

Workers Compensation Act 1951

Previously, directors and managers could be prosecuted for a number of offences under section 203 of this Act under the principles applicable for type 2 executive responsibility. The bill amends section 203 to provide when a director may be prosecuted for an executive responsibility offence.

A number of offences have been recast to permit directors and managers to be prosecuted under type 1 executive responsibility offences:

- section 152 (Compulsory insurance—insurers);
- section 155 (2) (Information for insurers on application for issue or renewal of policies);
- section 156 (2) (Information for insurers after renewal of policies);
- section 158 (2) (Information for new insurers after change of insurers);
- section 162 (False information causing lower premium);
- section 163 (Employment after 2nd offence).

The element of executive responsibility has been removed from other offences in the Act:

- section 92 (3) (Manager of mine or quarry, or occupier of factory, workshop, office or shop, fail to ensure register is kept in accordance with subsection (2))
- section 126 (1) (Employer fail to forward claim to insurer within 7 days)
- section 126 (2) (Fail to give insurer requested additional information within 7 days)
- section 126 (3) (Fail to immediately pay receipted money to person entitled to compensation)
- section 142 (Employer fail to provide worker with vocational rehabilitation compliant with Act)
- section 155 (3) (Employer failing to give the insurer, with application, a statement of employer's estimate for proposed insurance period)
- section 156 (3) (Employer fail to give insurer statement of wages of all workers for the period)
- section 157 (Fail to, on ending or cancelling policy, give insurer statement of total wages during insured period)
- section 158 (3) (Employer fail to give s 157 (2) statement to new insurer)
- section 159 (Employer fail to give 6 monthly report to insurer)
- section 162 (1) (Employer give false information to insurer through relevant statement)
- section 164 (Person given provision of information to Minister notice failing to give information)
- section 176 (Insurer charging employer more than maximum rate on premium)
- section 190 (3) (Person failing to give information to inspector on being given written notice)
- section 191 (5) (Contravene entry and inspection requirements)

- section 200 (2) (Person in receipt of secret information discloses information contrary to authorisation)