



# **Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001**

**No. 143, 2001**



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

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# Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001

No. 143, 2001

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

[Assented to 1 October 2001]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001*.

### 2 Commencement

This Act commences on the day after the day on which it receives the Royal Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Airports Act 1996**

### **1 Section 5**

Insert:

*engage in conduct* means:

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

### **2 After section 10**

Insert:

#### **10A Application of the *Criminal Code***

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

### **3 Subsection 29(2)**

Repeal the subsection, substitute:

*Offence*

- (2) A person commits an offence if:
- (a) the person is subject to a requirement to transfer a lease under subsection (1) or (1A); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 400 penalty units.

*Strict liability*

- (2A) Strict liability applies to paragraph (2)(a).

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

### **4 Subsection 32(3)**

Repeal the subsection, substitute:

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*Offence*

- (3) A company commits an offence if:
- (a) the company is subject to a requirement under subsection (1) or (2); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 2,000 penalty units.

*Strict liability*

- (3A) Strict liability applies to paragraph (3)(a).

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

**5 Subsection 42(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to take steps under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 500 penalty units.

**6 Subsection 46(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to take steps under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 500 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

**7 Subsection 52(2)**

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Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to take steps under subsection (1); and
  - and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 500 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **8 Subsection 56(2)**

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) the person is required to take steps under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 400 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **9 Subsection 60(4)**

Repeal the subsection, substitute:

#### *Offence*

- (4) A person commits an offence if:
- (a) the person is required to keep and retain records and to give information under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 50 penalty units.

#### *Strict liability*

- (4A) Strict liability applies to paragraph (4)(a).

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

### **10 Subsection 75(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to give the Minister a draft master plan under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **11 Subsection 76(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to give the Minister a draft master plan under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **12 Subsection 78(3)**

Repeal the subsection, substitute:

- (3) A company commits an offence if:
- (a) the company is required to give the Minister a draft master plan under subsection (2); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (4) Strict liability applies to paragraph (3)(a).
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Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

### **13 Subsection 81(9)**

Repeal the subsection, substitute:

- (9) A company commits an offence if:
- (a) the company is subject to a direction under subsection (8);  
and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the direction.

Penalty: 250 penalty units.

### **14 Subsection 85(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is required to give a written notice under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 100 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **15 Subsection 86(3)**

Repeal the subsection, substitute:

- (3) A company commits an offence if:
- (a) the company is subject to a requirement to publish a notice and make a plan or variation available for inspection under subsection (2); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (4) Strict liability applies to paragraph (3)(a).

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

### 16 Subsection 90(3)

Repeal the subsection, substitute:

- (3) A company commits an offence if:
- (a) the company is subject to a requirement under subsection (1) or (2); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 2,000 penalty units.

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

- (3A) Strict liability applies to paragraph (3)(a).

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

### 17 Subsection 90(6)

Repeal the subsection, substitute:

- (6) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (4) or (5); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 400 penalty units.

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

- (7) Strict liability applies to paragraph (6)(a).

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

### 18 Subsection 96(3)

Repeal the subsection, substitute:

- (3) A company commits an offence if:
- (a) the company is required to publish a notice and make a plan or variation available for inspection under subsection (2); and
  - (b) the company engages in conduct; and

(c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

(4) Strict liability applies to paragraph (3)(a).

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

## **19 Subsection 99(2)**

Repeal the subsection, substitute:

### *Offence*

(2) A company commits an offence if:

- (a) the company is subject to a requirement under subsection (1);  
and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

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

(2A) Strict liability applies to paragraph (2)(a).

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

## **20 Subsection 99(4)**

Repeal the subsection, substitute:

### *Offence*

(4) A person commits an offence if:

- (a) the person is subject to a requirement under subsection (3);  
and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes the requirement.

Penalty: 50 penalty units.

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

(5) Strict liability applies to paragraph (4)(a).

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

## 21 Section 102

Repeal the section, substitute:

### 102 Offence of contravening conditions

- (1) A person commits an offence if:
- (a) the person has been granted approval under the regulations for the purposes of this Subdivision; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes a condition of the approval.

Penalty: 50 penalty units.

- (2) Strict liability applies to paragraph (1)(a).

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

## 22 Subsection 103(3)

Repeal the subsection, substitute:

- (3) A person commits an offence if:
- (a) the person is subject to a direction under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the direction.

Penalty: 50 penalty units.

## 23 Subsection 106(3)

Omit "intentionally or recklessly".

## 24 At the end of subsection 106(3)

Add:

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

## 25 Subsection 106(6)

Omit "intentionally or recklessly".

## 26 At the end of subsection 106(6)

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Add:

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

## **27 Section 108**

Repeal the section, substitute:

### **108 Offence of contravening conditions**

A person commits an offence if:

- (a) the person has been issued with a certificate of compliance under regulations made for the purposes of this Subdivision; and
- (b) the person engages in conduct, whether before or after the building, structure, earthworks, engineering works, electrical works, hydraulic works or eligible alteration concerned is first occupied or used; and
- (c) the person's conduct contravenes a condition of the certificate.

Penalty: 50 penalty units.

## **28 Subsection 109(3)**

Repeal the subsection, substitute:

- (3) A person commits an offence if:
  - (a) the person is subject to a direction under this section; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the direction.

Penalty: 50 penalty units.

## **29 Subsection 120(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
  - (a) the company is required to give the Minister a draft environment strategy under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **30 Subsection 121(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:

- (a) the company is required to give the Minister a draft environment strategy under subsection (1); and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **31 Subsection 123(3)**

Repeal the subsection, substitute:

- (3) A company commits an offence if:

- (a) the company is subject to a direction under subsection (2); and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the direction.

Penalty: 250 penalty units.

### **32 Subsection 126(9)**

Repeal the subsection, substitute:

- (9) A company commits an offence if:

- (a) the company is subject to a direction under subsection (8); and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the direction.

Penalty: 250 penalty units.



### **33 Subsection 131(3)**

Repeal the subsection, substitute:

- (3) A company commits an offence if:
- (a) the company is required to publish a notice and make a strategy or variation available for inspection and purchase by members of the public under subsection (2); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (4) Strict liability applies to paragraph (3)(a).

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

### **34 Subsection 131B(1)**

Omit "must not, by act or omission, directly or indirectly cause", substitute "commits an offence if the person engages in conduct that directly or indirectly results in".

Note: The heading to section 131B is altered by omitting "of causing" and substituting "resulting in".

### **35 At the end of subsection 131B(1)**

Add:

Penalty: 500 penalty units.

### **36 Subsection 131B(2)**

Repeal the subsection.

### **37 Subsection 131C(1)**

Omit "must not, by act or omission, directly or indirectly cause", substitute "commits an offence if the person engages in conduct that directly or indirectly results in".

Note: The heading to section 131C is altered by omitting "of causing" and substituting "resulting in".

### **38 At the end of subsection 131C(1)**

Add:

Penalty: 200 penalty units.

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**39 Subsection 131C(2)**

Repeal the subsection.

**40 Subsection 131D(1)**

Omit “must not, by act or omission, directly or indirectly cause”, substitute “commits an offence if the person engages in conduct that directly or indirectly results in”.

Note: The heading to section 131D is altered by omitting “**of causing**” and substituting “**resulting in**”.

**41 Subsection 131D(1)**

Omit “if the act or omission is not authorised by or under this Act or another law of the Commonwealth”.

**42 At the end of subsection 131D(1)**

Add:

Penalty: 50 penalty units.

**43 Subsection 131D(2)**

Repeal the subsection.

**44 Subsection 131D(3)**

Omit all the words from and including “an act” to and including “omission” (second occurring), substitute “conduct of a person, even if the conduct”.

**45 Subsection 141(6)**

Repeal the subsection, substitute:

*Offence*

- (6) A company commits an offence if:
- (a) the company is subject to a requirement under this section; and
  - (b) the company engages in conduct; and
  - (c) the company’s conduct contravenes the requirement.

Penalty: 100 penalty units.

*Strict liability*

(6A) Strict liability applies to paragraph (6)(a).

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

**46 Subsection 142(4)**

Repeal the subsection, substitute:

*Offence*

(4) A company commits an offence if:

- (a) the company is required to make arrangements under subsection (3); and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the requirement.

Penalty: 100 penalty units.

*Strict liability*

(4A) Strict liability applies to paragraph (4)(a).

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

**47 Subsection 142(6)**

Repeal the subsection, substitute:

*Offence*

(6) A person commits an offence if:

- (a) the person is required to give a company a certificate under subsection (5); and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes the requirement.

Penalty: 50 penalty units.

*Strict liability*

(7) Strict liability applies to paragraph (6)(a).

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

**48 Subsection 143(3)**

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Repeal the subsection, substitute:

*Offence*

- (3) A company commits an offence if:
- (a) the company is subject to a requirement under this section; and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 100 penalty units.

*Strict liability*

- (4) Strict liability applies to paragraph (3)(a).

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

**49 Subsection 145(2)**

Repeal the subsection, substitute:

*Offence*

- (2) A company commits an offence if:
- (a) the company is subject to a requirement under the regulations to give the ACCC written reports about the airport; and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 50 penalty units.

- (2A) Strict liability applies to paragraph (2)(a).

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

**50 Subsection 146(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is subject to a requirement under the regulations to keep and retain records; and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 50 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

### **51 Subsection 156(5)**

Repeal the subsection, substitute:

#### *Offence*

- (5) A company commits an offence if:
- (a) the company is subject to a requirement under the regulations to keep and retain records and give information to the ACCC; and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 50 penalty units.

#### *Strict liability*

- (5A) Strict liability applies to paragraph (5)(a).

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

### **52 Section 167**

Repeal the section, substitute:

#### **167 Compliance by airport operators with regulations**

- (1) An operator of an airport commits an offence if:
- (a) the operator is subject to a requirement under the regulations made for the purposes of section 166 and the regulations declare that this section applies to that provision; and
  - (b) the operator engages in conduct; and
  - (c) the operator's conduct contravenes the requirement.

Penalty: 250 penalty units.

- (2) Strict liability applies to paragraph (1)(a).

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

### **53 Subsection 183(2)**

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Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1);  
and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 250 penalty units.

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

- (3) Strict liability applies to paragraph (2)(a).

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

## 54 Section 185

Repeal the section, substitute:

### 185 Offence of contravening conditions

- (1) A person commits an offence if:
- (a) the person has been granted an approval under regulations made for the purposes of this Division; and
  - (b) the person engages in conduct, whether before or after completion of the controlled activity concerned; and
  - (c) the person's conduct contravenes a condition of the approval.

Penalty: 250 penalty units.

- (2) Strict liability applies to paragraph (1)(a).

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

## 55 Subsection 186(2)

Repeal the subsection, substitute:

*Offence*

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under the regulations to give information to the operator of an airport; and
  - (b) the person engages in conduct; and
-

(c) the person's conduct contravenes the requirement.

Penalty: 50 penalty units.

*Strict liability*

(2A) Strict liability applies to paragraph (2)(a).

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

**56 Section 208**

Repeal the section, substitute:

**208 Compliance with demand management schemes**

A person commits an offence if:

- (a) the person is subject to a provision of a demand management scheme and the scheme declares that this section applies to that provision; and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes the provision.

Penalty: 250 penalty units.

**57 Subsection 216(2)**

Repeal the subsection, substitute:

(2) A company commits an offence if:

- (a) the company is subject to a requirement under subsection (1); and
- (b) the company engages in conduct; and
- (c) the company's conduct contravenes the requirement.

Penalty: 250 penalty units.

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

(2A) Strict liability applies to paragraph (2)(a).

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

**58 Subsection 224(6)**

Repeal the subsection, substitute:

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*Extended meaning of offence against this Act*

- (6) A reference in this section to an *offence against this Act* includes a reference to:
- (a) an offence created by section 6 of the *Crimes Act 1914* that relates to this Act; and
  - (b) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code* that relates to this Act.

**59 Subsection 228(2)**

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: Imprisonment for 6 months.

- (3) Strict liability applies to paragraph (2)(a).

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

**60 Subsection 230(2)**

Repeal the subsection, substitute:

- (2) A company commits an offence if:
- (a) the company is subject to a requirement under subsection (1); and
  - (b) the company engages in conduct; and
  - (c) the company's conduct contravenes the requirement.

Penalty: 150 penalty units.

- (3) Strict liability applies to paragraph (2)(a).

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

**61 Section 231**

Repeal the section, substitute:



**231 False or misleading audit certificates**

A person commits an offence if:

- (a) the person gives a certificate in relation to a company's accounts and statements and that company is an airport operator company; and
- (b) the person does so reckless as to whether the certificate:
  - (i) is false or misleading in a material particular; or
  - (ii) omits any matter or thing without which the certificate is misleading in a material particular.

Penalty: Imprisonment for 6 months.

**62 Subsection 234(4)**

Repeal the subsection, substitute:

- (4) A person commits an offence if:
  - (a) the person is required to return his or her identity card under subsection (3); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 5 penalty units.

- (5) Subsection (4) does not apply if the person has a reasonable excuse.

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

- (6) Strict liability applies to paragraph (4)(a).

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

**63 Subsection 237(3)**

Repeal the subsection, substitute:

- (3) A person commits an offence if:
  - (a) the person is subject to a requirement under subsection (2); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: Imprisonment for 6 months.

---

(3A) Subsection (3) does not apply if 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*).

(3B) Strict liability applies to paragraph (3)(a).

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

<sup>11</sup>  
**Schedule 2—Navigation Act 1912**

**1 After section 4**

Insert:

**5 Application of the *Criminal Code***

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

**2 Subsection 6(1)**

Insert:

*engage in conduct* means:

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

**3 At the end of section 8B**

Add:

(5) An offence under subsection (4) is an offence of strict liability.

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

**4 After subsection 14(8)**

Insert:

(8A) An offence under subsection (8) is an offence of strict liability.

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

**5 After subsection 14(11)**

Insert:

(11A) An offence under subsection (11) is an offence of strict liability.

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

**6 Section 17**

Omit “, without reasonable excuse.”.

---

## 7 At the end of section 17

Add:

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

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 under subsection (1) is an offence of strict liability.

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

## 8 At the end of section 52

Add:

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

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

## 9 Subsection 53(2)

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) a copy of an agreement has been posted under subsection (1); and
  - (b) the person does an act; and
  - (c) the act results in the defacing or destruction of the agreement.

Penalty: \$500.

- (3) Strict liability applies to paragraph (2)(a).

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

## 10 Paragraph 68(1)(a)

Omit “knowingly”.

## 11 Section 99

Repeal the section, substitute:

### 99 Conduct likely to result in danger to ship or life

The master or seaman of a ship commits an offence if:

- (a) the master or seaman engages in conduct; and
-

- (b) the master or seaman:
  - (i) is in breach of his or her duty; or
  - (ii) is drunk at the time of the conduct; and
- (c) the conduct is likely to result in:
  - (i) the immediate loss, destruction or serious damage to the ship or cargo of the ship; or
  - (ii) immediate danger to the life or limb of a person belonging to or on board the ship.

Penalty: \$5,000 or imprisonment for 2 years.

## **12 After subsection 132(5)**

Insert:

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

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

## **13 After subsection 132A(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

## **14 At the end of section 148C**

Add:

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

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

## **15 After subsection 152(1)**

Insert:

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

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

## **16 After subsection 152(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**17 Paragraph 164(2)(c)**

Omit “conceal”, substitute “engage in conduct that results in the concealment of”.

**18 Subsection 172(1)**

Repeal the subsection, substitute:

- (1) A person commits an offence if:
  - (a) the person does an act; and
  - (b) the act results in:
    - (i) the destruction or mutilation of an official log-book or an entry in an official log-book; or
    - (ii) an entry in an official log-book being rendered illegible.

Penalty: \$5,000 or imprisonment for 2 years, or both.

- (2) A person commits an offence if:
  - (a) the person makes or signs an entry in an official log-book, knowing that the entry is false or fraudulent; or
  - (b) omits to make an entry in an official log-book, knowing that the omission will result in the log-book being false or fraudulent.

Penalty: \$5,000 or imprisonment for 2 years, or both.

**19 Section 186E**

Repeal the section, substitute:

**186E Unqualified person performing duties of licensed pilot**

- (1) A person commits an offence if:
  - (a) the person makes a representation that the person is a licensed pilot; and
  - (b) the person is not a licensed pilot.

Penalty: 20 penalty units.

- (2) A person commits an offence if:
  - (a) the person performs duties; and
  - (b) the duties are those of a licensed pilot under the regulations; and

(c) the person is not a licensed pilot.

Penalty: 20 penalty units.

(3) Subsection (2) does not apply if the person has a reasonable excuse.

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

(4) Strict liability applies to paragraph (2)(b).

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

(5) A person commits an offence if:

- (a) the person takes a person into employment to perform duties;  
and
- (b) the duties are those of a licensed pilot under the regulations;  
and
- (c) the person is not a licensed pilot.

Penalty: 20 penalty units.

(6) Strict liability applies to paragraph (5)(b).

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

## **20 At the end of section 188**

Add:

(5) An offence under subsection (4) is an offence of strict liability.

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

## **21 Subsection 190AA(4)**

Omit “, without reasonable excuse,”.

## **22 After subsection 190A(1A)**

Insert:

(1B) An offence under subsection (1A) is an offence of strict liability.

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

## **23 At the end of section 190AA**

Add:

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- (5) Subsection (4) does not apply if the person has a reasonable excuse.

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

- (6) An offence under subsection (4) is an offence of strict liability.

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

## 24 Paragraph 191B(1)(b)

Omit “without reasonable cause”.

## 25 After subsection 191B(1)

Insert:

- (1A) Subsection (1) does not apply if the owner or master has reasonable cause.

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 under subsection (1) is an offence of strict liability.

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

## 26 Subsection 191B(2)

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) a ship other than a Safety Convention ship has been marked with a subdivision load line mark; and
  - (b) the person engages in conduct; and
  - (c) the person’s conduct results in the concealment, removal, alteration, defacing or obliteration of any such mark.

Penalty: \$5,000 or imprisonment for 2 years, or both.

- (3) Subsection (2) does not apply if the person has reasonable cause.

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

## 27 At the end of section 206H

Add:

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



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

### **28 Subsection 208(1)**

Omit “, unless that person proves that he or she used all reasonable means to ensure the seaworthiness of the ship,”.

### **29 After subsection 208(1)**

Insert:

- (1A) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she used all reasonable means to ensure the seaworthiness of the ship.

Note: The defendant bears a legal burden in relation to the matter in subsection (1A) (see section 13.4 of the *Criminal Code*).

### **30 Subsection 208(2)**

Omit “knowingly takes a ship to sea”, substitute “takes a ship to sea, reckless as to whether the ship is”.

### **31 After subsection 217(1)**

Insert:

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

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

### **32 At the end of section 217**

Add:

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

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

### **33 After subsection 221(1C)**

Insert:

- (1D) An offence under subsection (1C) is an offence of strict liability.

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

### **34 After subsection 221(4)**

Insert:

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

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

**35 At the end of section 221**

Add:

- (9) An offence under subsection (8) is an offence of strict liability.

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

**36 Subsection 227B(1)**

Omit “, except as permitted by or under the regulations”.

**37 After subsection 227B(1)**

Insert:

- (1A) An offence under 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 227B**

Add:

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

**39 Subsection 227D(1)**

Omit “, except with reasonable cause,”.

**40 Subsection 227D(2)**

Repeal the subsection, substitute:

- (2) Subsection (1) does not apply if the owner or master has reasonable cause.

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 under subsection (1) is an offence of strict liability.

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

- (4) A person commits an offence if:

- (a) a ship, other than a non-Australian Load Line Convention ship, has been marked with deck lines and load lines; and
- (b) the person engages in conduct; and

(c) the person's conduct results in the concealment, removal, alteration, defacing or mutilation of any such mark.

Penalty: \$5,000 or imprisonment for 2 years, or both.

**41 Subsections 253(1) and (2)**

Omit "knowingly".

**42 Subsection 264(2)**

Omit ", without reasonable cause,".

**43 After subsection 264(2)**

Insert:

(2A) Subsection (2) does not apply if the person has reasonable cause.

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

**44 Subsection 265(1)**

Omit ", unless he or she is unable to do so or, in the special circumstances of the case, considers it unreasonable or unnecessary so to do,".

**45 After subsection 265(1)**

Insert:

(1A) Subsection (1) does not apply if the master is unable to do so or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so.

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

**46 After subsection 267D(2)**

Insert:

(3) An offence under 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 267E**

Add:

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

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

**48 After subsection 267K(4)**

Insert:

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

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

**49 After subsection 267S(2)**

Insert:

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

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

**50 At the end of section 267T**

Add:

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

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

**51 After subsection 267Y(4)**

Insert:

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

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

**52 After subsection 267ZJ(2)**

Insert:

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

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

**53 At the end of section 267ZK**

Add:

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

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

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#### **54 After subsection 267ZQ(4)**

Insert:

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

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

#### **55 After subsection 269N(1)**

Insert:

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

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

#### **56 At the end of section 269N**

Add:

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

#### **57 Section 275**

Repeal the section, substitute:

#### **275 Passenger landed elsewhere than at destination**

- (1) The master or owner of a ship commits an offence if:
- (a) the master or owner engages in conduct; and
  - (b) the conduct results in a passenger on the ship being landed from the ship at a port other than the port at which the passenger contracted to land.

Penalty: \$1,000.

- (2) Subsection (1) does not apply if:
- (a) the passenger consents to being landed from the ship as mentioned in paragraph (1)(b); or
  - (b) it is an unavoidable necessity that the passenger be landed as mentioned in paragraph (1)(b).

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

#### **58 Subsection 278(1)**

Repeal the subsection, substitute:

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(1) A passenger or other person on board a ship must not do an act that results in:

- (a) the obstruction of any part of the machinery or equipment of the ship; or
- (b) the obstruction or molestation of the master or crew of the ship in the execution of their duty.

Penalty: \$1,000.

**59 Subsection 278(3) (penalty)**

Repeal the penalty.

**60 At the end of section 278**

Add:

- (4) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (3) to give his or her true name and address; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: \$500.

**61 Paragraph 282(1)(d)**

Omit "knowingly".

**62 Paragraph 282(1)(e)**

Omit "knowingly and wilfully".

**63 At the end of section 283F**

Add:

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

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

**64 At the end of section 283G**

Add:

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

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

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**65 Subsection 287(1)**

Repeal the subsection, substitute:

- (1) The master, owner and agent of a ship commit an offence if:
- (a) any one or more of the master, owner and agent engage in conduct; and
  - (b) the ship:
    - (i) is receiving, directly or indirectly, any subsidy or bonus from the Government of a country other than Australia; or
    - (ii) is to receive such a subsidy or bonus under an arrangement; or
    - (iii) has received such a subsidy or bonus in the 12 months immediately preceding the conduct; and
  - (c) the conduct results in the ship engaging in the coasting trade.

Penalty: \$5,000.

- (1A) An offence under 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 288**

Add:

- (8) An offence under subsection (1) or (4) is an offence of strict liability.

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

**67 Section 293**

Omit all the words after “Part” (first occurring) to and including “Part,”.

**68 Subsection 296(2)**

Omit “wilfully”.

**69 Subsection 297(2)**

Omit “without reasonable cause”.

**70 At the end of section 297**

Add:

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(3) Subsection (2) does not apply if the person has reasonable cause.

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

### **71 Subsection 298(3)**

Repeal the subsection, substitute:

(3) A person commits an offence if the person engages in conduct, and the conduct results in:

- (a) the impeding of any person in the exercise of the rights given by this section; or
- (b) the impeding of the deposit of any wreck on the land; or
- (c) the prevention of any wreck from remaining so deposited until it can be removed to a safe place.

Penalty: \$500.

### **72 Subsection 313(1)**

Omit “, without the leave of the master or the authority of this or any Act,”.

### **73 After subsection 313(1)**

Insert:

(1A) Subsection (1) does not apply if the person has the leave of the master of the ship concerned.

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

### **74 Section 314**

Repeal the section, substitute:

### **314 Offences as to wreck**

A person commits an offence if the person engages in conduct, and the conduct results in:

- (a) the impeding of the saving of any ship stranded or in distress, or of any wreck; or
  - (b) the secreting of any wreck, or the defacing or obliteration of any marks on any wreck; or
  - (c) the wrongful removal of any wreck.
-



Penalty: \$2,000.

**75 After subsection 386B(1)**

Insert:

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

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

**76 After subsection 386E(2)**

Insert:

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

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

**77 Subsection 386G(4)**

Omit “, without reasonable excuse,”.

**78 At the end of section 386G**

Add:

(5) Subsection (4) does not apply if the person has a reasonable excuse.

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

**79 Subsection 388(1)**

Omit “without reasonable excuse or the permission of the master”.

**80 After subsection 388(1)**

Insert:

(1A) Subsection (1) does not apply if the person has a reasonable excuse or has the permission of the master of the ship concerned.

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

**81 Section 389**

Omit “knowingly”.

**82 Paragraph 389A(1)(a)**

Omit “knowingly”.

**83 Subsection 389A(4)**

Insert:

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

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

**84 Subsection 405K(2)**

Omit “, without reasonable excuse,”.

**85 At the end of section 405K**

Add:

(3) Subsection (2) does not apply if the person has a reasonable excuse.

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

(4) An offence under subsection (2) is an offence of strict liability.

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

**86 Subsection 413(2)**

Omit “, without just cause,”.

**87 At the end of section 413**

Add:

(3) Subsection (2) does not apply if the person has just cause.

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

**88 At the end of section 415**

Add:

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

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

**89 After subsection 421(4)**

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Insert:

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

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

## **90 Subsection 421(5)**

Repeal the subsection, substitute:

(5) A person commits an offence if:

- (a) the person is subject to a requirement under subsection (3) to comply with a condition; and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes the requirement.

Penalty: Imprisonment for 4 years.

(5A) Strict liability applies to paragraph (5)(a).

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

## Schedule 3—Amendment of other transport legislation

### *Adelaide Airport Curfew Act 2000*

#### 1 After section 5

Insert:

#### 5A Application of the *Criminal Code*

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

#### 2 Section 6

Repeal the section, substitute:

#### 6 Prohibition on taking off or landing during curfew periods

- (1) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the conduct results in an aircraft taking off or landing at Adelaide Airport during a curfew period.

Penalty: 200 penalty units.

Note: Part IA of the *Crimes Act 1914* contains provisions dealing with penalties.

- (2) Subsection (1) does not apply if the take off or landing is permitted under Part 3.

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) In this section:

***engage in conduct*** means:

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

### **3 Subsection 19(2)**

Repeal the subsection, substitute:

- (2) An operator commits an offence if:
- (a) the operator is subject to a notice under subsection (1); and
  - (b) the operator engages in conduct; and
  - (c) the operator's conduct contravenes the notice.

Penalty: 50 penalty units.

Note 1: If the operator is a body corporate, the maximum penalty that may be imposed is 250 penalty units (see subsection 4B(3) of the *Crimes Act 1914*).

Note 2: For the value of a penalty unit, see subsection 4AA(1) of the *Crimes Act 1914*.

### **4 At the end of section 19**

Add:

- (4) In this section:

***engage in conduct*** means:

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

### **5 Section 20**

Repeal the section, substitute:

#### **20 Provision of false information**

An operator is guilty of an offence if:

- (a) the operator gives information to an authorised person; and
- (b) the operator does so reckless as to whether that information is false or misleading in a material particular.

Penalty: 50 penalty units.

Note 1: If the operator is a body corporate, the maximum penalty that may be imposed is 250 penalty units (see subsection 4B(3) of the *Crimes Act 1914*).

Note 2: For the value of a penalty unit, see subsection 4AA(1) of the *Crimes Act 1914*.

### **6 Subsection 23(5) (definition of offence against this Act)**

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Repeal the definition, substitute:

*offence against this Act* includes the following:

- (a) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against this Act;
- (b) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code*.

## ***Aircraft Noise Levy Collection Act 1995***

### **7 At the end of Part 1**

Add:

#### **5A Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

### **8 Subsection 15(1)**

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

### **9 After subsection 15(1)**

Insert:

(1A) Subsection (1) does not apply if the person has a reasonable excuse.

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

### **10 Paragraph 16(1)(b)**

Omit “knowingly” (wherever occurring).

## ***Air Navigation Act 1920***

### **11 At the end of Part 1**

Add:

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**3AG Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

**12 Subsection 10(2)**

Omit “intentionally or recklessly”.

**13 Subsection 10(2)**

Omit “, unless the operator or the pilot in command, as the case may be, has a reasonable excuse,”.

**14 At the end of section 10**

Add:

(3) Subsection (2) does not apply if the operator or the pilot in command, as the case may be, has a reasonable excuse.

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

**15 Subsection 12(1A)**

Omit “intentionally or recklessly”.

**16 Subsection 12(1A)**

Omit “, unless the operator has a reasonable excuse,”.

**17 After subsection 12(1A)**

Insert:

(1AA) Subsection (1A) does not apply if the operator has a reasonable excuse.

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

**18 Subsections 15A(1) and (2)**

Repeal the subsections, substitute:

(1) The operator of an aircraft and the pilot in command of the aircraft commit an offence if:

- (a) any person engages in conduct; and
- (b) the person's conduct results in the aircraft taking on passengers, cargo or mail for carriage for reward in Australian territory before beginning a non-scheduled flight or at an intermediate stopping place in the course of such a flight.

Penalty: Imprisonment for 6 months.

- (1A) Subsection (1) does not apply if a permission for the carriage of the passengers, cargo or mail is in force and the carriage is in accordance with the permission.

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

- (2) The operator of an aircraft and the pilot in command of the aircraft commit an offence if:
- (a) any person engages in conduct; and
  - (b) the person's conduct results in the aircraft discharging passengers, cargo or mail carried for reward in Australian territory at an intermediate stopping place in the course of a non-scheduled flight or at the end of such a flight.

Penalty: Imprisonment for 6 months.

- (2A) Subsection (2) does not apply if a permission for the carriage of the passengers, cargo or mail was in force and the carriage was in accordance with the permission.

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

- (2B) Subsections (1) and (2) do not apply if the operator or the pilot, as the case may be, has a reasonable excuse.

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

- (2C) Strict liability applies to paragraphs (1)(b) and (2)(b).

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

## 19 Subsection 15A(6)

Repeal the subsection.

## 20 At the end of section 15A

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Add:

(9) In this section:

***engage in conduct*** means:

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

## **21 Subsections 17(1) and (1A)**

Repeal the subsections, substitute:

- (1) The operator of an aircraft and the pilot in command of the aircraft commit an offence if:
- (a) any person engages in conduct; and
  - (b) the person's conduct results in the aircraft arriving in Australian territory from a place outside Australian territory or departing from Australian territory for a place outside Australian territory.

Penalty: Imprisonment for 6 months.

(1A) Subsection (1) is subject to this section and section 14.

(1AA) Subsection (1) does not apply if the arrival or departure concerned is:

- (a) with the permission of the Secretary; or
- (b) in accordance with an international airline licence or a permission under section 15D; or
- (c) authorised by a determination by the Secretary under subsection (1B).

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

(1AB) Subsection (1) does not apply if the operator or the pilot, as the case may be, has a reasonable excuse.

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

(1AC) Strict liability applies to paragraph (1)(b).

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

## **22 At the end of section 17**

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Add:

(3) In this section:

*engage in conduct* means:

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

**23 Subsections 19BA(3), (5) and (7)**

Omit “intentionally or recklessly”.

**24 Subsection 19BC(3)**

Omit “intentionally or recklessly”.

**25 Subsection 19CC(4)**

Omit “, without reasonable excuse”.

**26 Paragraph 19CC(4)(c)**

Omit “refuse or”.

**27 After subsection 19CC(4)**

Insert:

(4A) Subsection (4) does not apply if the person has a reasonable excuse.

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

(4B) An offence under paragraph (4)(a), (c) or (d) is an offence of strict liability.

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

**28 Section 19CS**

Repeal the section, substitute:

**19CS Offence of making false statements in applications for warrant**

An investigator is guilty of an offence if:

- (a) the investigator makes a statement; and

(b) the investigator does so knowing that the statement is false or misleading in a material particular; and

(c) the statement is made in an application for a warrant.

Penalty: Imprisonment for 6 months.

**29 Subsection 19FJ(2)**

Omit “intentionally or recklessly”.

**30 At the end of section 19GD**

Add:

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

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

**31 Section 19HK**

Omit “intentionally or recklessly”.

**32 Subsection 24A(9)**

Repeal the subsection, substitute:

(9) A reference in this section to an offence against this Act includes:

(a) an offence created by section 6 of the *Crimes Act 1914* that relates to this Act; and

(b) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code* that relates to this Act.

***Air Services Act 1995***

**33 At the end of Part 1**

Add:

**6A Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

**34 Subsection 70(1)**

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Omit “without the prior approval of an authorised employee”.

**35 After subsection 70(1)**

Insert:

(1A) Subsection (1) does not apply if the person has the prior approval of an authorised employee.

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

**36 Subsection 71(1)**

Repeal the subsection, substitute:

(1) A person who knows that a statutory lien is in effect in respect of an aircraft must not detach any part or equipment from the aircraft.

Penalty: Imprisonment for 2 years.

(1A) Subsection (1) does not apply if the person has the prior approval of an authorised employee.

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

**37 Subsection 76(6) (paragraph (b) of the definition of offence against this Act)**

Omit “section 6, 7 or 7A of the *Crimes Act 1914*”, substitute “section 6 of the *Crimes Act 1914*”.

**38 Subsection 76(6) (paragraph (c) of the definition of offence against this Act)**

Repeal the paragraph, substitute:

(c) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code* that relates to an offence against this Act or the regulations.

***Civil Aviation Act 1988***

**39 At the end of Part I**

Add:

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## **7A Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

## **40 At the end of section 19**

Add:

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

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

## **41 Section 20A**

Repeal the section, substitute:

### **20A Reckless operation of aircraft**

- (1) A person must not operate an aircraft being reckless as to whether the manner of operation could endanger the life of another person.
- (2) A person must not operate an aircraft being reckless as to whether the manner of operation could endanger the person or property of another person.

### **41A Subsection 21(8)**

Repeal the subsection, substitute:

- (8) A person must not fail to comply with a direction contained in a notice under this section.

Penalty: Imprisonment for 12 months.

- (8A) Subsection (8) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (8A) (see subsection 13.3(3) of the *Criminal Code*).

### **42 Subsection 23(2)**

Omit “knowingly or recklessly”.

### **43 Section 29**

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Repeal the section, substitute:

## 29 Offences in relation to aircraft

- (1) The owner, operator, hirer (not being the Crown) or pilot of an aircraft commits an offence if he or she:
- (a) operates the aircraft or permits the aircraft to be operated; and
  - (b) the operation of the aircraft results in:
    - (i) the use by the aircraft of an aerodrome in contravention of a condition specified under section 20; or
    - (ii) the aircraft being flown or operated in contravention of a provision of this Part (other than subsection 20A(1) or 23(1)), or of a direction given or condition imposed, under such a provision.

Penalty: Imprisonment for 2 years.

- (2) Strict liability applies to subparagraphs (1)(b)(i) and (ii).

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

- (3) The owner, operator, hirer (not being the Crown) or pilot of an aircraft commits an offence if he or she:
- (a) operates the aircraft or permits the aircraft to be operated; and
  - (b) the operation of the aircraft results in a contravention of subsection 20A(1).

Penalty: Imprisonment for 5 years.

- (4) Strict liability applies to paragraph (3)(b).

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

- (5) The owner, operator, hirer (not being the Crown) or pilot of an aircraft commits an offence if he or she:
- (a) operates the aircraft or permits the aircraft to be operated; and
  - (b) the operation of the aircraft results in a contravention of subsection 23(1) or a condition imposed under that subsection.

Penalty: Imprisonment for 7 years.

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(6) Strict liability applies to paragraph (5)(b).

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

**44 Subsection 32AB(3)**

Omit “, without reasonable excuse,”.

**45 At the end of section 32AB**

Add:

(4) Subsection (3) does not apply if the person has a reasonable excuse.

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

(5) An offence under subsection (3) is an offence of strict liability.

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

**46 Subsection 32AK(2)**

Omit “, without reasonable excuse,”.

**47 At the end of section 32AK**

Add:

(3) Subsection (2) does not apply if the person has a reasonable excuse.

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

(4) An offence under subsection (2) is an offence of strict liability.

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

**48 Paragraph 97A(9)(b)**

Omit “section 5, 6, 7 or 7A, or subsection 86(1),” substitute “section 6”.

**49 At the end of section 97A**

Add:

; and (c) an offence created by Part 2.4 of the *Criminal Code* being an offence that relates to this Act or the regulations.

### ***Civil Aviation (Carriers' Liability) Act 1959***

#### **50 After section 5**

Insert:

#### **5A Application of the *Criminal Code***

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

#### **51 Subsection 41F(9)**

Omit "section 6, 7 or 7A or subsection 86(1) of the *Crimes Act 1914*", substitute "section 6 of the *Crimes Act 1914* or section 11.1, 11.4 or 11.5 of the *Criminal Code*".

### ***Explosives Act 1961***

#### **52 At the end of Part I**

Add:

#### **7A Application of the *Criminal Code***

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

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

### ***International Air Services Commission Act 1992***

#### **53 At the end of Part 1**

Add:

#### **5A Application of the *Criminal Code***

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

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

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**54 Subsection 33(3)**

Omit “knowingly or recklessly”.

**55 Section 35**

Repeal the section, substitute:

**35 Failure of witness to attend**

- (1) A person summoned to appear as a witness before the Commission must not:
- (a) fail to attend as required by the summons; or
  - (b) fail to appear and report from day to day.

Penalty: \$3,000.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

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 under paragraph (1)(a) is an offence of strict liability.

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

- (4) Paragraph (1)(b) does not apply if the person is excused or released from further attendance by a member of the Commission.

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

**56 Section 36**

Omit “knowingly”.

**57 Section 37**

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

**58 At the end of section 37**

Add:

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

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 under subsection (1) is an offence of strict liability.

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

## ***Interstate Road Transport Act 1985***

### **59 At the end of Part I**

Add:

### **7A Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

### **60 Subsection 8(1) (note)**

Omit “Note”, substitute “Note 1”.

### **61 At the end of subsection 8(1) (after note 1)**

Add:

Note 2: A defendant bears an evidential burden in relation to the matters in paragraphs (1)(d) and (e) (see subsection 13.3(3) of the *Criminal Code*).

### **62 Before subsection 8(2)**

Insert:

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

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

### **63 Subsection 10(1)**

Omit “, without reasonable excuse”.

### **64 After subsection 10(1)**

Insert:

(1A) Subsection (1) does not apply if the person has a reasonable excuse.

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

---

**65 Subsection 10(3)**

Omit “, without reasonable excuse”.

**66 After subsection 10(3)**

Insert:

(3A) Subsection (3) does not apply if 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*).

**67 After subsection 12D(1)**

Insert:

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

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

**68 At the end of section 12D**

Add:

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

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

**69 Section 40**

Repeal the section, substitute:

**40 Offences relating to monitoring devices**

- (1) If a registered motor vehicle is fitted with a standard monitoring device, a person commits an offence if, during the period the registration is in force, the person does an act and the act results in:
- (a) the destruction of the monitoring device; or
  - (b) damage or injury to, manipulation of, or tampering or interference with the monitoring device in such a way as to hinder its normal operation; or
  - (c) the use or operation of the monitoring device in such a way as to hinder its normal operation; or
  - (d) the removal of the monitoring device.

Penalty: 10 penalty units.

- (2) Paragraph 1(d) does not apply if the removal is permitted by regulations made for the purposes of section 39.

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 under subsection (1) is an offence of strict liability.

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

## 70 Section 41

Repeal the section, substitute:

### 41 Falsification, concealment etc. of monitoring device record

A person commits an offence if during the period for which a monitoring device record is required to be kept:

- (a) the person does an act; and
- (b) the act results in the damage to or alteration, defacing, mutilation, falsification, concealment or destruction (whether in whole or in part) of the monitoring device record.

Penalty: 10 penalty units.

### 71 Subparagraph 43(1)(a)(ii)

Repeal the subparagraph, substitute:

- (ii) an offence against section 6 of the *Crimes Act 1914*, or an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code*, being an offence that relates to an offence referred to in subparagraph (i) of this paragraph; or

### 72 Subsection 44(2)

Repeal the subsection, substitute:

- (2) A person must not fail to comply with a requirement under paragraph (1)(c) or (e).

Penalty: 10 penalty units.

- (2A) Subsection (2) does not apply to the extent that the person is not capable of complying with that subsection.

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

---

(2B) An offence under subsection (2) is an offence of strict liability.

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

### **73 Subsection 45(2)**

Repeal the subsection, substitute:

(2) A person must not fail to comply with a notice under this section.

Penalty: 10 penalty units.

(2A) Subsection (2) does not apply to the extent that the person is not capable of complying with that subsection.

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

(2B) Subsection (2) does not apply if the person has a reasonable excuse.

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

(2C) An offence under subsection (2) is an offence of strict liability.

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

### **74 Subsection 45(6)**

Repeal the subsection, substitute:

(6) A reference in subsection (4) to an offence of a particular kind includes a reference to:

- (a) an offence against section 6 of the *Crimes Act 1914*; or
- (b) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code*;

being an offence that relates to an offence of that kind.

### **75 Subsection 47A(9)**

Repeal the subsection, substitute:

(9) In this section:

*offence against this Act* includes:

- (a) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against this Act; and

- (b) any offence against section 11.4 or 11.5 of the *Criminal Code* that relates to an offence against this Act.

*this Act* includes the regulations.

## ***Lighthouses Act 1911***

### **76 After section 4**

Insert:

#### **4A Application of the *Criminal Code***

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

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

### **77 Subsection 8(2)**

Repeal the subsection.

### **78 Subsection 10(5)**

Omit “without reasonable cause (proof whereof shall lie upon him)”.

### **79 After subsection 10(5)**

Insert:

(5A) Subsection (5) does not apply if the person has reasonable cause.

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

(5B) An offence under subsection (5) is an offence of strict liability.

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

### **80 Subsection 19(1)**

Repeal the subsection, substitute:

- (1) A person commits an offence if the person does an act and the person intends or is negligent as to whether the act will result in:
- (a) injury, destruction, running foul of, or damage to:
    - (i) any marine navigational aid that is the property of, or under the control of, the Authority; or
-

- (ii) any light exhibited on any such marine navigational aid;  
or
- (iii) any ship, vessel, stores, equipment, or other property used by the Authority in connection with the establishment, maintenance or servicing of marine navigational aids; or
- (b) obstruction of the view of any lighthouse, lightship, beacon or buoy that is the property of, or under the control of, the Authority, in such a manner as to lessen its efficiency; or
- (c) interference with the operation of, or the use by a person of, a marine navigational aid that is the property of, or under the control of, the Authority so as to hinder its effective operation or use.

Penalty: \$200.

- (1A) A person commits an offence if the person does an act and the act results in the removal, altering, riding by or making fast of any marine navigational aid that is the property of, or under the control of, the Authority.

Penalty: \$200.

- (1B) A person commits an offence if the person trespasses or goes upon:
- (a) any marine navigational aid that is the property of, or under the control of, the Authority; or
  - (b) any ship, vessel, or property used by the Authority in the establishment, maintenance or servicing of marine navigational aids.

Penalty: \$200.

## **81 At the end of section 19B**

Add:

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

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

## ***Maritime College Act 1978***

## **82 After section 4**

Insert:

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#### **4A Application of the *Criminal Code***

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

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

### ***Motor Vehicle Standards Act 1989***

#### **83 After section 4**

Insert:

#### **4A Application of the *Criminal Code***

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

#### **84 Subsection 5(1)**

Insert:

*engage in conduct* means:

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

#### **85 Paragraph 12(a)**

Repeal the paragraph.

#### **86 Paragraph 12(b)**

Omit “knowingly or recklessly to manufacture or supply, without authority,”, substitute “to manufacture or supply”.

#### **87 Paragraph 12(d)**

Omit “knowingly or recklessly”.

#### **88 Paragraph 12(d)**

Omit “in relation to which no authority for the placement of that plate has been given”.



**89 Subsection 13A(1)**

Omit “knowingly or recklessly modify”, substitute “do an act that results in the modification of”.

**90 Subsection 13A(2)**

Omit “knowingly or recklessly”.

**91 Subsection 14(1)**

Omit “knowingly or recklessly”.

**92 Subsection 15(1)**

Omit “knowingly or recklessly”.

**93 Subsection 17(2)**

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) the person is subject to a condition under subsection (1); and
  - (b) the person engages in conduct; and
  - (c) the person’s conduct contravenes the condition.

Penalty: 120 penalty units.

(2A) Strict liability applies to paragraph (2)(a).

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

**94 Subsections 18(1) and (2)**

Omit “knowingly or recklessly”.

**95 Subsection 19(3)**

Repeal the subsection, substitute:

- (2) A person commits an offence if:
- (a) the Minister grants an approval to the person under subsection (1) subject to conditions; and
  - (b) the person engages in conduct; and
  - (c) the person’s conduct results in the contravention of a condition of that approval.

Penalty: 60 penalty units.

**96 Subsection 20(4)**

Repeal the subsection, substitute:

- (4) A person commits an offence if:
- (a) an approval granted to the person under regulations for the purposes of paragraph (1)(b) or (2)(b) is subject to conditions as mentioned in paragraph (3)(b); and
  - (b) the person engages in conduct; and
  - (c) the person's conduct results in the contravention of a condition of that approval.

Penalty: 60 penalty units.

**97 At the end of section 26**

Add:

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

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

**98 Section 32**

Omit “, without reasonable excuse, refuse or”.

**99 At the end of section 32**

Add:

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

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 under subsection (1) is an offence of strict liability.

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

**100 Paragraph 36(8)(b)**

Omit “section 5, 6, 7 or 7A, or subsection 86(1),” substitute “section 6”.

**101 At the end of subsection 36(8)**

Add:

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; and (c) an offence created by Part 2.4 of the *Criminal Code*, being an offence that relates to the regulations.

### ***Port Statistics Act 1977***

#### **102 After section 3**

Insert:

#### **3A Application of the *Criminal Code***

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

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

#### **103 Subsections 5(3) and (4)**

Repeal the subsections, substitute:

- (3) A person must not fail to comply with a requirement under subsection (1).

Penalty: \$500.

- (4) It is a defence to a prosecution for an offence against subsection (1) if the defendant complies with the requirement to the extent to which he or she is capable.

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

- (5) Strict liability applies to an offence under subsection (3).

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

- (6) A person commits an offence if:

- (a) the person does an act with the intention of avoiding the requirements of this section; and
- (b) the act results in the destruction, mutilation, defacing, concealment or removal of a book or document.

Penalty: \$500.

### ***Protection of the Sea (Civil Liability) Act 1981***

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**104 At the end of Part I**

Add:

**6A Application of the *Criminal Code***

Chapter 2 (except Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

**105 After subsection 15(3)**

Insert:

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

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

**106 Subsection 15(4)**

Omit “refuses or”.

**107 After subsection 15(4)**

Insert:

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

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

**108 After subsection 22(3)**

Insert:

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

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

***Protection of the Sea (Oil Pollution Compensation Fund) Act  
1993***

**109 At the end of Chapter 1**

Add:

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## **5A Application of the *Criminal Code***

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

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

## **110 Section 24**

Repeal the section, substitute:

### **24 Failure to give information or returns**

- (1) A person commits an offence if:
- (a) the person is required under regulations made for the purposes of this Division to give any information or return to the Authority; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 300 penalty units.

- (2) Strict liability applies to paragraph (1)(a).

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

- (3) In this section:

***engage in conduct*** means:

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

## **111 Section 45**

Repeal the section, substitute:

### **45 Failure to give information or returns**

- (1) A person commits an offence if:
- (a) the person is required under regulations made for the purposes of this Division to give any information or return to the Authority; and
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the requirement.

Penalty: 300 penalty units.

(2) Strict liability applies to paragraph (1)(a).

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

(3) In this section:

*engage in conduct* means:

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

### ***Protection of the Sea (Powers of Intervention) Act 1981***

#### **112 After section 3**

Insert:

#### **3A Application of the *Criminal Code***

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

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

#### **113 At the end of section 21**

Add:

Note: The defendant bears a legal burden in relation to the matters in subsections (1) and (2) (see section 13.4 of the *Criminal Code*).

### ***Protection of the Sea (Prevention of Pollution from Ships) Act 1983***

#### **114 At the end of Part I**

Add:

#### **7 Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

---

**115 After subsection 11(3)**

Insert:

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

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

**116 Subsection 11(8)**

Omit “knowingly or recklessly”.

**117 At the end of section 11A**

Add:

(8) An offence under subsection (7) is an offence of strict liability.

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

**118 After subsection 12(4)**

Insert:

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

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

**119 After subsection 14(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**120 After subsection 22(3)**

Insert:

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

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

**121 Subsection 22(8)**

Omit “knowingly or recklessly”.

**122 After subsection 23(4)**

Insert:

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

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

**123 After subsection 25(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**124 After subsection 26B(5)**

Insert:

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

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

**125 Subsection 26B(10)**

Omit “knowingly or recklessly”.

**126 Subsection 27(2)**

Omit “, without reasonable excuse, refuse or”.

**127 At the end of section 27**

Add:

(4) An offence under subsection (2) is an offence of strict liability.

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

(5) Subsection (2) does not apply if the person has a reasonable excuse.

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

**128 After subsection 27A(5)**

Insert:

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

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

**129 At the end of section 27C**

Add:

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

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

## ***Protection of the Sea (Shipping Levy Collection) Act 1981***

### **130 After section 4**

Insert:

#### **4A Application of the *Criminal Code***

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

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

### **131 After subsection 12(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

## ***Shipping Registration Act 1981***

### **132 Subsection 3(1)**

Insert:

*offence based on* a particular provision of this Act, being a provision in respect of which section 74 creates an offence, means an offence against section 74 that relates to that provision (unless the contrary intention appears).

### **133 After section 11**

Insert:

#### **11A Application of the *Criminal Code***

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

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

### **134 After subsection 12(3)**

---

Insert:

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

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

**135 Subsection 20(2)**

Omit “, without reasonable excuse.”.

**136 After subsection 20(2)**

Insert:

(2A) Subsection (2) does not apply if the person has a reasonable excuse.

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

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

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

**137 After subsection 26(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**138 Subsection 26(3)**

Repeal the subsection, substitute:

(3) A person must not engage in conduct that results in the concealment, removal, alteration, defacing or obliteration of any marking that is on a registered ship in accordance with the requirements of subsection (1).

(3A) Strict liability applies to the element of an offence against subsection (3) that the ship be marked in accordance with a requirement in subsection (1).

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

**139 At the end of section 26**

Add:

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(5) In this section:

*engage in conduct* means:

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

**140 After subsection 30(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*.

**141 After subsection 30(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*.

**142 After subsection 30(8)**

Insert:

(8A) An offence based on subsection (6), (7) or (8) is an offence of strict liability.

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

**143 Section 32**

Repeal the section, substitute:

**32 Improperly assuming Australian nationality**

(1) If the master or owner of a ship that is not an Australian ship does anything, or permits anything to be done, that results in a ship appearing to be an Australian ship, the ship is subject to forfeiture under this Act, and the Master and owner are each guilty of an offence.

(2) Subsection (1) does not apply if the master or owner of the ship does the thing for the purpose of escaping capture by an enemy.

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*.

#### 144 Section 33

Repeal the section, substitute:

#### 33 Concealing Australian nationality

- (1) If the master or owner of an Australian ship does anything, or permits anything to be done that results in:
- (a) concealing the nationality of the ship from any person entitled by a law of the Commonwealth or of a State or Territory to inquire into the nationality of the ship; or
  - (b) deceiving any such person; or
  - (c) the ship appearing not to be an Australian ship;
- the ship is subject to forfeiture under this Act, and the master and owner are each guilty of an offence.
- (2) Subsection (1) does not apply if the master or owner of the ship does the thing to escape capture by an enemy.

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*.

#### 145 After subsection 37A(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*.

#### 146 After subsection 37A(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*.

#### 147 Section 61

Omit “wilfully”.

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**148 After subsection 64(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*.

**149 Subsection 66(1)**

Repeal the subsection, substitute:

(1) if:

(a) a registered ship is lost (whether actually or constructively), taken by an enemy, burnt or broken up or ceases to be entitled to be registered; and

(b) the owner of the ship knows of the event mentioned in paragraph (a);

the owner of the ship must give notice in writing to the Registrar.

(1A) Subsection (1) does not apply if written notice has already been given to the Registrar.

**150 After subsection 68(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**151 After subsection 69(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**152 After subsection 71(2)**

Insert:

(2A) An offence under subsection (2) is an offence of strict liability.

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

**153 Subsection 73(1)**

Omit “, or attempts to cause,”.

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**154 Subsection 74(1)**

Omit “27(1),”.

**155 Subsection 74(2)**

Omit “30(9),”.

**156 After subsection 74(4B)**

Insert:

- (4C) An offence against subsection 27(1), 30(9) or 71(2) is punishable on conviction:
- (a) if the offender is a natural person—by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 6 months; or
  - (b) if the offender is a body corporate—by a fine not exceeding \$5,000.

***Ships (Capital Grants) Act 1987***

**157 At the end of Part I**

Add:

**7A Application of the *Criminal Code***

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

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

**158 Subsection 17(1)**

Repeal the subsection, substitute:

- (1) If:
- (a) a person has lodged a claim under section 15 (whether or not the claim has been dealt with under subsection 15(3)); and
  - (b) the person knows that the claim is for an amount, in respect of the ship, that exceeds the amount of grant that the person was entitled to claim in respect of that ship by more than \$100;

the person must, within 28 days after discovering the excess, lodge an acknowledgment that complies with subsection (2) of this section.

Penalty:

- (a) in the case of a natural person—\$1,000 or imprisonment for 6 months, or both; or
- (b) in the case of a body corporate—\$5,000.

**159 Subsection 30(3)**

Omit “, without reasonable excuse, refuse or”.

**160 After subsection 30(3)**

Insert:

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

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

- (5) Subsection (3) does not apply if the person has a reasonable excuse.

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

***Submarine Cables and Pipelines Protection Act 1963***

**161 After section 5**

Insert:

**5A Application of the *Criminal Code***

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

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

**162 Subsection 7(1)**

Repeal the subsection substitute:

- (1) A person commits an offence if the person engages in conduct and the conduct results in a ship registered in Australia or in a Territory breaking or injuring:

- (a) a submarine telegraph or a telephone cable in such a manner as might interrupt or obstruct telegraphic or telephonic communications; or
- (b) a submarine pipeline; or
- (c) a submarine high-voltage cable.

Penalty: \$2,000, or imprisonment for 12 months.

- (1A) A person commits an offence if the person engages in conduct and the person is negligent as to whether the conduct will result in a ship registered in Australia or in a Territory breaking or injuring:
- (a) a submarine telegraph or a telephone cable in such a manner as might interrupt or obstruct telegraphic or telephonic communications; or
  - (b) a submarine pipeline; or
  - (c) a submarine high-voltage cable.

Penalty: \$1,000, or imprisonment for 3 months.

**163 At the end of section 7**

Add:

- (3) In this section:

*engage in conduct* means:

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

***Sydney Airport Curfew Act 1995***

**164 Section 3**

Insert:

*engage in conduct* means:

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

**165 After section 3**

Insert:

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### **3A Application of the *Criminal Code***

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences created by this Act.

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

#### **166 Subsection 7(2)**

Repeal the subsection (including the note), substitute:

- (2) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the operator's conduct results in a contravention of subsection (1).

Penalty: 1,000 penalty units.

- (3) Strict liability applies to paragraph (2)(b).

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

#### **167 Subsection 8(2)**

Repeal the subsection, substitute:

- (2) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the operator's conduct results in a contravention of subsection (1).

Penalty: 50 penalty units.

- (2A) Strict liability applies to paragraph (2)(b).

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

#### **168 Subsection 9(2)**

Repeal the subsection, substitute:

- (2) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the operator's conduct results in a contravention of subsection (1).

Penalty: 50 penalty units.

(2A) Strict liability applies to paragraph (2)(b).

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

**169 Subsection 10(2)**

Repeal the subsection (including the note), substitute:

- (2) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the operator's conduct results in a contravention of subsection (1).

Penalty: 500 penalty units.

(3) Strict liability applies to paragraph (2)(b).

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

**170 Subsection 11(3)**

Repeal the subsection, substitute:

- (3) The operator of an aircraft commits an offence if:
- (a) the operator engages in conduct; and
  - (b) the operator's conduct results in a contravention of subsection (1) or (2).

Penalty: 100 penalty units.

(3A) Strict liability applies to paragraph (3)(b).

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

**171 Subsection 21(2)**

Omit "knowingly or recklessly".

**172 Section 22**

Omit "knowingly or recklessly".

**173 Subsection 25(5) (definition of offence against this Act)**

Repeal the definition, substitute:

*offence against this Act* includes the following:

- (a) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against this Act;

- (b) an offence against section 11.1, 11.4 or 11.5 of the *Criminal Code*.

## Schedule 4—Amendment of territories and regional services legislation

### *Albury-Wodonga Development Act 1973*

#### 1 At the end of Part I

Add:

#### 5AA Application of the *Criminal Code*

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

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

#### 2 At the end of section 16

Add:

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

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

#### 3 At the end of section 30

Add:

(9) An offence under subsection (8) is an offence of strict liability.

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

### *Ashmore and Cartier Islands Acceptance Act 1933*

#### 4 After section 6

Insert:

#### 6A *Criminal Code* does not apply

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory because of section 6.

***Australian Antarctic Territory Act 1954***

**5 After subsection 6(2)**

Insert:

- (2A) Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory under subsection (1) or (2).

***Australian Capital Territory Taxation (Administration) Act 1969***

**6 At the end of Part I**

Add:

**4A Application of the *Criminal Code***

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

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

**7 Subsection 8(2)**

Omit “, without lawful authority”.

**8 Paragraph 12(1)(a)**

Omit “deface”, substitute “do an act that results in the defacing of”.

**9 Subsection 17(4)**

Omit “, without lawful authority,”.

**10 At the end of section 19**

Add:

- (2) An offence under paragraph (1)(a) or (b) is an offence of strict liability.

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

**11 After subsection 39(1)**

Insert:

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

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

## 12 After subsection 44B(1)

Insert:

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

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

## 13 Subsection 52(3)

Omit “, without lawful authority,”.

## 14 Subsection 84(2)

Omit “refuses or”.

## 15 After subsection 84(2)

Insert:

(2AA) An offence under subsection (2) is an offence of strict liability.

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

## *Canberra Water Supply (Googong Dam) Act 1974*

## 16 After section 3

Insert:

### 3A Application of the *Criminal Code*

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

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

## 17 At the end of section 7

Add:

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

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

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**18 Subsection 8(3)**

Omit “, without reasonable excuse,”.

**19 After subsection 8(3)**

Insert:

(3A) Subsection (3) does not apply if 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*).

**20 Section 14**

Repeal the section, substitute:

**14 Damaging works etc.**

A person must not:

- (a) do an act that results in damage to the operation of a work constructed or being constructed under this Act; or
- (b) interfere with such a work.

**21 Section 15**

Omit “maliciously or fraudulently”.

**22 Section 19**

Omit “, without lawful authority,”.

**23 Section 21**

Omit all the words from and including “remove” to and including “19”, substitute “do an act that results in the removal, moving, defacing, damaging, obscuring or covering up of a sign erected, placed or displayed under section 17 or 19, or otherwise interfere with such a sign”.

**24 At the end of section 21**

Add:

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

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

## ***Christmas Island Act 1958***

### **25 At the end of Part I**

Add:

#### **4A Application of the *Criminal Code***

- (1) Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

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

- (2) Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory because of section 8A.

### **26 Subsection 12B(1)**

Omit “, without reasonable excuse”.

### **27 After subsection 12B(1)**

Insert:

- (1A) Subsection (1) does not apply if the person has a reasonable excuse.

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

### **28 Subsection 12B(2)**

Omit “, or attempt to personate, a person who is a juror for the purpose”, substitute “a person who is a juror with the intention”.

### **29 Paragraph 12B(3)(a)**

Repeal the paragraph, substitute:

- (a) engage in conduct that results in the corruption of a juror;

### **30 Paragraph 12B(3)(b)**

Omit “except as provided by law,”.

### **31 Subsection 12B(4)**

Repeal the subsection, substitute:

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(4) In this section:

*engage in conduct* means:

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

*juror* includes a person whose name is on a jury panel.

## ***Cocos (Keeling) Islands Act 1955***

### **32 At the end of Part I**

Add:

#### **4A Application of the *Criminal Code***

(1) Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

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

(2) Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory because of section 8A.

### **33 Subsection 15AE(2)**

Omit “, without reasonable excuse”.

### **34 After subsection 15AE(2)**

Insert:

(2A) Subsection (2) does not apply if the person has a reasonable excuse.

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

### **35 Subsection 15AE(3)**

Omit “, or attempt to personate, a person who is a juror for the purpose”, substitute “a person who is a juror with the intention”.

### **36 Paragraph 15AE(4)(a)**

Repeal the paragraph, substitute:

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- (a) engage in conduct that results in the corruption of a juror;

**37 Paragraph 15AE(4)(b)**

Omit “except as provided by law,”.

**38 At the end of section 15AE**

Add:

- (5) In this section:

*engage in conduct* means:

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

***Heard Island and McDonald Islands Act 1953***

**39 After subsection 5(2)**

Insert:

- (2A) Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory under subsection (1) or (2).

***Jervis Bay Territory Acceptance Act 1915***

**40 After section 4A**

Insert:

**4AA *Criminal Code* does not apply**

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory because of section 4A.

***Norfolk Island Act 1979***

**41 At the end of Part I**

Add:

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**4A Application of the *Criminal Code***

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

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

**42 After subsection 51E(4)**

Insert:

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

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

***Pay-roll Tax (Territories) Assessment Act 1971***

**43 At the end of Part I**

Add:

**4A Application of the *Criminal Code***

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

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

## **Schedule 5—Amendment of road transport legislation**

### ***Road Transport Reform (Dangerous Goods) Act 1995***

#### **1 At the end of Part 1**

Add:

#### **10A *Criminal Code* does not apply**

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, offences created by this Act.

### ***Road Transport Reform (Heavy Vehicles Registration) Act 1997***

#### **2 At the end of Part 1**

Add:

#### **7A *Criminal Code* does not apply**

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, offences created by this Act.

### ***Road Transport Reform (Vehicles and Traffic) Act 1993***

#### **3 At the end of Part 1**

Add:

#### **6A *Criminal Code* does not apply**

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, offences created by this Act.

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*[Minister's second reading speech made in—  
House of Representatives on 19 September 2001  
Senate on 26 September 2001]*

(171/01)