



Treasury Legislation Amendment (Application of Criminal Code) Act (No. 3) 2001

No. 117, 2001



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(Application of Criminal Code) Act
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An Act relating to the application of the *Criminal Code* to certain offences, and for other purposes

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedule(s).....	2
4	Application of amendments.....	2
Schedule 1—Corporations Act 2001		3
Schedule 2—Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 2001		53
Schedule 3—Other amendments		58
Part 1—Financial Sector (Shareholdings) Act 1998		58
Part 2—Insurance Contracts Act 1984		59
Part 3—Commonwealth Places (Mirror Taxes) Act 1998		61
Part 4—Trade Practices Act 1974		62



Treasury Legislation Amendment (Application of Criminal Code) Act (No. 3) 2001

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An Act relating to the application of the *Criminal Code* to certain offences, and for other purposes

[Assented to 18 September 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Treasury Legislation Amendment (Application of Criminal Code) Act (No. 3) 2001*.

2 Commencement

- (1) Subject to this section, this Act commences on the day mentioned in subsection 2.2(2) of the *Criminal Code*.

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- (2) If the *Financial Services Reform Act 2001* has commenced before the day mentioned in subsection 2.2(2) of the *Criminal Code*, item 2 of Schedule 1 to this Act does not commence.
 - (3) Items 179 to 182 and 189 and 190 in Schedule 1 commence on the day on which this Act receives the Royal Assent.
 - (4) Schedule 2 and Part 4 of Schedule 3 are taken to have commenced immediately after the commencement of item 14 of Schedule 1 to the *Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 2001*.
 - (5) Part 1 of Schedule 3 commences on the day after the day on which this Act receives the Royal Assent.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Schedule 1—Corporations Act 2001

1 Section 9

Insert:

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

2 Section 9

Insert:

offence based on a particular provision of this Act means, unless a contrary intention appears:

- (a) if that provision creates an offence—an offence against that provision, or an offence against section 1314 that relates to that provision; or
- (b) if section 1311 creates an offence relating to that provision—an offence against section 1311 or 1314 that relates to that provision.

3 After subsection 113(3)

Insert:

(3A) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

4 At the end of section 115

Add:

(3) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

5 At the end of section 117

Add:

(6) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

6 At the end of section 123

Add:

- (4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

7 At the end of section 136

Add:

- (6) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

8 At the end of section 139

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

9 After subsection 142(2)

Insert:

- (2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

10 After subsection 143(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

11 At the end of section 144

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

12 At the end of section 145

Add:

- (4) An offence based on subsection (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

13 At the end of section 146

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

14 At the end of section 148

Add:

- (6) An offence based on subsection (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

15 At the end of section 150

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

16 After subsection 151(2)

Insert:

- (2A) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

17 At the end of section 153

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

18 Section 156

Omit all of the words after paragraph (b).

19 At the end of section 156

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subsection (1) does not apply to the extent that the person is allowed or required to carry on business in this jurisdiction under the name or title under a law of the Commonwealth or a law of a State or Territory in this jurisdiction.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3), see subsection 13.3(3) of the *Criminal Code*.

20 After subsection 157(2)

Insert:

- (2A) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

21 After subsection 158(2)

Insert:

- (2A) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

22 After subsection 162(3)

Insert:

- (3A) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

23 At the end of section 163

Add:

- (6) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

24 After subsection 165(2)

Insert:

- (2A) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

25 After subsection 168(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

26 Subsection 170(3)

Omit “unless the option has been granted official quotation by a securities exchange”.

27 After subsection 170(3)

Insert:

(3A) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

(3B) Subsection (3) does not apply if the option has been granted official quotation by a securities exchange.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3B), see subsection 13.3(3) of the *Criminal Code*.

28 At the end of section 172

Add:

(3) An offence based on subsection (1), (1A) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

29 Subsection 173(1)

Omit “unless the person and the company or the responsible entity agree that the person can access the information by computer”.

30 After subsection 173(1)

Insert:

(1A) The requirement in subsection (1) to allow the person to inspect a hard copy of the information on the register does not apply in relation to a register that is kept on a computer if the person and the company or the responsible entity agree that the person can access the information by computer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

31 After subsection 173(9)

Insert:

(9A) An offence based on subsection (1), (3) or (9) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

32 At the end of section 174

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

33 Subsection 177(1)

Repeal the subsection, substitute:

(1) A person must not:

(a) use information about a person obtained from a register kept under this Chapter to contact or send material to the person; or

(b) disclose information of that kind knowing that the information is likely to be used to contact or send material to the person.

Note: An example of using information to send material to a person is putting a person's name and address on a mailing list for advertising material.

(1A) Subsection (1) does not apply if the use or disclosure of the information is:

(a) relevant to the holding of the interests recorded in the register or the exercise of the rights attaching to them; or

(b) approved by the company or scheme.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

(1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

34 After subsection 188(2)

Insert:

- (2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

35 At the end of subsection 188(3)

Add:

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (3), see section 13.4 of the *Criminal Code*.

36 After subsection 191(1)

Insert:

- (1A) For an offence based on subsection (1), strict liability applies to the circumstance, that the director of a company has a material personal interest in a matter that relates to the affairs of the company.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

37 Subsection 195(1)

Repeal the subsection, substitute:

Restrictions on voting and being present

- (1) A director of a public company who has a material personal interest in a matter that is being considered at a directors' meeting must not:
- (a) be present while the matter is being considered at the meeting; or
 - (b) vote on the matter.
- (1A) Subsection (1) does not apply if:
- (a) subsection (2) or (3) allows the director to be present; or
 - (b) the interest does not need to be disclosed under section 191.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

- (1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

38 At the end of section 199B

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

39 After subsection 200B(1)

Insert:

- (1A) For an offence based on subsection (1), strict liability applies to the circumstance, that the benefit is in connection with the person's, or someone else's, retirement.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

40 Section 200C

Omit "without member approval under section 200E".

41 At the end of section 200C

Add:

- (2) For an offence based on subsection (1), strict liability applies to the circumstance, that the transfer is in connection with the transfer of the whole or any part of the undertaking or property of the company.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) Subsection (1) does not apply to the extent that there is member approval under section 200E.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3), see subsection 13.3(3) of the *Criminal Code*.

42 At the end of section 200D

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

43 At the end of section 201D

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

44 After subsection 202B(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

45 At the end of section 203D

Add:

Strict liability offences

- (8) An offence based on subsection (3) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

46 At the end of section 204A

Add:

Strict liability offences

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

47 At the end of section 204C

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

48 Subsection 205B(5)

Omit “However, the company does not need to lodge a notice if the person was an alternate director who stopped being a director in accordance with the terms of their appointment as an alternate director.”.

49 At the end of section 205B

Add:

- (6) Subsection (5) does not apply if the person was an alternate director who stopped being a director in accordance with the terms of their appointment as an alternate director.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6), see subsection 13.3(3) of the *Criminal Code*.

- (7) An offence based on subsection (1), (2), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

50 At the end of section 205C

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

51 At the end of section 205E

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

52 At the end of section 205F

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

53 At the end of section 205G

Add:

Strict liability offences

- (9) An offence based on subsection (1), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

54 Subsection 206A(1)

Omit “It is a defence to the contravention if the person had permission to manage the corporation under either section 206F or 206G and their conduct was within the terms of that permission.”.

55 After subsection 206A(1)

Insert:

(1A) For an offence based on subsection (1), strict liability applies to the circumstance, that the person is disqualified from managing corporations under this Part.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

(1B) It is a defence to a contravention of subsection (1) if the person had permission to manage the corporation under either section 206F or 206G and their conduct was within the terms of that permission.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1B), see subsection 13.3(3) of the *Criminal Code*.

56 At the end of section 225

Add:

(6) An offence based on subsection (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

57 At the end of section 235

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

58 At the end of section 246B

Add:

(4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

59 At the end of section 246D

Add:

(7) An offence based on subsection (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

60 After subsection 246F(3)

Insert:

(3A) An offence based on subsection (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

61 After subsection 246G(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

62 Section 247C

Omit all the words after “inspection”.

63 At the end of section 247C

Add:

(2) Subsection (1) does not apply to the extent that the disclosure is to:

- (a) ASIC; or
- (b) the applicant.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2), see subsection 13.3(3) of the *Criminal Code*.

(3) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

64 After subsection 249E(4)

Insert:

(4A) An offence based on subsection (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

65 At the end of section 249K

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

66 At the end of section 249Z

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

67 After subsection 250A(5)

Insert:

(5A) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

68 After subsection 250N(2)

Insert:

(2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

69 At the end of section 250P

Add:

(5) An offence based on subsection (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

70 At the end of section 250S

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

71 At the end of section 250T

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

72 After subsection 251A(5)

Insert:

- (5A) An offence based on subsection (1), (2), (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

73 At the end of section 251B

Add:

- (5) An offence based on subsection (1), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

74 At the end of section 252C

Add:

- (5) An offence based on subsection (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

75 At the end of section 252H

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

76 At the end of section 252X

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

77 After subsection 252Y(5)

Insert:

- (5A) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

78 After subsection 253M(3)

Insert:

- (3A) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

79 At the end of section 253N

Add:

- (5) An offence based on subsection (1), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

80 At the end of section 254H

Add:

- (5) An offence based on subsection (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

81 At the end of section 254N

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

82 At the end of section 254Q

Add:

Strict liability offences

- (14) An offence by the company based on subsection (13) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

83 After subsection 254X(2)

Insert:

- (2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

84 At the end of section 254Y

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

85 At the end of section 259B

Add:

(7) An offence based on subsection (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

86 After subsection 259D(4)

Insert:

(4A) An offence based on subsection (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

87 After subsection 283AA(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

88 At the end of section 283AB

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

89 At the end of section 283AC

Add:

(3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

90 After subsection 283BH(1)

Insert:

- (1A) The borrower commits an offence if it intentionally or recklessly contravenes subsection (1).

91 At the end of section 286

Add:

Strict liability offences

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

92 At the end of section 287

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

93 At the end of section 288

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

94 After subsection 289(2)

Insert:

- (2A) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

95 After subsection 294(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

96 After subsection 308(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

97 At the end of section 311

Add:

- (2) For an offence based on subsection (1), strict liability applies to the conduct, notifying ASIC in writing.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

98 At the end of section 312

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

99 At the end of section 313

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

100 After subsection 314(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

101 At the end of section 316

Add:

- (4) An offence based on subsection (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

102 At the end of section 317

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

103 At the end of section 318

Add:

- (5) An offence based on subsection (1), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

104 After subsection 319(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

105 After subsection 319(5)

Insert:

- (5A) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

106 At the end of section 320

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

107 After subsection 321(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

108 At the end of section 322

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

109 At the end of section 323

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

110 At the end of section 323B

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

111 After subsection 323D(3)

Insert:

(3A) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

112 After subsection 345(3)

Insert:

Strict liability offences

(3A) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

113 After subsection 346(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

114 At the end of section 428

Add:

(3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

115 Subsection 437C(1)

Omit “, except with the administrator’s written approval”.

116 After subsection 437C(1)

Insert:

- (1A) Subsection (1) does not apply to the extent that the performance or exercise, or purported performance or exercise, is with the administrator's written approval.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

- (1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

117 Subsection 438B(4)

Omit “, without reasonable excuse,”.

118 At the end of section 438B

Add:

- (5) An offence based on subsection (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6) Subsection (4) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6), see subsection 13.3(3) of the *Criminal Code*.

119 Subsection 438C(5)

Omit “except so far as the person is entitled, as against the company and the administrator, to retain possession of the books”.

120 At the end of section 438C

Add:

- (6) Subsection (5) does not apply to the extent that the person is entitled, as against the company and the administrator, to retain possession of the books.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6), see subsection 13.3(3) of the *Criminal Code*.

- (7) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

121 Section 448B

Omit “unless he or she is a registered liquidator”.

122 At the end of section 448B

Add:

- (2) Subsection (1) does not apply if the person is a registered liquidator.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2), see subsection 13.3(3) of the *Criminal Code*.

- (3) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

123 After subsection 448C(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

124 At the end of section 450E

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

125 Subsection 471A(1)

Omit all the words after “the company”.

126 After subsection 471A(1)

Insert:

- (1A) Subsection (1) does not apply to the extent that the performance or exercise, or purported performance or exercise, is:

(a) as a liquidator appointed for the purposes of the winding up;
or

(b) as an administrator appointed for the purposes of an administration of the company beginning after the winding up order was made; or

- (c) with the liquidator's written approval; or
- (d) with the approval of the Court.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

127 Subsection 471A(2)

Omit all the words after "the company".

128 After subsection 471A(2)

Insert:

- (2A) Subsection (2) does not apply to the extent that the performance or exercise, or purported performance or exercise, is:
 - (a) as a provisional liquidator of the company; or
 - (b) as an administrator appointed for the purposes of an administration of the company beginning after the provisional liquidator was appointed; or
 - (c) with the provisional liquidator's written approval; or
 - (d) with the approval of the Court.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2A), see subsection 13.3(3) of the *Criminal Code*.

- (2B) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

129 Subsections 475(9) and (10)

Repeal the subsections, substitute:

- (9) A person must not contravene a provision of this section.
- (10) An offence based on subsection (9) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (11) Subsection (9) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (11), see subsection 13.3(3) of the *Criminal Code*.

130 Subsection 486A(8)

After "must not", insert "intentionally or recklessly".

131 At the end of section 496

Add:

- (9) An offence based on subsection (2), (3), (4), (5), (6), (7) or (8) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

132 After subsection 497(7)

Insert:

- (7A) An offence based on subsection (3), (4), (5), (6) or (7) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

133 Subsection 530A(6)

Omit “, without reasonable excuse.”.

134 After subsection 530A(6)

Insert:

- (6A) An offence based on subsection (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6B) Subsection (6) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6B), see subsection 13.3(3) of the *Criminal Code*.

135 Subsection 530B(3)

Omit “hinder or obstruct”, substitute “engage in conduct that results in the hindering or obstruction of”.

136 Subsection 530B(3)

Omit “, unless the person is entitled, as against the company and the liquidator, to retain possession of the books”.

137 After subsection 530B(3)

Insert:

(3A) Subsection (3) does not apply if the person is entitled, as against the company and the liquidator, to retain possession of the books.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3A), see subsection 13.3(3) of the *Criminal Code*.

138 Subsection 530B(6)

Omit “except so far as the person is entitled, as against the company and the liquidator, to retain possession of the books”.

139 After subsection 530B(6)

Insert:

(6A) Subsection (6) does not apply to the extent that the person is entitled, as against the company and the liquidator, to retain possession of the books.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6A), see subsection 13.3(3) of the *Criminal Code*.

(6B) An offence based on subsection (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

140 At the end of section 532

Add:

(10) An offence based on subsection (1), (2), (7), (8) or (9) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

141 At the end of section 541

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

142 Paragraph 588G(3)(a)

Repeal the paragraph, substitute:

(a) a company incurs a debt at a particular time; and

(aa) at that time, a person is a director of the company; and

143 After subsection 588G(3)

Insert:

(3A) For the purposes of an offence based on subsection (3), absolute liability applies to paragraph (3)(a).

Note: For *absolute liability*, see section 6.2 of the *Criminal Code*.

(3B) For the purposes of an offence based on subsection (3), strict liability applies to paragraphs (3)(aa) and (b).

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

144 Paragraph 590(1)(a)

Omit “, so far as the person is capable of doing so,”.

145 Paragraph 590(1)(b)

Repeal the paragraph.

146 Subparagraph 590(1)(c)(i)

Omit “fraudulently concealed or removed”, substitute “engaged in conduct that resulted in the fraudulent concealment or removal of”.

147 Subparagraph 590(1)(c)(ii)

Omit “concealed”, substitute “engaged in conduct that resulted in the concealment of”.

148 Subparagraph 590(1)(c)(iii)

Omit “fraudulently parted with, altered or made any omission in, or been”, substitute “engaged in conduct that resulted in the fraudulent parting with, alteration or making of any omission in, or being”.

149 Subparagraph 590(1)(c)(v)

Omit “fraudulently pawned, pledged or disposed”, substitute “engaged in conduct that resulted in the fraudulent pawning, pledging or disposal”.

150 Paragraph 590(1)(e)

Repeal the paragraph.

151 Paragraph 590(1)(f)

Omit “prevents”, substitute “engaged in conduct that prevented”.

152 After subsection 590(1)

Insert:

- (2) Absolute liability applies to so much of an offence based on paragraph (1)(c), (g) or (h) as requires that an event occur within 10 years next before the relevant day or at a time on or after that day.

Note: For *absolute liability*, see section 6.2 of the *Criminal Code*.

- (3) Paragraph (1)(a) does not apply to the extent that the person is not capable of disclosing the information referred to in that paragraph.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3), see subsection 13.3(3) of the *Criminal Code*.

- (4) A person who, being a past or present officer of a company to which this section applies, does not deliver up to, or in accordance with the directions of, the appropriate officer:

- (a) all the property of the company in the person's possession; or
- (b) all books in the person's possession belonging to the company (except books of which the person is entitled, as against the company and the appropriate officer, to retain possession);

contravenes this subsection.

- (4A) A person who, being a past or present officer of a company and knowing or believing that a false debt has been proved by a person, fails for a period of one month to inform the appropriate officer of his or her knowledge or belief contravenes this subsection.

- (4B) A person must not intentionally or recklessly fail to comply with subsection (4) or (4A).

153 After subsection 592(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

154 At the end of subsection 592(2)

Add:

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (2), see section 13.4 of the *Criminal Code*.

155 After subsection 592(6)

Insert:

(6A) For the purposes of an offence based on subsection (6), absolute liability applies to paragraph (6)(b).

Note: For *absolute liability*, see section 6.2 of the *Criminal Code*.

156 At the end of section 595

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

157 Paragraph 596(c)

Omit “conceals or removes”, substitute “engages in conduct that results in the concealment or removal of”.

158 At the end of section 596

Add:

(2) Absolute liability applies to so much of an offence based on paragraph (1)(c) as requires that an event occur after, or within 2 months before, the date of any unsatisfied judgment or order for payment of money obtained against the company or a related body corporate.

Note: For *absolute liability*, see section 6.2 of the *Criminal Code*.

159 Subsection 597(6)

Omit “, without reasonable excuse”, substitute “intentionally or recklessly”.

160 After subsection 597(6)

Insert:

(6A) Subsection (6) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6A), see subsection 13.3(3) of the *Criminal Code*.

161 Subsection 597(10A)

Omit “, without reasonable excuse, refuse or fail”, substitute “refuse, or intentionally or recklessly fail.”.

162 After subsection 597(10A)

Insert:

(11) Subsection (10A) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (11), see subsection 13.3(3) of the *Criminal Code*.

163 Subsection 597A(3)

Omit “, without reasonable excuse, refuse or fail”, substitute “refuse, or intentionally or recklessly fail.”.

164 After subsection 597A(3)

Insert:

(3A) Subsection (3) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3A), see subsection 13.3(3) of the *Criminal Code*.

165 Subsection 601AD(5)

Omit “This does not apply to books that a liquidator has to keep under subsection 542(2).”.

166 At the end of section 601AD

Add:

(6) Subsection (5) does not apply to books that a liquidator has to keep under subsection 542(2).

Note: A defendant bears an evidential burden in relation to the matter in subsection (6), see subsection 13.3(3) of the *Criminal Code*.

Strict liability offences

(7) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

167 After subsection 601BC(5)

Insert:

(5A) An offence based on subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

168 After subsection 601BH(2)

Insert:

(2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

169 At the end of section 601BJ

Add:

(4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

170 After subsection 601BK(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

171 After subsection 601BP(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

172 At the end of section 601BR

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

173 At the end of section 601CW

Add:

(11) An offence based on subsection (9) or (10) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

174 After subsection 601CZB(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

175 At the end of section 601CZC

Add:

(3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

176 After subsection 601DD(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

177 After subsection 601DE(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

178 After subsection 601DH(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

179 Subsection 601FC(7)

Repeal the subsection.

180 Subsection 601FC(8)

Repeal the subsection.

181 Subsection 601FD(5)

Repeal the subsection.

182 Subsection 601FD(6)

Repeal the subsection.

183 At the end of section 601FF

Add:

- (3) A person must not intentionally or recklessly fail to comply with subsection (2).

184 At the end of section 601HD

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

185 After subsection 601HG(7)

Insert:

- (7A) An offence based on subsection (1), (3), (4), (6) or (7) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

186 After subsection 601JA(3)

Insert:

- (3A) A person must not intentionally or recklessly fail to comply with subsection (3).

187 After subsection 601JA(4)

Insert:

- (4A) An offence based on subsection (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

188 At the end of section 601JB

Add:

- (7) An offence based on subsection (5) or (6) is an offence of strict liability.
-

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

189 Subsection 601JD(5)

Repeal the subsection.

190 Subsection 601JD(6)

Repeal the subsection.

191 After subsection 601KA(3)

Insert:

(3A) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

192 Subsection 606(1)

Omit “However, the person may acquire the relevant interest under one of the exceptions set out in section 611 without contravening this subsection.”.

193 After subsection 606(1)

Insert:

(1A) However, the person may acquire the relevant interest under one of the exceptions set out in section 611 without contravening subsection (1).

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

194 Subsection 606(2)

Omit “However, if the acquisition of the relevant interest is covered by one of the exceptions set out in section 611, the person may acquire the legal or equitable interest without contravening this subsection.”.

195 After subsection 606(2)

Insert:

(2A) However, if the acquisition of the relevant interest is covered by one of the exceptions set out in section 611, the person may acquire the legal or equitable interest without contravening subsection (2).

Note: A defendant bears an evidential burden in relation to the matter in subsection (2A), see subsection 13.3(3) of the *Criminal Code*.

196 After subsection 606(4)

Insert:

Absolute liability offences

(4A) An offence based on subsection (1), (2) or (4) is an offence of absolute liability.

Note: For *absolute liability*, see section 6.2 of the *Criminal Code*.

197 At the end of subsection 606(5)

Add:

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (5), see section 13.4 of the *Criminal Code*.

198 After subsection 622(1)

Insert:

Strict liability offences

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

199 After subsection 623(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

200 At the end of section 624

Add:

Strict liability offences

(3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

201 At the end of section 630

Add:

Strict liability offences

- (6) An offence based on subsection (2), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

202 Subsection 631(1)

Repeal the subsection, substitute:

- (1) A person contravenes this subsection if:
- (a) either alone or with other persons, the person publicly proposes to make a takeover bid for securities in a company; and
 - (b) the person does not make offers for the securities under a takeover bid within 2 months after the proposal.

The terms and conditions of the bid must be the same as or not substantially less favourable than those in the public proposal.

Note: The Court has power under section 1325B to order a person to proceed with a bid.

- (1A) For the purposes of an offence based on subsection (1), strict liability applies to paragraph (1)(b) and to the requirement that the terms and conditions of the bid must be the same as or not substantially less favourable than those in the public proposal.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

203 At the end of section 633

Add:

Strict liability offences

- (8) An offence based on this section is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

204 At the end of section 635

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

205 At the end of section 636

Add:

Strict liability offences

- (5) An offence based on subsection (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

206 At the end of section 637

Add:

Strict liability offences

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

207 Subsection 638(1)

Omit all the words after “the bid.”.

208 After subsection 638(1)

Insert:

- (1A) However, the statement must contain this information:
- (a) only to the extent to which it is reasonable for investors and their professional advisers to expect to find the information in the statement; and
 - (b) only if the information is known to any of the directors of the target.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

209 At the end of section 638

Add:

Strict liability offences

- (7) An offence based on subsection (1), (3), (5) or (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

210 At the end of section 639

Add:

Strict liability offences

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

211 At the end of section 640

Add:

- (3) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

212 Subsection 641(1)

Omit “However, the target does not need to give information to the bidder about a person or their holding of securities unless the target knows the person’s name.”.

213 After subsection 641(1)

Insert:

- (1A) However, the target does not need to give information to the bidder about a person or their holding of securities unless the target knows the person’s name.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

- (1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

214 At the end of section 643

Add:

- (2) For an offence based on subsection (1), strict liability applies to the conduct, that the bidder must prepare a supplementary bidder’s statement that remedies the defect.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

215 At the end of section 644

Add:

- (2) For an offence based on subsection (1), strict liability applies to the conduct, that the target must prepare a supplementary target's statement that remedies the defect.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

216 At the end of section 647

Add:

- (4) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

217 After subsection 648A(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

218 After subsection 648E(2)

Insert:

- (2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

219 At the end of section 648G

Add:

- (10) An offence based on subsection (5) or (9) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

220 At the end of section 649C

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

221 At the end of section 650B

Add:

Strict liability offences

- (4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

222 At the end of section 650E

Add:

- (7) An offence based on subsection (5) or (6) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

223 At the end of section 650F

Add:

- (4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

224 At the end of section 651A

Add:

- (5) An offence based on subsection (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

225 At the end of section 651C

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

226 At the end of section 652C

Add:

- (4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

227 After subsection 654A(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

228 At the end of subsection 654A(2)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (2), see subsection 13.3(3) of the *Criminal Code*.

229 At the end of section 654C

Add:

(4) An offence based on subsection (1) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

230 At the end of section 657F

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

231 After subsection 661B(2)

Insert:

Strict liability offences

(2A) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

232 At the end of section 661D

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

233 After subsection 662A(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

234 At the end of section 663A

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

235 After subsection 664D(3)

Insert:

- (3A) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

236 At the end of section 664E

Add:

- (5) An offence based on subsection (2), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

237 At the end of section 665A

Add:

- (3) An offence based on subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

238 At the end of section 665D

Add:

Strict liability offences

- (5) An offence based on subsection (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

239 At the end of section 665E

Add:

- (4) An offence based on this section is an offence of strict liability.
-

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

240 After subsection 666A(1)

Insert:

Strict liability offences

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

241 At the end of section 666B

Add:

(4) An offence based on subsection (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

242 At the end of section 667A

Add:

(4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

243 At the end of section 668A

Add:

(5) An offence based on subsection (1), (2), (3) or (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

244 After subsection 668B(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

245 At the end of section 670C

Add:

(4) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

246 After subsection 671B(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

247 Subsection 672B(1)

Omit “A matter referred to in paragraph (b) or (c) need only be disclosed to the extent to which it is known to the person required to make the disclosure.”.

248 After subsection 672B(1)

Insert:

(1A) However, a matter referred to in paragraph (1)(b) or (c) need only be disclosed to the extent to which it is known to the person required to make the disclosure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

(1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

249 Subsection 721(1)

Omit “unless subsection (2) allows a profile statement to be used instead”.

250 After subsection 721(1)

Insert:

(1A) Subsection (1) does not apply to the extent that subsection (2) allows a profile statement to be used instead of a prospectus.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

251 At the end of section 721

Add:

Offence

- (5) A person commits an offence if the person intentionally or recklessly contravenes subsection (1) or (4).

252 At the end of section 722

Add:

- (3) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

253 At the end of section 723

Add:

Strict liability offences

- (4) An offence based on subsection (1), (2) or (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

254 After subsection 724(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

255 After subsection 725(1)

Insert:

- (1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

256 At the end of section 730

Add:

- (2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

257 Subsection 734(2)

Omit all of the words after paragraph (b).

258 After subsection 734(2)

Insert:

(2A) Subsection (2) does not apply if the advertisement or publication is authorised by subsection (4), (5), (6) or (7).

Note: A defendant bears an evidential burden in relation to the matter in subsection (2A), see subsection 13.3(3) of the *Criminal Code*.

Strict liability offences

(2B) An offence based on subsection (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

259 At the end of section 735

Add:

(2) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

260 Subsection 736(1)

Omit all of the words after paragraph (b).

261 After subsection 736(1)

Insert:

(1A) Subsection (1) does not apply if the offer is exempted under subsection (2).

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A), see subsection 13.3(3) of the *Criminal Code*.

(1B) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

262 At the end of section 1274

Add:

(17) An offence based on subsection (9), (13) or (16) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

263 After subsection 1300(2A)

Insert:

(2B) An offence based on subsection (2A) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

264 At the end of section 1300

Add:

(4) An offence based on subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

265 After subsection 1302(5)

Insert:

(6) An offence based on subsection (3) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

266 Subsection 1307(1)

Omit “conceals, destroys, mutilates or falsifies”, substitute “engages in conduct that results in the concealment, destruction, mutilation or falsification of”.

267 Paragraph 1307(2)(b)

Omit “destroys, removes or falsifies”, substitute “engages in conduct that results in the destruction, removal or falsification of”.

268 At the end of subsection 1307(3)

Add:

Note: A defendant bears a legal burden in relation to the matter mentioned in subsection (3), see section 13.4 of the *Criminal Code*.

269 Before Division 1 of Part 9.4 of Chapter 9

Insert:

Division 1A—Application of the Criminal Code

1308A Application of *Criminal Code*

Subject to this Act, Chapter 2 of the *Criminal Code* applies to all offences against this Act.

270 After subsection 1308(1)

Insert:

(1A) An offence based on subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

271 At the end of subsection 1311(1)

Add:

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

272 At the end of section 1311

Add:

(6) An offence based on subsection (1) for which the penalty is set out in subsection (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

273 At the end of section 1323

Add:

(10) An offence based on subsection (9) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

274 Schedule 3 (table item 8)

Omit “Section 139”, substitute “Subsection 139(1)”.

275 Schedule 3 (table item 13)

Omit “Section 146”, substitute “Subsection 146(1)”.

276 Schedule 3 (table item 18)

Omit “Section 156”, substitute “Subsection 156(1)”.

277 Schedule 3 (table item 28)

Omit “Section 174”, substitute “Subsection 174(1)”.

278 Schedule 3 (table item 34)

Omit “Section 199B”, substitute “Subsection 199B(1)”.

279 Schedule 3 (table item 36)

Omit “Section 200C”, substitute “Subsection 200C(1)”.

280 Schedule 3 (table item 47)

Omit “Section 205F”, substitute “Subsection 205F(1)”.

281 Schedule 3 (table item 99)

Omit “Section 286”, substitute “Subsections 286(1) and (2)”.

282 Schedule 3 (table item 105)

Omit “Section 311”, substitute “Subsection 311(1)”.

283 Schedule 3 (table item 106)

Omit “Section 312”, substitute “Subsection 312(1)”.

284 Schedule 3 (table item 110)

Omit “Section 317”, substitute “Subsection 317(1)”.

285 Schedule 3 (table item 114)

Omit “Section 323”, substitute “Subsection 323(1)”.

286 Schedule 3 (table item 115)

Omit “Section 323B”, substitute “Subsection 323B(1)”.

287 Schedule 3 (table item 125)

Omit “Section 448B”, substitute “Subsection 448B(1)”.

288 Schedule 3 (table item 137)

Omit “Section 541”, substitute “Subsection 541(1)”.

289 Schedule 3 (table item 143)

Omit “Section 595”, substitute “Subsection 595(1)”.

290 Schedule 3 (table item 144)

Omit “Section 596”, substitute “Subsection 596(1)”.

291 Schedule 3 (table item 156)

Omit “Section 601BR”, substitute “Subsection 601BR(1)”.

292 Schedule 3 (table item 160)

Omit “Section 601DD”, substitute “Subsection 601DD(1)”.

293 Schedule 3 (table item 161)

Omit “Section 601DE”, substitute “Subsection 601DE(1)”.

294 Schedule 3 (table item 164)

Omit “Subsection 601FF(2)”, substitute “Subsection 601FF(3)”.

295 Schedule 3 (table item 168)

Omit “Section 601HD”, substitute “Subsection 601HD(1)”.

296 Schedule 3 (table item 170)

Omit “Subsection 601JA(1)”, substitute “Subsection 601JA(3)”.

297 Schedule 3 (table item 171)

Omit “Section 601JA”, substitute “Subsection 601JA(4)”.

298 Schedule 3 (table item 185)

Omit “Section 635”, substitute “Subsection 635(1)”.

299 Schedule 3 (table item 212)

Omit “Section 657F”, substitute “Subsection 657F(1)”.

300 Schedule 3 (table item 213)

Omit “Section 661D”, substitute “Subsection 661D(1)”.

301 Schedule 3 (table item 215)

Omit “Section 663A”, substitute “Subsection 663A(1)”.

302 Schedule 3 (table item 230)

Omit “Subsection 721(1)”, substitute “Subsection 721(5)”.

303 Schedule 3 (table item 231)

Repeal the item.

304 Schedule 3 (table item 241)

Omit “Section 730”, substitute “Subsection 730(1)”.

305 Schedule 3 (table item 244)

Omit “Section 735”, substitute “Subsection 735(1)”.

306 At the end of Schedule 3

Add:

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Schedule 2—Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 2001

1 Item 14 of Schedule 1

Repeal the item.

2 Item 42 of Schedule 1

Repeal the item.

3 Item 46 of Schedule 1

Repeal the item.

4 Item 52 of Schedule 1

Repeal the item.

5 Item 57 of Schedule 1

Repeal the item.

6 Item 91 of Schedule 1

Repeal the item.

7 Item 96 of Schedule 1

Repeal the item.

8 Item 98 of Schedule 1

Repeal the item.

9 Item 100 of Schedule 1

Repeal the item.

10 Item 102 of Schedule 1

Repeal the item.

11 Item 104 of Schedule 1

Repeal the item.

12 Item 106 of Schedule 1

Repeal the item.

13 Item 109 of Schedule 1

Repeal the item.

14 Item 111 of Schedule 1

Repeal the item.

15 Item 113 of Schedule 1

Repeal the item.

16 Item 117 of Schedule 1

Repeal the item.

17 Item 119 of Schedule 1

Repeal the item.

18 Item 122 of Schedule 1

Repeal the item.

19 Item 124 of Schedule 1

Repeal the item.

20 Item 126 of Schedule 1

Repeal the item.

21 Item 128 of Schedule 1

Repeal the item.

22 Item 130 of Schedule 1

Repeal the item.

23 Item 134 of Schedule 1

Repeal the item.

24 Item 144 of Schedule 1

Repeal the item.

25 Item 145 of Schedule 1

Repeal the item, substitute:

145 Section 115

Repeal the section, substitute:

115 Compliance with requirements made under this Act

A person must not intentionally or recklessly refuse or fail to comply with a requirement of the Regulator, an authorised person or an inspector under this Act.

Penalty: 30 penalty units.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

26 Item 147 of Schedule 1

Repeal the item.

27 Item 149 of Schedule 1

Repeal the item.

28 Item 151 of Schedule 1

Repeal the item.

29 Item 153 of Schedule 1

Repeal the item.

30 Item 155 of Schedule 1

Repeal the item.

31 Item 159 of Schedule 1

Repeal the item.

32 Item 161 of Schedule 1

Repeal the item.

33 Item 166 of Schedule 1

Repeal the item.

34 Item 170 of Schedule 1

Repeal the item.

35 Item 174 of Schedule 1

Repeal the item.

36 Item 178 of Schedule 1

Repeal the item.

37 Item 180 of Schedule 1

Repeal the item.

38 Item 183 of Schedule 1

Repeal the item.

39 Item 186 of Schedule 1

Repeal the item.

40 Item 188 of Schedule 1

Repeal the item.

41 Item 190 of Schedule 1

Repeal the item.

42 Item 197 of Schedule 1

Repeal the item.

43 Item 204 of Schedule 1

Repeal the item.

44 Item 217 of Schedule 1

Repeal the item.

45 Item 218 of Schedule 1

Repeal the item, substitute:

218 Section 285

Repeal the section, substitute:

285 Compliance with requirements made under this Act

A person must not intentionally or recklessly refuse or fail to comply with a requirement of the Regulator, an authorised person or an inspector under this Act.

Penalty:

- (a) in respect of a requirement under subsection 264(3) or (4)—
imprisonment for 2 years; or
- (b) otherwise—30 penalty units.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

46 Item 220 of Schedule 1

Repeal the item.

47 Item 223 of Schedule 1

Repeal the item.

48 Item 225 of Schedule 1

Repeal the item.

49 Item 229 of Schedule 1

Repeal the item.

50 Item 231 of Schedule 1

Repeal the item.

51 Item 233 of Schedule 1

Repeal the item.

52 Item 235 of Schedule 1

Repeal the item.

53 Item 237 of Schedule 1

Repeal the item.

54 Item 239 of Schedule 1

Repeal the item.

Schedule 3—Other amendments

Part 1—Financial Sector (Shareholdings) Act 1998

1 Subsection 24(4)

Repeal the subsection.

2 Subsection 24(5)

Repeal the subsection.

3 Subsection 26(4A)

Repeal the subsection.

4 Subsection 26(4B)

Repeal the subsection.

Part 2—Insurance Contracts Act 1984

5 At the end of Part I

Add:

11AA Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

6 After subsection 11C(2)

Insert:

(2A) An offence against subsection (2) is a strict liability offence.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

7 At the end of subsection 11C(3)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (3), see subsection 13.3(3) of the *Criminal Code*.

8 At the end of subsection 11C(4)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (4) (see subsection 13.3(3) of the *Criminal Code*).

9 After subsection 11D(3)

Insert:

(3A) An offence against subsection (3) is a strict liability offence.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

10 At the end of subsection 11D(4)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

11 At the end of subsection 11D(5)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (5), see subsection 13.3(3) of the *Criminal Code*.

12 At the end of subsection 74(2)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (2), see subsection 13.3(3) of the *Criminal Code*.

13 At the end of subsection 75(3)

Add:

Note: A defendant bears an evidential burden in relation to the matters in subsection (3), see subsection 13.3(3) of the *Criminal Code*.

14 At the end of subsection 75(7)

Add:

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (7), see section 13.4 of the *Criminal Code*.

Part 3—Commonwealth Places (Mirror Taxes) Act 1998

15 After subsection 20(1)

Insert:

- (1A) To avoid doubt, Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to anything done under, an applied law.

Part 4—Trade Practices Act 1974

16 Subsection 6(6)

Omit “400”, substitute “2,000”.

17 Subsection 75AZC(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

18 Subsection 75AZD(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

19 Subsection 75AZD(2)

Omit “2,000”, substitute “10,000”.

20 At the end of subsection 75AZD(2)

Add:

Note 1: The penalty specified in subsection (2) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (2) to a person other than a corporation (and the corresponding penalty), see section 6.

21 Subsection 75AZD(3)

Omit “2,000”, substitute “10,000”.

22 At the end of subsection 75AZD(3)

Add:

- Note 1: The penalty specified in subsection (3) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of the offence in subsection (3) to a person other than a corporation (and the corresponding penalty), see section 6.

23 Subsection 75AZE(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

- Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

24 Subsection 75AZF(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

- Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

25 Subsection 75AZG(1)

Omit “2,000”, substitute “10,000”.

26 At the end of subsection 75AZG(1)

Add:

- Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

27 Subsection 75AZH(1) (penalty)

Repeal the penalty, substitute:

Penalty: 2,000 penalty units.

Note: If a corporation is convicted of an offence under this subsection, subsection 4B(3) of the *Crimes Act 1914* allows the Court to impose a fine that is not greater than 5 times the maximum fine that could be imposed by the Court on an individual convicted of the offence.

28 Subsection 75AZI(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

29 Subsection 75AZJ(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

30 Subsection 75AZJ(2) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

31 Subsection 75AZK(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

32 Subsection 75AZL(1)

Omit “2,000”, substitute “10,000”.

33 At the end of subsection 75AZL(1)

Add:

Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

34 Subsection 75AZL(3)

Omit “2,000”, substitute “10,000”.

35 At the end of subsection 75AZL(3)

Add:

Note 1: The penalty specified in subsection (3) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (3) to a person other than a corporation (and the corresponding penalty), see section 6.

36 Subsection 75AZM(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

37 Subsection 75AZM(2) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

38 Subsection 75AZN(1)

Omit “2,000”, substitute “10,000”.

39 At the end of subsection 75AZN(1)

Add:

Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

40 Subsection 75AZO(1)

Omit “2,000”, substitute “10,000”.

41 At the end of subsection 75AZO(1)

Add:

Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

42 Subsection 75AZO(2)

Omit “2,000”, substitute “10,000”.

43 At the end of subsection 75AZO(2)

Add:

Note 1: The penalty specified in subsection (2) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (2) to a person other than a corporation (and the corresponding penalty), see section 6.

44 Subsection 75AZO(3)

Omit “2,000”, substitute “10,000”.

45 At the end of subsection 75AZO(3)

Add:

- Note 1: The penalty specified in subsection (3) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of the offence in subsection (3) to a person other than a corporation (and the corresponding penalty), see section 6.

46 Subsection 75AZP(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

- Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

47 Subsection 75AZP(5) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

- Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

48 Subsection 75AZQ(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

- Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.
- Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

49 Subsection 75AZQ(4) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

50 Subsection 75AZS(1)

Omit “2,000”, substitute “10,000”.

51 At the end of subsection 75AZS(1)

Add:

Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

52 Subsection 75AZS(3) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

53 Subsection 75AZT(1)

Omit “2,000”, substitute “10,000”.

54 At the end of subsection 75AZT(1)

Add:

Note 1: The penalty specified in subsection (1) is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of the offence in subsection (1) to a person other than a corporation (and the corresponding penalty), see section 6.

55 Subsection 75AZU(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

56 Subsection 75AZU(2) (penalty)

Repeal the penalty, substitute:

Penalty: 10,000 penalty units.

Note 1: The penalty specified above is the maximum penalty that may be imposed on a corporation: subsection 4B(3) of the *Crimes Act 1914* does not apply.

Note 2: For the application of this offence to a person other than a corporation (and the corresponding penalty), see section 6.

*[Minister's second reading speech made in—
House of Representatives on 28 June 2001
Senate on 29 August 2001]*

(127/01)