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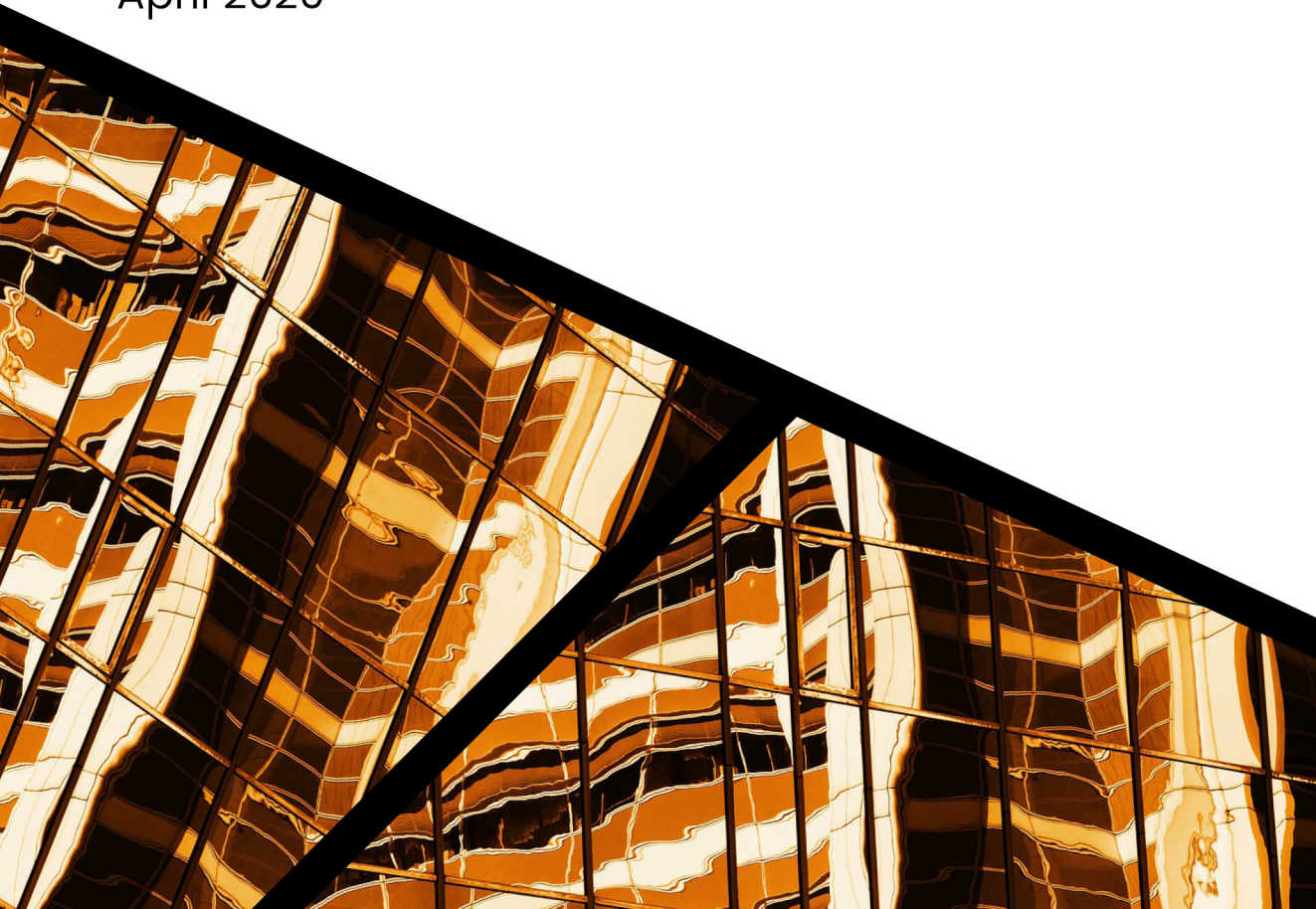
Australian Law Reform Commission

DATA APPENDICES

CORPORATE CRIMINAL RESPONSIBILITY

ALRC Report 136

April 2020





Australian Government

Australian Law Reform Commission

CORPORATE CRIMINAL RESPONSIBILITY

DATA APPENDICES

This publication reflects the law as at 1 April 2020.

The Australian Law Reform Commission (ALRC) was established on 1 January 1975 and operates in accordance with the *Australian Law Reform Commission Act 1996* (Cth).

The office of the ALRC is at Level 4, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000.

Postal Address:

PO Box 12953,
George Street QLD 4003

Telephone: within Australia (07) 3248 1224

International: +61 7 3248 1224

Email: info@alrc.gov.au

Website: www.alrc.gov.au

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Introduction

1.1 This publication presents the primary data collated by the ALRC in the course of its Inquiry into corporate criminal responsibility in Australia. It consists of data from two of the three key datasets utilised in the ALRC’s Final Report, *Corporate Criminal Responsibility* (the ‘Final Report’).¹

1.2 Appendix A contains the ALRC’s review of Commonwealth criminal laws applicable to corporations. Appendix B contains the ALRC’s review of publicly reported enforcement action under legislation enforced and administered by the Australian Securities and Investments Commission (‘ASIC’), the Australian Competition and Consumer Commission (‘ACCC’), and Work Health and Safety (‘WHS’) regulators in New South Wales, Queensland, and Victoria.

1.3 The criminal court statistics included in the Final Report were not collated by the ALRC and are not included in the *Data Appendices*. These statistics are accessible in full on the ALRC’s website.²

1 Australian Law Reform Commission, *Corporate Criminal Responsibility: Final Report* (Report No 136, 2020).

2 See Australian Bureau of Statistics, *Criminal Courts, Australia — Organisations Data: Customised Report for the Australian Law Reform Commission* (2020) <www.alrc.gov.au>; NSW Bureau of Crime Statistics and Research, *Criminal Court Statistics — Companies Data: Customised Reports for the Australian Law Reform Commission* (2020) <www.alrc.gov.au>.

Appendix A

1.4 Appendix A of the *Data Appendices* presents primary data collected by the ALRC in relation to a review of 25 statutes. Information is presented for 25 statutes regarding the:

- volume and type of offences applicable to corporations;
- extent to which strict or absolute liability apply to such offences;
- maximum penalties available for relevant offences;
- extent to which civil penalties apply to the same physical conduct that is the subject of criminal offence provisions; and
- various methods of attribution that may apply to establish corporate criminal responsibility.

1.5 The statutes reviewed by the ALRC are outlined in Table 1 of Appendix A. Chapter 3 of the Final Report summarises and analyses the information contained in the appendix.

Legislation reviewed

1.6 The ALRC confined its review to Commonwealth statutes particularly relevant to the regulation of corporate conduct. This was due to the ALRC's Terms of Reference, which direct the ALRC to consider 'the Commonwealth criminal responsibility regime'.³

1.7 Regulations associated with the principal legislation reviewed were not included in the ALRC's review.

'Relevant' statutes

1.8 The statutes reviewed by the ALRC were those considered to be particularly relevant to the regulation of corporate conduct in Australia. In selecting which legislation to review, the ALRC particularly focused attention on identifying:

- legislation wholly or substantially dedicated to the regulation of corporations and related entities and transactions; and
- regulatory fields in which prosecutors and regulators regularly deal with corporate actors.

1.9 In addition to the ALRC's preliminary research in this respect, regard was also given to the views expressed by stakeholders in consultations.

3 Australian Law Reform Commission (n 1) 5.

1.10 The ALRC's review of legislation is based on a sample and, as such, is not complete in either coverage or scope. The data collected pertains only to Commonwealth legislation chosen by the ALRC for review. A different sample may yield different results to those analysed in Chapter 3 of the Final Report and the ALRC acknowledges that the validity of the conclusions drawn in the Final Report are necessarily influenced by the decision made when choosing legislation for review.

1.11 For ease of analysis, the *Australian Consumer Law* (contained in Schedule 2 of the *Competition and Consumer Act 2010* ('Cth')) is treated as a statute throughout this appendix and in the summary statistics outlined in the Final Report. The ALRC acknowledges that the *Australian Consumer Law* is not a standalone statute. It is nonetheless treated as such to allow for more nuanced analysis sensitive to the nationalised character of the *Australian Consumer Law* and the historical evolution of the Act in which it is contained.

'Commonwealth' statutes

1.12 Though the focus of the ALRC's review was 'Commonwealth' laws, in accordance with the Terms of Reference, there is necessary overlap with state and territory laws that the ALRC has sought to capture in the legislation selected for review.

1.13 Multiple statutes reviewed by the ALRC form part of national applied or mirror law schemes,⁴ which involve coordination of legislation across Australian jurisdictions. Inclusion of such national legislation in the ALRC's review was important in order to obtain a nuanced understanding of 'Australia's corporate criminal liability regime'.⁵ It is recognised, however, that including such legislative regimes imbues the ALRC's legislative review and the conclusions drawn from it with an additional layer of complexity.⁶

4 Eg *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth); *Agricultural and Veterinary Chemicals Code Act 1994* (Cth) (1994); *Competition and Consumer Act 2010* (Cth) sch 2 ('*Australian Consumer Law*'); *Therapeutic Goods Act 1989* (Cth); *Work Health and Safety Act 2011* (Cth).

5 Australian Law Reform Commission (n 1) 5.

6 See further Joe Edwards, 'Applied Law Schemes and Responsible Government: Some Issues' in Glenn Patmore and Kim Rubenstein (eds), *Law and Democracy: Contemporary Questions* (ANU Press, 2014).

Areas of review

1.14 The ALRC confined its review to aspects of legislation considered to be most relevant to identifying the sources of complexity in the corporate criminal responsibility regime that is currently in place, and that were feasible to review within the ALRC's limited timeframe to report. The subjects identified as particularly relevant for review were the:

- extent to which corporations are subject to criminal regulation as compared to other types of regulation, particularly civil penalty regimes;
- types of corporate misconduct regulated by the Commonwealth criminal law;
- extent to which offences potentially applicable to corporations require proof of fault;
- types of penalties applicable to corporations; and
- applicable methods of corporate attribution.

1.15 These focus areas evolved over the course of the ALRC's review.

Methodology for recording data

Identification of offences applicable to corporations

1.16 The ALRC reviewed all criminal offence provisions contained within the relevant statutes.⁷

1.17 The offences that the ALRC considered to be, by their nature, only applicable to individuals are not, however, generally included in the legislative review tables contained in this appendix, or counted in the summary statistics contained in Table 4 of Appendix A.

1.18 Offences are omitted from legislative review tables if they have already been counted in another legislative review table. For example, s 121-20 of the *Income Tax Assessment Act 1997* (Cth) is not included as an offence provision in the review table relating to that Act because the offence is created by s 8L(1) of the *Taxation Administration Act 1959* (Cth) and is counted in that legislative review table.⁸

7 The ALRC did so because the applicable rules of statutory interpretation provide that offences generally apply to corporations as they do to individuals. The relevant principles of statutory interpretation are outlined and discussed further in Chapter 3 of the Final Report: see Australian Law Reform Commission (n 1) [3.14]-[3.17].

8 See also *Taxation Administration Act 1953* (Cth) ss 8L, 8C, 8K, 8N.

Description of offences

1.19 Offences are described in broad terms so as to identify the relevant conduct subject to the provision. The descriptions are indicative only and should not be taken as a substitute for reading relevant provisions in their entirety.

1.20 Some of the legislative review tables include information regarding the type of misconduct subject to offences. Although the ALRC was assisted by relevant stakeholders in categorising these offences, the categories are indicative only. They do not comply with a particular offence classification scheme.

1.21 Table 4 of Appendix A includes a column referring to ‘less serious offences’. This term is indicative only and is used as a broad identifier by the ALRC for assessing offences. It includes offences that attract maximum penalties of up to, and including, 300 penalty units. The delineation of such offences as ‘less serious offences’ relies upon the discussion in Chapter 3 of the Final Report relating to the proliferation of offences applicable to corporations. As stated there, one function of a penalty benchmark attaching to a Commonwealth offence is indication of the ‘kind’ or ‘seriousness’ of an offence.⁹ Up to and including 300 penalty units has been chosen as a useful threshold for identifying ‘less serious offences’ with recourse to the pecuniary penalty conversion rules in the *Crimes Act 1914* (Cth). Unless the contrary intention appears, by that Act, Commonwealth offences ‘punishable by imprisonment for a period exceeding 12 months’ are indictable offences.¹⁰ A term of 12 months imprisonment can, generally, be converted to a pecuniary penalty of 60 penalty units for an individual and 300 penalty units for a body corporate.¹¹ Although it is an imperfect unit of analysis, offences attaching maximum penalties of more than 300 penalty units should accordingly be more serious offences and are identified as such.

Application of strict or absolute liability

1.22 Offences are counted as strict or absolute liability offences if such liability attaches to the entirety of the offence, by express provision under the relevant legislation. Where strict or absolute liability only attaches to one or more elements of an offence the offence is marked as being of such liability for ‘identified elements only’.¹²

9 Attorney-General’s Department (Cth), *A Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers* (2011) 39.

10 *Crimes Act 1914* (Cth) s 4B.

11 *Ibid.*

12 See Chapter 3 of the Final Report for a brief explanation of how fault elements apply under the *Criminal Code*: Australian Law Reform Commission (n 1) [3.26]-[3.30]. In the legislative review tables, ‘identified elements only’ is abbreviated to ‘I’.

Maximum available penalties

1.23 The maximum available penalties identified in the legislative review tables are either those expressly identified in offence provisions, or calculated by reference to the formula provided for in s 4B of the *Crimes Act 1914* (Cth).

1.24 Where a maximum penalty is to be calculated by reference to a particular formula contained in the legislation, the need for a special calculation is identified in the legislative review table. For the purpose of summary statistics relating to penalties in Table 4 of Appendix A, the minimum maximum penalty under the relevant special calculation formula is counted as the maximum penalty applicable to the offence. Where a special calculation formula is not susceptible to articulation as one number in maximum penalty units, it is not counted in summary statistics.

1.25 Maximum penalties applicable to aggravated offences are not generally included in the legislative review tables. However, where legislation provides for aggravated offences in separate provisions to standard offences, aggravated offences (and the applicable maximum penalties to such offences) are included in the legislative review tables.

Equivalent civil penalty provisions

1.26 Offences are counted as having an ‘equivalent civil penalty provision’ (‘equivalent CPP’) where a civil penalty provision was identified within the relevant statute that is applicable to the same physical conduct elements included in the criminal offence. Such provisions are highlighted in the legislative review tables for clear identification. Where offences are included in this column but are not highlighted, the physical elements of the civil penalty provision were generally identified as being similar to, but not the same as, the relevant criminal offence. Given the complexity of legislative drafting, the data may not necessarily be complete and should be reviewed with caution.

1.27 Generally, only provisions explicitly identified in the legislation as a ‘civil penalty’ provision are included in this column. An exception is Table 21 relating to the *Fair Work Act 2009* (Cth). That Act does not contain ‘civil penalty’ provisions but rather ‘civil remedy’ provisions. These provisions have been included as ‘equivalent CPPs’ in the ALRC’s review because they have been interpreted as being largely analogous to civil penalty provisions in purpose.¹³

13 See, eg, *Director of the Fair Work Building Industry Inspectorate v Robinson* (2016) 241 FCR 338, [2016] FCA 525 [64]-[65].

Infringement notices and non-monetary penalties

1.28 Offences are identified as subject to infringement notice regimes only where statutes expressly provide for the availability of an ‘infringement notice’ or for ‘penalties payable instead of prosecution’.

1.29 The ALRC included as a ‘non-monetary penalty’:

- adverse penalty orders;
- disqualification orders;
- company deregistration orders; and
- any unique penalties of a non-pecuniary nature specific to the statute.

Legislative methods of attribution

1.30 The ALRC’s review of legislative attribution methods is not included in the legislative review tables. Rather, Table 2 of Appendix A comprises a summary of the ALRC’s review of this aspect of the legislation.

1.31 In order to create Table 2 of Appendix A, the ALRC extracted and analysed all provisions across the reviewed legislation that were identified as modifying the application of the general attribution rules contained in Part 2.5 of the schedule of the *Criminal Code Act 1995* (Cth) (‘*Criminal Code*’) and/or stipulating an alternative method of attribution.

1.32 Table 2 identifies all attribution methods identified by the ALRC as potentially applicable in establishing corporate responsibility for an offence under one of the reviewed statutes. The table includes attribution methods under Part 2.5 of the *Criminal Code* and s 84 of the *Trade Practices Act 1974* (Cth) at the outset as the two methods of corporate attribution that the ALRC identified on its analysis as the primary methods of attribution adopted across the reviewed legislation.

1.33 Throughout Table 2 of Appendix A, the term ‘TPA’ or ‘TPA Model’ is used to refer to legislative methods of attribution that evince the key characteristics of attribution under s 84 of the *Trade Practices Act 1974* (Cth). The term ‘Part 2.5’ is used to refer to legislative methods of attribution that adopt the method of attribution contained in Part 2.5 of the *Criminal Code*. The defining features of each method are outlined and analysed in Chapter 6 of the Final Report. Table 2 of Appendix A provides an overview of each legislative attribution method’s approach to these key features.

1.34 In order to better understand the rationale behind and envisaged purpose of the different TPA Model features, the ALRC also reviewed the legislative evolution of the TPA Model from its original text to more recent iterations. Table 3 of Appendix A comprises a detailed summary of the key amendments to and variations of the TPA Model since it was first introduced in the *Trade Practices Act 1974* (Cth).

Currency of review

1.35 The ALRC used the most current version of relevant legislation available on the Federal Register of Legislation for each legislative review. Where possible, the particular compilation that was current at the time of review and used by the ALRC is identified.

1.36 The ALRC received assistance from the Australian Taxation Office ('ATO') and Treasury in conducting the reviews of certain legislation in each agency's portfolio. Data compiled by the ATO was most relied upon in the ALRC's reviews of the *Excise Act 1901* (Cth), *Income Tax Assessment Act 1936* (Cth), *Income Tax Assessment Act 1997* (Cth), and *Taxation Administration Act 1953* (Cth). The data provided by Treasury was most relied upon in the ALRC's reviews of the *Australian Securities and Investments Commission Act 2001* (Cth) ('ASIC Act'), *Corporations Act 2001* (Cth) ('Corporations Act'), and *National Consumer Credit Protection Act 2009* ('Cth'). The data provided to the ALRC by Treasury was current to February 2017 and was updated by the ALRC to be current at the time of publishing.¹⁴ The particular statute compilations used for the assisted reviews are not identified.

1.37 In relation to the ALRC's updates of data provided by Treasury, the ALRC updated the review of the *Corporations Act* by:

- identifying all offences (including dual-track) and changes to available penalties introduced to the legislation by the ASIC Enforcement Review;¹⁵
- comparing identified offences to Schedule 3 of the *Corporations Act* and updating those offences included by reference to s 1311 of that Act;
- reviewing all civil penalties contained in the *Corporations Act* by reference to the table in s 1317E(3) of the Act; and
- cross-checking identified 'dual-track' provisions to ensure all were counted.

14 The underlying data provided by Treasury — and updated by the ALRC — includes *all* offences contained in the relevant legislation. A consequence of relying on this data is that the relevant legislative reviews include offences that may, by nature, only apply to individuals.

15 See *Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Act 2019* (Cth); Explanatory Memorandum, *Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Bill 2018* (Cth); Australian Government, *ASIC Enforcement Review Taskforce Report* (2017).

1.38 The ALRC conducted equivalent processes of review, with the necessary amendments, for the *ASIC Act* and *National Consumer Credit Protection Act 2009* (Cth).

1.39 Full revisions of the data provided to the ALRC by Treasury and the ATO were conducted after publication of the Discussion Paper. There may, however, remain some differences in the offences counted and categorised for these statutes and those reviewed only by the ALRC due to nuances in approach. In addition to updates of the data for which the ALRC received assistance in compiling, the ALRC also re-reviewed all other legislative review material in the period between publication of the Discussion Paper and release of the Final Report. Some changes have accordingly been made to the summary statistics identified in Appendix F of the Discussion Paper.¹⁶ Changes in the numbers of offences identified for different variables of analysis are attributable to revisions in methodology and scope of review. The data outlined in this publication is that which has been used to calculate the summary statistics included in the Final Report.

Appendix B

1.40 Appendix B of the *Data Appendices* presents data collated by the ALRC relating to relevant enforcement action under legislation regulated and enforced by ASIC, the ACCC, and WHS regulators.

ALRC review of ASIC and ACCC enforcement data

1.41 Tables 2 and 3 of Appendix B present primary data collected by the ALRC on criminal and civil penalty proceedings conducted against corporations and associated individuals under legislation administered or enforced by ASIC and the ACCC over a five-year period. Information is presented for each regulator regarding the:

- corporations subject to proceedings or associated with individuals subject to proceedings;
- size of each corporation;
- type of proceeding — either criminal or civil penalty;
- highest court the proceedings reached;
- type of action — whether the proceedings involved an action against the company only, against directors and senior managers for corporate misconduct or private misconduct, or against lower level employees or agents; and
- form of liability — whether direct, directors' and officers' duties,

16 See Australian Law Reform Commission, *Corporate Criminal Responsibility* (Discussion Paper 87, November 2019).

accessorial, or extended management liability, proved against directors and/or senior managers in relation to that proceeding.

1.42 The data was collected primarily to better understand whether corporations of different sizes are subject to the same type of enforcement action, especially as it relates to individual liability of directors and senior managers of those corporations. It was also collected to give a picture of the modes of liability successfully proved against individual directors and senior managers in proceedings conducted by the relevant regulators. Chapter 9 of the Final Report summarises and analyses the results of this process.

Regulators reviewed

1.43 ASIC and the ACCC were chosen as the regulators subject to this review for a number of reasons. These include that both of these regulators:

- conduct a significant number of proceedings concerning corporations annually (themselves or through referral to the Commonwealth Director of Public Prosecutions ('CDPP'));
- are Commonwealth regulators, with national jurisdiction;
- publicly and comprehensively report on court enforcement action they take or are involved in (through media releases and enforcement reports);
- regulate, and conduct proceedings against corporations of all sizes, and across varied sectors;
- conduct civil penalty and criminal proceedings against individuals associated with those corporations;
- can proceed against individuals using various forms of liability.

1.44 In terms of the forms of liability proved against individuals, however, the legislation administered or enforced by these regulators contains very few extended management liability provisions or (in the case of the ACCC), positive duties on directors or senior managers.¹⁷ This limits the insights that can be gained from the data in relation to the use and effectiveness of different modes of individual liability.

17 See further Chapter 9 of the Final Report.

Areas of review

1.45 The ALRC confined its review to aspects of regulator enforcement action considered to be most relevant to understanding the effectiveness of mechanisms used to hold individuals liable for corporate misconduct.

1.46 The review was therefore confined to civil penalty and criminal proceedings, and does not include, for example, court proceedings related to imposition of disqualification orders without a finding of criminal responsibility or liability to civil penalty.¹⁸ It also does not include administrative actions taken by the relevant regulators or civil proceedings (as opposed to civil penalty proceedings) brought under provisions of the relevant legislation.

1.47 Within these parameters, there were three major areas of focus: corporation size, type of defendant (corporation, directors and/or senior managers, other individuals); and the modes of liability proved against individual directors and/or senior managers.

Methodology for recording and categorising data

Identification of proceedings

1.48 The ALRC reviewed all ASIC media releases and all of the ACCC's quarterly activity reports ('ACCCount') published during the period 1 January 2015 to March 2020 (together 'Regulator Reports').¹⁹ From this review, the ALRC identified and listed all criminal and civil penalty proceedings reported on by each regulator during the reference period concerning corporations and/or individuals associated with them. This provided the basis for the lists of proceedings presented in Tables 2 and 3 of Appendix B.

1.49 The proceedings referred to in the Regulator Reports include proceedings commenced during the reference period (some of which are still ongoing) and proceedings finalised during this period (some of which commenced prior to the reference period).

1.50 The ASIC data does not include proceedings conducted by the ASIC Small Business Compliance and Deterrence Team, which conducts between 350 and 400 prosecutions annually, as these concern high-volume 'less serious, strict liability, summary regulatory offences' and are confined to small businesses.²⁰

18 Such as those available under the *Corporations Act 2001* (Cth), s 206E (Court power of disqualification—repeated contraventions of Act).

19 The ACCC's quarterly activity report, *ACCCount*, is available at: <www.accc.gov.au/publications/account>; and ASIC's media releases are available at: <www.asic.gov.au/about-asic/news-centre/find-a-media-release/>.

20 Advice Correspondence from Australian Securities and Investments Commission to Australian Law Reform Commission, 25 October 2019. The data does not include any proceedings taken by the Small Business Compliance and Deterrence Team, including civil or criminal actions.

Subject to this, each regulator confirmed to the ALRC that the public data sources relied upon by the ALRC provide a comprehensive picture of court enforcement activities under legislation administered or enforced by them, including criminal matters prosecuted by the CDPP.

1.51 The ALRC included proceedings concerning incorporated associations, but excluded proceedings that did not involve a corporation, such as those in relation to unions and unincorporated associations.

Identification of nature of proceedings and defendants

1.52 The ALRC used information from the Regulator Reports, supplemented where necessary by information from pleadings, judgments connected to the proceedings, additional ACCC media releases, and media reports to identify and note:

- whether the proceedings were criminal or civil penalty proceedings;
- the defendants in the proceedings (in particular whether corporate or individual, and if individual, the role of the individual within the corporation);
- the highest court that had been seised with the proceedings during the review period; and
- the provisions or types of provisions alleged to have been contravened by the corporation/s and/or individual/s.

Corporation size

1.53 ALRC categorised the corporations (by reference to its corporate group if it was a subsidiary) involved in each proceeding into four groups: 'small', 'large', 'very large', and 'largest'. This terminology was chosen in part to align with the distinction made between 'small proprietary companies' and 'large proprietary companies' in s 45A of the *Corporations Act*, noting that the ALRC sample also encompasses public companies.

1.54 The ALRC used the following indicators to determine the size of the corporation or corporate group. A corporation or corporate group was considered to fall within the highest size category where it met at least two of the specified criteria:

	Gross consolidated revenue (\$m)	Gross consolidated assets (\$m)	Employees	Market capitalisation (\$m)
Small	<50	<25	<100	
Large	>50	>25	>100	
Very large	>250	>250	>100	>100 Or ASX300
Largest	>250	>250	>4,000	>100 Or ASX300

1.55 The criteria used were developed having regard to existing methods of categorising corporations and in light of information that was publicly available about corporations. The criteria intends to group like companies on the basis of readily-available financial and organisational information.

1.56 The category limits for a company's gross consolidated assets and gross consolidated revenue, and numbers of employees, were chosen to align with the different financial reporting obligations for 'small proprietary companies' and 'large proprietary companies' under s 45A of the *Corporations Act*. The 100 employees distinction aligns with the threshold for Australian employers to publicly report their number of employees, assisting the ALRC to identify small corporations in particular.²¹

1.57 The criteria for number of employees of very large and largest corporations was developed by the ALRC as the sample grew, separating corporations with many divisions and a complex management structure from those that were financially significant but had a simpler organisational structure (distinguishing between, for example, a bank from a capital-intensive mining company).

1.58 Market capitalisation was used to assess corporation size for listed entities in terms of equity value. For ASX-listed corporations or corporate groups, the ASX300 was chosen to ensure that the most significant companies in the Australian equity market fell into the very large and largest size categories. For entities listed

²¹ The *Workplace Gender Equality Act 2012* (Cth) s 13 requires non-public sector employers with 100 or more employees to submit a report which includes number of employees to the Workplace Gender Equality Agency annually, available at: < <https://data.wgea.gov.au/>>.

on overseas stock exchanges, the \$100m (AUD) market capitalisation cut-off for the ASX300 was used as a proxy.

1.59 Corporations and corporate groups were generally categorised on the basis of the criteria they met at the time of last-reported court proceedings. This was a practical decision, as information as to the size of the corporate defendant was often available in judgments imposing civil penalties. Exceptions were made to this rule in appropriate cases, such as when there was a significant difference between the corporation's size at the time of the misconduct and the time of proceedings due to a protracted corporate collapse. Any such exceptions are noted in the table.

1.60 When proceedings concerned more than one corporation or corporate group the proceedings were categorised by reference to the corporation or corporate group in the highest category.

1.61 Although the criteria used to categorise corporate size are objective, there may be limitations on the accuracy of categorisation due to the nature of the information on which each categorisation was based. This included:

- financial information contained in the judgment (for example where the court had regard to the company's assets and revenue when deciding on a penalty);
- information reported to government departments, including on number of employees;
- information self-reported by the company in annual reports, investor presentations, and on its corporate website;
- company profiles on reputable subscription corporate databases;²² and
- where the former sources of information were limited, company profiles on open source or small proprietary corporate databases or in media reports.

Proceedings concerning individuals

1.62 Some proceedings concerned corporations only, some concerned corporations and individuals, and some concerned individuals only. For proceedings involving individuals, the ALRC made a subjective assessment of whether the proceedings:

- concerned (i) directors and/or senior managers of the relevant corporation/s and/or (ii) lower level employees or agents; and
- concerned (i) individual liability related to corporate misconduct or (ii) private misconduct

and coded proceedings accordingly.

22 Including, eg, MorningStar 'DatAnalysis Premium', < datanalysis.morningstar.com.au >.

1.63 For the purposes of determining whether an individual was a ‘senior manager’, the ALRC used the definition of ‘officer’ in s 9 of the *Corporations Act*, as recently interpreted by the High Court in the case of *ASIC v King*²³ (see Chapter 9 of the Final Report for a discussion of this case).

Forms of liability

1.64 Where proceedings had resulted in judgment or a verdict, the ALRC noted any modes of liability through which allegations had been proved against individual directors and/or senior managers. The modes of liability were categorised, in accordance with the discussions of each mode of liability in Chapter 9 of the Final Report, as:

- direct — meaning primary (direct) liability as described in Chapter 9 of the Final Report;
- directors’ and officers’ duties — as a subset of ‘direct’, and including cases decided on the basis of ‘stepping stone liability’;
- accessorial; and
- extended management liability.²⁴

1.65 Each proceeding will only have a maximum of one entry per mode of liability, even if multiple findings on the basis of the same mode of liability were made against an individual or a number of individuals.

Currency of review

1.66 The information contained in Tables 2 and 3 of Appendix B is current to 20 March 2020. As some of the proceedings were ongoing at that date:

- proceedings without a form of liability noted may have since resulted in such findings; and
- proceedings with a form of liability noted may have had that finding changed on appeal.

23 *Australian Securities and Investments Commission v King* [2020] HCA 4.

24 See Chapter 9 of the Final Report: Australian Law Reform Commission (n 1) [9.26]-[9.90].

ALRC review of frequency and outcomes of WHS prosecutions

1.67 In addition to the reviews of ASIC and ACCC enforcement data outlined above, the ALRC collated summary statistics relating to the prosecution practice of WHS regulators in New South Wales, Queensland, and Victoria. The review was limited to these jurisdictions due to limited access to the relevant information.

1.68 The purpose of this review was to confirm views expressed to the ALRC in consultations and identified in preliminary research regarding the comparative frequency of WHS prosecutions as compared to under other regulatory regimes.

1.69 The summary statistics contained in Table 4 of Appendix B are primarily derived from the Annual Reports of the relevant regulators.²⁵ Where necessary, they have been supplemented by other publicly available information, such as prosecution summaries and sentencing statistics.

1.70 The statistics have been collated from various sources and there may be discrepancies in how the relevant jurisdictions have categorised the information used.

Acknowledgments

1.71 The data utilised by the ALRC in this Inquiry was collated with the assistance of the following persons:

- ACT Courts and Tribunals;
- Australian Bureau of Statistics;
- Australian Competition and Consumer Commission;
- Australian Securities and Investments Commission;
- Australian Taxation Office;
- Commonwealth Director of Public Prosecutions;
- County Court of Victoria;
- Courts Administration Authority of South Australia;
- Criminal Justice Research and Statistics Unit, Northern Territory Department of the Attorney-General and Justice;
- Federal Court of Australia;
- Magistrates Court of Victoria;
- NSW Bureau of Crime Statistics and Research;
- Queensland Courts Service, Department of Justice and Attorney-General;
- Sentencing Advisory Council Victoria;

25 The exception is Queensland, where the statistics for all years except 2018–2019 are those taken from Tim Lyons, *Best Practice Review of Workplace Health and Safety Queensland: Final Report* (2017).

- Supreme Court Library of Queensland;
- Supreme Court of Tasmania;
- Supreme Court of Victoria;
- Therapeutic Goods Administration;
- Treasury (Cth); and
- Victorian Civil and Administrative Tribunal.

Appendix A

Table 1: List of reviewed legislation

1. *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth)
2. *Agricultural and Veterinary Chemicals Code Act 1994* (Cth)
3. *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)
4. *Australian Securities and Investments Commission Act 2001* (Cth)
5. *Australian Consumer Law* (contained in Schedule 2 of the *Competition and Consumer Act 2010* (Cth))
6. *Banking Act 1959* (Cth)
7. *Competition and Consumer Act 2001* (Cth)
8. *Corporations Act 2001* (Cth)
9. *Criminal Code* (contained in Schedule of the *Criminal Code Act 1995* (Cth))
10. *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
11. *Excise Act 1901* (Cth)
12. *Export Control Act 1982* (Cth)
13. *Fair Work Act 2009* (Cth)
14. *Fisheries Management Act 1991* (Cth)
15. *Income Tax Assessment Act 1936* (Cth)
16. *Income Tax Assessment Act 1997* (Cth)
17. *National Consumer Credit Protection Act 2009* (Cth)
18. *Privacy Act 1988* (Cth)
19. *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cth)
20. *Quarantine Act 1908* (Cth)
21. *Superannuation Industry (Supervision) Act 1993* (Cth)
22. *Taxation Administration Act 1953* (Cth)
23. *Telecommunications Act 1997* (Cth)
24. *Therapeutic Goods Act 1989* (Cth)
25. *Work Health and Safety Act 2011* (Cth)

Table 2: Summary of attribution methods for corporate criminal liability under reviewed legislation

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Criminal Code Act 1995</i>	Part 2.5	<i>Criminal Code</i> and default for Commonwealth Acts	No	Part 2.5	No	Intention, knowledge, recklessness	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime				
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Trade Practices Act 1974</i> (as amended by <i>Trade Practices Revision Act 1986</i> (No. 17 of 1986))	84	TPA	NA	TPA	Yes	State of mind	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	NA	Reasonable precautions and due diligence	s 85	Defendant establishes	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	69EU	Offences against Part 7A, 7AA or 7AB	Yes (s 5A)	Combined TPA and Part 2.5 model	No	Intention, knowledge, recklessness	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, or high managerial agent	No	Due diligence (limited to HMA)	Fault element	NA			Fault elements from Part 2.5 — board of directors, and high managerial agent
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	Sch 1, 151	Agricultural and Veterinary Chemicals Code (Schedule)	Yes (s 8AA)	Combined TPA and Part 2.5 model	No	Intention, knowledge, recklessness	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, or high managerial agent	No	Due diligence (limited to HMA)	Fault element	NA			Same as <i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	231	Entire Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Reasonable precautions and due diligence (offences against regulations)	236	Legal	Different methods for criminal and civil proceedings
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>ASIC Act 2001</i>	12GH	Subdiv G of Div 2 of Part 2	Yes (s 12GH(6))	TPA Model	Yes	State of mind	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	NA	Reasonable precautions and due diligence	s 12GI	Legal	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
Australian Consumer Law (contained in Schedule 2 of the <i>Competition and Consumer Act 2010</i>)	139B CCA	ACL (when applied as a law of the Cth)	Yes (s 131G)	TPA Model	Yes	State of mind	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	Entire offence	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Banking Act 1959</i>	69C	Entire Act and regulations made under the Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	1999: s 69C(1) and (2) repealed (otherwise would have reflected the TPA model)

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Competition and Consumer Act 2001</i>	84	Conduct: for the purposes of the Act and consumer data rules; State of mind: ss 45AF, 45AG, 56BN(1), 56CC(1); civil proceedings	Yes (s 6AA)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	NA	NA	NA	NA	s 85 does not apply to corporations
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Competition and Consumer Act 2001</i>	44ZZO	Part IIIA (Access to Services)	Yes (s 6AA)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	Servant, rather than employee

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Corporations Act 2001</i>	1308A	Entire Act except Chapter 7 (per s 769A)	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	No, unless second person is acting at direction of first	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	Note also s 1042G
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Corporations Act 2001 Chapter 7 - Financial Services and Markets</i>	769B	Chapter 7 and proceedings under Chapter 9 that relate to a provision of Chapter 7	Yes (s 769A)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A; persons at direction of; persons in relation to
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	NA	NA	NA	NA	Includes conduct engaged in 'in relation to' a person; carves out RE & Res; includes a regulation making power in ss(9)

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Corporations Act 2001 - Insider trading</i>	1042G	s 1043A	Yes (s 769A)	TPA Model	Yes	Unique	No	Offence specific
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Offence specific	No	Offence specific	NA	NA	NA	NA	Four offence-specific states of mind, attributed from officers.
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	498B	Entire Act	Yes (s 7)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A and persons at the direction of	No	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Excise Act 1901</i>	145A	an 'Excise prosecution' (s 133)	Yes (s 6B(2))	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority		None	NA	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Export Control Act 1982</i>	4AA	Entire Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Fair Work Act 2009</i>	793	Entire Act and procedural rules	Yes (s 793(4))	TPA Model	Yes	State of mind; Inclusive definition	No	O, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	O, E, A and persons at direction of	No, unless second person is acting at direction of first	None	NA	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Fisheries Management Act 1991</i>	164	Entire Act	Yes (s 164(10))	TPA Model	No	State of mind; Inclusive definition	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A	No, unless second person is an E or A of first	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	No 'within scope of actual or apparent authority' for actors covered

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Income Tax Assessment Act 1936</i>	7B	Entire Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Income Tax Assessment Act 1997</i>	See ss 1-3	Entire Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>National Consumer Credit Protection Act 2009</i>	324	Entire Act (other than the National Credit Code)	Yes (s 324(4))	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A; persons at direction of; persons in relation to
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A and persons at the direction of	No	None	NA	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>National Credit Code</i>	199	The National Credit Code	Yes (s324(4) of the NCCPA)	TPA Model	No	Unique	No	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	O, E, A	No	None	NA	NA	NA	NA	Fault elements covered — State of mind: knowledge and reason to believe, but must be 'acting in that capacity' and in 'connection with the transaction concerned'

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Privacy Act 1988</i>	99A	Entire Act and civil penalty orders under the <i>Regulatory Powers Act</i>	Yes (s 3A)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	28	Entire Act	Yes (s 7)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	None	NA	NA	NA	NA	reasonable precautions as an offence specific defence - evidential burden

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Quarantine Act 1908</i>	86G	No longer in force	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Superannuation Industry (Supervision) Act 1993</i>	338	Offence against the <i>SIS Act</i> , including by regulations or s 6 of the <i>Crimes Act 1914</i>	Yes (s 338(12))	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No, unless second person is acting at direction of first	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Taxation Administration Act 1953</i>	8ZD	Prosecution for 'a taxation offence'	Yes (s 8ZD(3))	TPA Model	Yes	Intention only		D, E, A and persons at direction of
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	E or A	No, unless second person is acting at direction of first	None	NA	NA	NA	NA	'corporations' not 'bodies corporate'
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Tele-communications Act 1997</i>	575	Civil and criminal proceedings under the <i>TA</i> , <i>Spam Act</i> et al, or offences created by the <i>Crimes Act</i> or Pt 2.4 of the <i>Criminal Code</i> relating to the <i>TA</i>	Yes (s 11A)	TPA Model	Yes	State of mind; Inclusive definition	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	

Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Therapeutic Goods Act 1989</i>	55	Criminal offences and civil contraventions under the <i>TGA</i>	No	TPA; Part 2.5	Yes	State of mind; Inclusive definition	No	D, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	D, E, A engaged in conduct within scope of authority	No	Reasonable precautions and due diligence	Conduct element	NA	NA	NA	2006: section expressly excluding Part 2.5 of the <i>Criminal Code</i> repealed
Legislation	Section (attribution model)	Application	Express disapplication of Part 2.5?	Method (criminal liability)	'on behalf of' a body corporate?	Fault elements covered	Bespoke negligence rule?	Actors covered under conduct limb
<i>Work Health and Safety Act 2011</i>	244	Entire Act	No	Part 2.5	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	O, E, A
	Actors covered under fault limb	Aggregation of conduct and fault?	Specified defence to attribution	Application of defence	General Due Diligence / Reasonable Precautions Defences	Section	Specified Burden	Comments
	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	Part 2.5 regime	NA	NA	NA	

Key:

D, E, A	Director, employee or agent acting within the scope of his or her actual or apparent authority
O, E, A	Officer, employee or agent acting within the scope of his or her actual or apparent authority
persons at direction of	any other person at the direction or with the consent or agreement (whether express or implied)
D, or high managerial agent	director or an employee or agent with duties of such responsibility that his or her conduct may fairly be assumed to represent the policy of the body corporate

Table 3: History of legislative amendments to the 'TPA Model' of attribution

Legislative amendments to s 84 of the *Trade Practices Act 1974 (Cth)* (conduct by servants or agents of body corporate)¹

<i>Trade Practices Act 1974 (Cth)</i>				
Period in effect	Original text of the provision ²			
1 October 1974 to 31 May 1986	<p>(1) Where, in a proceeding under this Part in respect of any conduct engaged in by a body corporate, being conduct in relation to which a provision of Part V applies, it is necessary to establish the intention of the body corporate, it is sufficient to show that a servant or agent of the body corporate by whom the conduct was engaged in had that intention.</p> <p>(2) Any conduct engaged in on behalf of a body corporate by a director, agent or servant of the body corporate or by any other person at the direction or with the consent or agreement (whether express or implied) of a director, agent or servant of the body corporate shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.</p>			
Period in effect	Amending legislation	Key changes ³	Text of the provision as amended	Explanatory Memorandum to the amending legislation ⁴
1 June 1986 to 30 June 1990	Trade Practices Revision Act 1986 (No. 17)	(1) – insert 'section 46' (misuse of market power) – replace 'intention' with 'state of mind' – insert 'within the scope of the person's actual or apparent authority'	(1) Where, in a proceeding under this Part in respect of conduct engaged in by a body corporate, being conduct in relation to which section 46 or Part V applies, it is necessary to establish the state of mind of the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of the person's actual or apparent authority, had that state of mind.	180. The evidentiary provision in sub-s.84(1) imputes to a corporation the intention of its directors, servants and agents, in circumstances where it is necessary to establish the corporation's intention. Recent judicial interpretation has shown that this provision has a narrow application and does not impute to the corporation admissions or certain states of mind relevant to establishing a contravention of Part V of the Act.

1 Not all amendments to the provision have been included. This contains what the ALRC considers to be the main changes affecting the principles of attribution.

2 Where text of a provision is provided for in this table, it is as a direct quote from the relevant legislation.

3 This contains what the ALRC considers to be the main changes affected by the amending legislation.

4 Material from relevant explanatory memoranda is, unless otherwise specified, a direct excerpt from the relevant legislation.

		<p>(2) – insert ‘within the scope of the person’s actual or apparent authority’ – insert ‘where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent’</p> <p>(3) – insert new provision</p> <p>(4) – insert new provision</p> <p>(5) – insert new provision</p>	<p>(2) Any conduct engaged in on behalf of a body corporate-</p> <p>(a) by a director, servant or agent of the body corporate within the scope of the person’s actual or apparent authority; or</p> <p>(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent, shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.</p> <p>...</p> <p>(5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person’s reasons for the person’s intention, opinion, belief or purpose.</p>	<p>181. In <i>Barton v Westpac Banking Corporation</i> (1983) ATPR 40-388 the judge interpreted the reference to ‘intention’ to require a criminal standard of proof that the corporation through one or more of its servants or agents had the requisite intention. Similarly, in <i>Universal Telecasters v Guthrie</i> (1978) ATPR 40-062 the Full Federal Court held that sub-s.84(1) does not impute to the body corporate admissions or certain states of mind (such as knowledge) of its servants or agents, and that the knowledge of the corporation is that held by its top management and that only a managing director has power to make admissions in relation to all aspects of a corporation’s business.</p> <p>182. Because of the limited scope of sub-s.84(1) large corporations with extensive management structures are able to avoid liability in situations where smaller companies and individuals would be held liable under Act.</p> <p>183. S.84 is therefore being amended by deleting sub-s.84(1) and inserting a new provision providing that where it is necessary to establish the state of mind of a body corporate in relation to conduct engaged in by the body corporate, the state of mind of a director, servant or agent acting within the scope of his actual or apparent authority is sufficient. The new sub-s.(5) provides that the ‘state of mind’ of a person refers to the knowledge, intention, opinion, belief or purpose of the person and that person’s reasons for those states of mind.</p>
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				<p>184. New sub-s.84(1) also applies to conduct to which s.46 applies (the current sub-section only applies to conduct to which Part V applies), as a contravention of s.46 requires it to be established that a corporation took advantage of its power in a market for one of the proscribed purposes in sub-s.46(1). This provision complements new sub-s.46(7) (see cl.17).</p> <p>185. Sub-s.84(2) is being amended to deem conduct engaged in on behalf of a body corporate by a director, servant or agent acting within the scope of his actual or apparent authority or by any other person at the direction, or with the consent or agreement of a director, servant or agent given within the scope of his/her actual or apparent authority to be also conduct engaged in by the body corporate.</p> <p>186. The amendment also provides (in sub-ss.84(3) and 84(4)) that the liability of individual employers under the Act for their servants and agents be made the same as that of corporate employers. This proposal ensures consistency in the legal position of all employers, whether natural persons or corporations, insofar as this is possible under the Act.</p>
<p>1 July 1990 to 20 January 1993 Trade Practices (Misuse of Trans-Tasman Market Power) Act 1990 (No. 70) Not relevant to principles of attribution</p>				
<p>21 January 1993 to 21 April 1998 Trade Practices Legislation Amendment Act 1992 (No. 222) Not relevant to principles of attribution</p>				
<p>22 April 1998 to 8 July 1999 Trade Practices Amendment (Fair Trading) Act 1998 (No. 36) Not relevant to principles of attribution</p>				

9 July 1999 to 14 December 2001 A New Tax System (Trade Practices Amendment) Act 1999 (No. 61) Not relevant to principles of attribution				
15 December 2001 to 23 July 2009	<p>Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 2001 (No. 31)</p> <hr/> <p>Treasury Legislation Amendment (Application of Criminal Code) Act (No. 2) 2001 (No. 146)</p>	<p>(1) – insert ‘VC’ (criminal offences)</p> <p>(3) – insert ‘VC’ (criminal offences)</p>	<p>(1) Where, ..., it is necessary to establish the state of mind of the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of the person’s actual or apparent authority, had that state of mind.</p> <p>(2) Any conduct engaged in on behalf of a body corporate-</p> <p>(a) by a director, servant or agent of the body corporate within the scope of the person’s actual or apparent authority; or</p> <p>(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent, shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.</p> <p>....</p> <p>(5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person’s reasons for the person’s intention, opinion, belief or purpose. ...</p>	<p>Section 84 widens the common law principles relating to agency. The section attributes the state of mind of a director, servant or agent of the corporation acting in the scope of his or her actual or apparent authority to the corporation, and attributes the conduct of directors, agents and servants of corporations to their principal. Item 272 amends subsection 84(1), and item 273 amends subsection 84(3), to extend the application of the provision to Part VC. ...</p> <p>1.28 A new subsection 84(6) would be inserted by the Treasury Legislation Amendment (Application of the Criminal Code) Bill (No.1) 2001. However the inclusion in Item 1 of subsection 6AA(2) makes subsection 84(6) redundant, and this Bill repeals that subsection.</p>

<p>24 July 2009 to 16 November 2009</p>	<p>Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009 (No. 59)</p>	<p>(1) – divide provision into subsections</p>	<p>(1) If, ... it is necessary to establish the state of mind of the body corporate, it is sufficient to show that: (c) a director, employee or agent of the body corporate engaged in that conduct; and (d) the director, employee or agent was, in engaging in that conduct, acting within the scope of his or her actual or apparent authority; and (e) the director, employee or agent had that state of mind. (2) Any conduct engaged in on behalf of a body corporate- (a) by a director, employee or agent of the body corporate within the scope of the person’s actual or apparent authority; or (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent, shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate. ... (5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person’s reasons for the person’s intention, opinion, belief or purpose.</p>	<p>2.42 Current section 84 has the effect that a person may breach certain provisions of the TP Act in consequence of the behaviour of one of their employees, agents, or, in the case of a body corporate, directors. ... Consistent with modern drafting practice, current section 84 is also amended to remove references to ‘servants’ and replace those references with the term ‘employee’. [Schedule 1, items 41 to 47, subsections 84(1) to (4)]</p>
<p>17 November 2009 to 30 June 2010 Statute Stocktake (Regulatory and Other Laws) Act 2009 (No. 111) Not relevant to principles of attribution</p>				

<p>1 July 2010 to 31 December 2010 Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010 (No. 44) Not relevant to principles of attribution</p>
<p><i>Competition and Consumer Act 2010 (Cth)</i>⁵</p>
<p>1 January 2011 to 5 June 2012 Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010 (No. 103) Not relevant to principles of attribution</p>
<p>6 June 2012 to 17 July 2014 Competition and Consumer Amendment Act (No. 1) 2011 (No. 185) Not relevant to principles of attribution</p>
<p>18 July 2014 to 24 February 2016 Clean Energy Legislation (Carbon Tax Repeal) Act 2014 (No. 83) Not relevant to principles of attribution</p>
<p>25 February 2016 to 5 November 2017 Competition and Consumer Amendment (Payment Surcharges) Act 2016 (No. 9) Not relevant to principles of attribution</p>
<p>6 November 2017 to 12 August 2019 Competition and Consumer Amendment (Competition Policy Review) Act 2017 (No. 114) Not relevant to principles of attribution</p>
<p>13 August 2019 to 9 June 2020 Treasury Laws Amendment (Consumer Data Right) Act 2019 (No. 63) Not relevant to principles of attribution</p>
<p>Commencing on 10 June 2020 Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Act 2019 (No. 115) Not relevant to principles of attribution</p>

5 The *Competition and Consumer Act 2010* (Cth) replaced the *Trade Practices Act 1974* (Cth).

Table 4: Summary of offences under reviewed legislation

Legislation	Total no of offences	Total no of less serious* offences	Total no of strict liability offences	Total no of strict liability offences with maximum penalties greater than 300 PU (corporation)	Total no of strict liability offences with maximum penalties below or equal to 300 PU (corporation)	Total no of strict liability offences punishable by imprisonment	Total no of strict liability offences with equivalent CPPs	Total no of dual track offences	Total no of absolute liability offences with maximum penalties above 10 PU (individual)
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	18	14	7	0	7	0	6	9	0
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	54	18	15	8	7	0	11	41	0
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	45	11	2	0	2	0	0	12	0
<i>ASIC Act 2001</i>	93	28	55	35	20	8	17	22	0
Australian Consumer Law (contained in Schedule 2 of the <i>Competition and Consumer Act 2010</i>)	86	18	79	62	17	0	79	85	0
<i>Banking Act 1959</i>	71	42	8	2	6	0	0	1	0
<i>Competition and Consumer Act 2001</i>	52	33	8	4	4	1	0	2	0
<i>Corporations Act 2001</i>	902	281	393	178	215	9	5	60	3
<i>Criminal Code</i>	593	16	0	0	0	0	0	0	0
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	146	23	13	12	1	0	1	51	0
<i>Excise Act 1901</i>	75	22	28	22	6	0	0	0	0
<i>Export Control Act 1982</i>	22	12	5	1	4	0	0	0	0
<i>Fair Work Act 2009</i>	17	13	0	0	0	0	0	0	0

Legislation	Total no of offences	Total no of less serious* offences	Total no of strict liability offences	Total no of strict liability offences with maximum penalties greater than 300 PU (corporation)	Total no of strict liability offences with maximum penalties below or equal to 300 PU (corporation)	Total no of strict liability offences punishable by imprisonment	Total no of strict liability offences with equivalent CPPs	Total no of dual track offences	Total no of absolute liability offences with maximum penalties above 10 PU (individual)
<i>Fisheries Management Act 1991</i>	63	14	24	17	7	1	0	0	0
<i>Income Tax Assessment Act 1936</i>	5	5	5	0	5	0	0	0	0
<i>Income Tax Assessment Act 1997</i>	1	1	1	0	1	0	0	0	0
<i>National Consumer Credit Protection Act 2009</i>	216	31	128	98	30	0	22	83	0
<i>Privacy Act 1988</i>	8	1	0	0	0	0	0	7	0
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	99	13	49	38	11	0	0	0	0
<i>Superannuation Industry (Supervision) Act 1993</i>	131	89	76	8	68	0	0	0	0
<i>Taxation Administration Act 1953</i>	52	22	10	4	6	3	0	0	3
<i>Telecommunications Act 1997</i>	53	15	1	0	1	0	0	0	0
<i>Therapeutic Goods Act 1989</i>	259	27	85	73	12	2	50	122	0
<i>Work Health and Safety Act 2011</i>	56	12	47	37	10	0	0	0	0
Total no:	3117	761	1039	599	440	24	191	495	6

* 'Less serious offences', for the purposes of this table, refer to offences attracting a maximum penalty of up to (and including) 300 penalty units for a corporation.

Note: The Explanatory Notes further describe what is included — and what is not — in this table.

Table 5: Summary of infringement notice and non-monetary penalty regimes under reviewed legislation

	Legislation		
	<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	No	No	Yes (s 184)
Infringement notices available for civil penalties?	Yes (s 69EK)	Yes (s 145DA)	Yes (s 184)
Non-punitive orders available?	No	No	No
'on application' only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by adverse publicity order	NA	NA	NA
Disqualification order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by disqualification order	NA	NA	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	No	No
Available on application of:	NA	NA	NA
Type of order and offences applicable to	NA	NA	NA

	Legislation		
	<i>ASIC Act 2001</i>	<i>Australian Consumer Law (contained in Schedule 2 of the Competition and Consumer Act 2010)</i>	<i>Banking Act 1959</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	Yes (s 12GX)	No	No
Infringement notices available for civil penalties?	Yes (s 12GX)	Yes (CCA s 134A)	No
Non-punitive orders available?	Yes (ss 12GLA)	Yes (s 246)	No
'on application' only?	Yes	Yes	NA
Provisions covered by non-punitive orders	ss 12CA to 12CC; 12DA to 12DN; or 12EA to 12ED	Ch 2, 3 or 4	NA
Adverse publicity order available?	Yes (s 12GLB)	Yes (s 247)	No
Available on application of:	ASIC	Regulator	NA
Provisions covered by adverse publicity order	ss 12GBB or 12GB	Ch 4 offence	NA
Disqualification order available?	Yes (s 12GLD)	Yes (s 248)	Yes (s 21)
Available on application of:	ASIC	Regulator	APRA
Provisions covered by disqualification order	Subdiv C or D (other than s 12DA)	Ch 4 offences	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	Yes (s 12GM)	Yes (s 239)	No
Available on application of:	Court discretion	Regulator	NA
Type of order and offences applicable to	Other orders to compensate or prevent/reduce loss or damage (offences under Div 2 of Pt 2)	Order to redress etc. loss/damage suffered by non-party consumers	NA

	Legislation		
	<i>Competition and Consumer Act 2001</i>	<i>Corporations Act 2001</i>	<i>Criminal Code</i>
Allows infringement notices (or ‘penalty instead of prosecution’) for criminal offences?	No	Yes (ss 1317DAC, 1317DAN)	No
Infringement notices available for civil penalties?	Yes (eg, s 51ACD)	Yes (s 1317DAN)	No
Non-punitive orders available?	Yes (s 86C)	No	No
‘on application’ only?	Yes	NA	NA
Provisions covered by non-punitive orders	Pt IV or IVB or ss 55B, 60C, 60K or 92 or ss 45AF or 45AG	NA	NA
Adverse publicity order available?	Yes (s 86D)	No	No
Available on application of:	Commission	NA	NA
Provisions covered by adverse publicity order	ss 45AF or 45AG	NA	NA
Disqualification order available?	Yes (s 86E)	No	No
Available on application of:	Commission	NA	NA
Provisions covered by disqualification order	Pt IV	NA	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	No	No
Available on application of:	NA	NA	NA
Type of order and offences applicable to	NA	NA	NA

	Legislation		
	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<i>Excise Act 1901</i>	<i>Export Control Act 1982</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	Yes (s 497)	Yes (s 129B)	No
Infringement notices available for civil penalties?	No	No	No
Non-punitive orders available?	No	No	No
'on application' only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by adverse publicity order	NA	NA	NA
Disqualification order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by disqualification order	NA	NA	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	Yes (s 480A)	No	No
Available on application of:	Minister only	NA	NA
Type of order and offences applicable to	Remediation order (all offences)	NA	NA

	Legislation		
	<i>Fair Work Act 2009</i>	<i>Fisheries Management Act 1991</i>	<i>Income Tax Assessment Act 1936</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	Yes (s 799)	No	No
Infringement notices available for civil penalties?	Yes (s 558)	No	No
Non-punitive orders available?	No	No	No
'on application' only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by adverse publicity order	NA	NA	NA
Disqualification order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by disqualification order	NA	NA	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	Yes (s 98)	No
Available on application of:	NA	Court discretion	NA
Type of order and offences applicable to	NA	Order that person not be on a boat in relevant area for particular purpose (offence under s 95(1)(d),(e),(f), 105A, 105AA, 105AB, 105B, 105C, 105E, 105EA, 105F, 105FA, 105H, 105I; cancel or suspend fishing concession (all offences committed while doing something authorised by fishing concession)	NA

	Legislation		
	<i>Income Tax Assessment Act 1997</i>	<i>National Consumer Credit Protection Act 2009</i>	<i>Privacy Act 1988</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	No	Yes (ss 288K, 288J)	No
Infringement notices available for civil penalties?	No	Yes (s 288K)	No
Non-punitive orders available?	No	No	No
'on application' only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	Yes (s 182)	No
Available on application of:	NA	ASIC	NA
Provisions covered by adverse publicity order	NA	All offences + civil penalty provisions	NA
Disqualification order available?	No	Yes (s 86)	No
Available on application of:	NA	ASIC	NA
Provisions covered by disqualification order	NA	Where ASIC cancels licence or makes banning order, which is available inter alia upon contravention of the legislation	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	Yes (s 180)	No
Available on application of:	NA	Plaintiff or ASIC	NA
Type of order and offences applicable to	NA	Order in relation to unlawful credit activities (includes offences under ss 29, 124A, 133CA)	NA

	Legislation		
	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	<i>Quarantine Act 1908</i>	<i>Superannuation Industry (Supervision) Act 1993</i>
Allows infringement notices (or ‘penalty instead of prosecution’) for criminal offences?	No	No	Yes (ss 34R, 223A)
Infringement notices available for civil penalties?	No	No	Yes (s 223A)
Non-punitive orders available?	No	No	No
‘on application’ only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by adverse publicity order	NA	NA	NA
Disqualification order available?	No	No	Yes (s 126H)
Available on application of:	NA	NA	Regulator
Provisions covered by disqualification order	NA	NA	All offences
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	No	Yes (s 314)
Available on application of:	NA	NA	Regulator
Type of order and offences applicable to	NA	NA	Disclosure/ advertisements (contravention of Pt 19)

	Legislation		
	<i>Taxation Administration Act 1953</i>	<i>Telecommunications Act 1997</i>	<i>Therapeutic Goods Act 1989</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	No	Yes (s 453A)	Yes (s 42YK)
Infringement notices available for civil penalties?	No	Yes (s 572E)	Yes (s 42YK)
Non-punitive orders available?	No	No	No
'on application' only?	NA	NA	NA
Provisions covered by non-punitive orders	NA	NA	NA
Adverse publicity order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by adverse publicity order	NA	NA	NA
Disqualification order available?	No	No	No
Available on application of:	NA	NA	NA
Provisions covered by disqualification order	NA	NA	NA
Company deregistration order available?	No	No	No
Other non-monetary penalty?	No	No	No
Available on application of:	NA	NA	NA
Type of order and offences applicable to	NA	NA	NA

	Legislation
	<i>Work Health and Safety Act 2011</i>
Allows infringement notices (or 'penalty instead of prosecution') for criminal offences?	Possibly (s 243)
Infringement notices available for civil penalties?	Possibly
Non-punitive orders available?	No
'on application' only?	NA
Provisions covered by non-punitive orders	NA
Adverse publicity order available?	Yes
Available on application of:	Court discretion or by application of prosecutor
Provisions covered by adverse publicity order	All offences
Disqualification order available?	No
Available on application of:	NA
Provisions covered by disqualification order	NA
Company deregistration order available?	No
Other non-monetary penalty?	Yes (s 237 restoration orders, s 238 WHS project orders, s 241 training orders)
Available on application of:	Court discretion
Type of order and offences applicable to	All offences

Table 6: Summary of individual liability for corporate offences under reviewed legislation

Table 6.1: Accessorial liability provisions identified in reviewed legislation

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	69EJM	Civil penalty	Ancillary contravention of civil penalty provisions	Person	Any CPP	'involved in' *
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	145CA	Civil penalty	Ancillary contravention of civil penalty provisions	Person	Any CPP	'involved in' *
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	174	Civil penalty	Ancillary contravention of civil penalty provision	Person	Any CPP	'involved in' *
<i>ASIC Act 2001</i>	12GB(1)	Criminal	Offences against Subdivision D	Person	Certain provisions of Subdivision D	'involved in'
	12GBCL	Civil penalty	Attempt and involvement in contravention treated in same way as actual contravention	Person	Any CPP	'involved in'
<i>Australian Consumer Law (Competition and Consumer Act 2010, sch 2)</i>	224	Civil penalty	Pecuniary penalties	Person	Certain provisions of ACL	'involved in' *
<i>Banking Act 1959</i>	Sch 2, s 3	Civil penalty	Persons involved in contravening civil penalty provisions	Person	Any CPP	'involved in' *

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Competition and Consumer Act 2010</i>	76	Civil penalty	Pecuniary penalties	Person	Certain provisions	'involved in' * (see also 75B)
	79	Criminal	Offences against section 45AF or 45AG	Person	'Cartel offence provisions' (ss 45AF, 45AG) ⁶	'involved in' *
	151BX	Civil penalty	Pecuniary penalties for breach of the competition rule, a record-keeping rule or a disclosure direction	Person	The 'competition rule, a record-keeping rule or a disclosure direction' (but see also s 151BY)	'involved in' * (see also s 151BW)
<i>Corporations Act 2001</i>	181(2)	Civil penalty	Good faith — civil obligations	Person	s 181(1)	'involved in'
	182(2)	Civil penalty	Use of position — civil obligations	Person	s 182(1)	'involved in'
	183(2)	Civil penalty	Use of information — civil obligations	Person	s 183(1)	'involved in'
	209(2)	Civil penalty	Consequences of breach	Person	s 208	'involved in'
	209(3)	Criminal	Consequences of breach	Person	s 208	'involved in' and involvement dishonest
	254L(2)	Civil penalty	Consequences of contravening section 254J or 254K	Person	ss 254J or 254K	'involved in'
	254L(3)	Criminal	Consequences of contravening section 254J or 254K	Person	ss 254J or 254K	'involved in' and involvement dishonest
	256D(3)	Civil penalty	Consequences of failing to comply with section 256B	Person	s 256D(1)	'involved in'
256D(4)	Criminal	Consequences of failing to comply with section 256B	Person	s 256D(1)	'involved in' and involvement dishonest	

6 Note criminal prosecutions based on accessorial liability are otherwise excluded in relation to Part IV: *Competition and Consumer Act 2010* (Cth) s 78.

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Corporations Act 2001</i>	259F(2)	Civil penalty	Consequences of failing to comply with section 259A or 259B	Person	ss 259A or 259B(1)	‘involved in’
	259F(3)	Criminal	Consequences of failing to comply with section 259A or 259B	Person	ss 259A or 259B(1)	‘involved in’ and involvement dishonest
	260D(2)	Civil penalty	Consequences of failing to comply with section 260A	Person	s 260A	‘involved in’
	260D(3)	Criminal	Consequences of failing to comply with section 260A	Person	s 260A	‘involved in’ and involvement dishonest
	328B(2)	Criminal	Nomination of auditor	Officer in default	s 328B(1)	‘involved in’ (see s 83)
	596AC(2)	Civil penalty	Relevant agreements or transactions that avoid employee entitlements — civil contraventions	Person	s 596AC(1)	‘involved in’
	596AC(4)	Civil penalty	Relevant agreements or transactions that avoid employee entitlements — civil contraventions	Person	s 596AC(3)	‘involved in’
	601FC(5)	Civil penalty	Duties of responsible entity	Person	s 601FC(1)	‘involved in’
	601FD(3)	Civil penalty	Duties of officers of responsible entity	Person	s 601FD(1)	‘involved in’
	601FD(4)	Criminal	Duties of officers of responsible entity	Person	s 601FD(1)	intentionally or recklessly be ‘involved in’ ***
	601FE(3)	Civil penalty	Duties of employees of responsible entity	Person	s 601FE(1)	‘involved in’
	601FE(4)	Criminal	Duties of employees of responsible entity	Person	s 601FE(1)	‘intentionally contravene, or be involved in a contravention of’
	601JD(3)	Civil penalty	Duties of members	Person	s 601JD(1)	‘involved in’
	601JD(4)	Criminal	Duties of members	Person	s 601JD(1)	intentionally or recklessly be ‘involved in’ ***
	601UAA (2)	Civil penalty	Duties of officers of licensed trustee company	Person	s 601UAA(1)	‘involved in’

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Corporations Act 2001</i>	601UAB (2)	Civil penalty	Duties of employees of licensed trustee company	Person	s 601UAB(1)	‘involved in’
	674(2A)	Civil penalty	Continuous disclosure — listed disclosing entity bound by a disclosure requirement in market listing rules	Person	s 674(2)	‘involved in’
	1317AC(3)	Criminal / Civil penalty	Victimisation prohibited	Officers and employees	s 1317AC(1) or (2)	‘involved in’
	1317E(4)	Civil penalty	Declaration of contravention of a civil penalty provision	Person	Any CPP	‘involved in’
	sch 4, s 29(6)	Civil penalty	Disclosure for proposed demutualisation	Person	sch 4, s 29(1)	‘involved in’
	sch 4, s 29(7)	Criminal	Disclosure for proposed demutualisation	Person	sch 4, s 29(1)	‘involved in’ and involvement dishonest
<i>Criminal Code</i>	11.2	Criminal	Complicity and common purpose	Person	An offence	‘aids, abets, counsels or procures’
	11.2A	Criminal	Joint commission	Person	An offence	Joint commission
	11.3	Criminal	Commission by proxy	Person	An offence	Commission by proxy
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	484	Civil penalty	Persons involved in contravening civil penalty provisions	Person	Any CPP	‘involved in’
<i>Excise Act 1901</i>	<i>No accessory liability provisions identified except as relate to liability of partner in a partnership (s 6A). Note that Part 2.4 of the Criminal Code is expressly stated to apply to offences under the Act (s 6B).</i>					
<i>Export Control Act 1982</i>	<i>No accessory liability provisions identified. Note that Chapter 2 of the Criminal Code is expressly stated to apply to offences under the Act (s 4AA).</i>					
<i>Fair Work Act 2009</i>	550	Civil penalty	Involvement in contravention treated in same way as actual contravention	Person	Any CPP	‘involved in’
<i>Fisheries Management Act 1991</i>	<i>No accessory liability provisions identified. Note that Chapter 2 (with the exclusion of Part 2.5) of the Criminal Code is expressly stated to apply to offences under the Act (s 6A).</i>					
<i>Income Tax Assessment Act 1936</i>	<i>No accessory liability provisions identified. Note that Chapter 2 of the Criminal Code is expressly stated to apply to offences under the Act (s 7B).</i>					

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Income Tax Assessment Act 1997</i>	<i>No accessory liability provisions identified except as relate to liability of partner in a partnership (s 820-990) and member of an unincorporated company (s 820-995). Note that Chapter 2 of the Criminal Code is expressly stated to apply to offences under the Act (s 905-5)).</i>					
<i>National Consumer Credit Protection Act 2009</i>	169	Civil penalty	Attempt and involvement in contravention treated in same way as actual contravention	Person	Any CPP	'involved in' (see s 5)
	Sch 1, National Credit Code s 201	Criminal	Offences by corporations	Officer ⁷	Any provision of the Code or regulations	Knowingly authorised or permitted
<i>Privacy Act 1988</i>	<i>No accessory liability provisions identified. Note that Chapter 2 (with the exclusion of Part 2.5) of the Criminal Code is expressly stated to apply to offences under the Act (s 3A).</i>					
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	<i>No accessory liability provisions identified. Note that Chapter 2 (with the exclusion of Part 2.5) of the Criminal Code is expressly stated to apply to offences under the Act (s 7).</i>					
<i>Quarantine Act 1908</i>	<i>Repealed</i>					
<i>Superannuation Industry (Supervision) Act 1993</i>	194	Civil penalty / criminal	Person involved in contravening a provision taken to have contravened the provision	Person	Any CPP / offence (see also s 202)	'involved in' **
<i>Taxation Administration Act 1953</i>	<i>No accessory liability provisions identified. Note that Chapter 2 of the Criminal Code is expressly stated to apply to offences under the Act (s 2A). Also see s 8Y, which deems particular individuals liable for the crime of a corporation unless they can prove they were not an accessory (listed in Table B: Extended Management Liability Provisions).</i>					

⁷ Defined as 'director of the corporation or a person who is otherwise concerned in its management' (s 201(4)).

Legislation	Section	Type of liability	Title of provision	Classes of individuals liable	Complicity in	Type of complicity
<i>Telecommunications Act 1997</i>	The <i>Telecommunications Act 1997</i> includes multiple provisions imposing accessorial liability for specific civil penalty provisions, each following the same structure. Identified provisions are: ss 68(2) (Compliance with conditions), 101(2) (Service providers must comply with service provider rules), 121(3) (Directions about compliance with industry codes), 128(2) (Compliance with industry standards), 139(2) (Agreements for the carrying on of telemarketing activities or fax marketing activities must require compliance with this Part), 317ZA(2) (Compliance with notices — carriers and carriage service providers), 372B(6) (Deployment of optical fibre lines to building lots), 372C(6) (Deployment of optical fibre lines to building units), 372E(5) (Installation of fibre-ready facilities — building lots), 372F(5) (Installation of fibre-ready facilities — building units), 372G(6) (Sale of building lots and building units — subdivisions), 372H(4) (Sale of building units — other projects), 372L(9) (Third party access regime), 372NA(6) (Code relating to access), 389B(2) (Compliance with technical standards), 577K(3) (Limits on use of certain spectrum licences by Telstra), 577L(3) (Limits on assignment of certain spectrum licences to Telstra etc). The first of these provisions is included below as an example.					
	68(2)	Civil penalty	Compliance with conditions	Person	Contravention of s 68(1)	‘involved in’ *
<i>Therapeutic Goods Act 1989</i>	42YC	Civil penalty	Persons involved in contravening civil penalty provision	Person	Any CPP	‘aid, abet, counsel or procure’; ‘induce’; ‘conspire’
<i>Work Health and Safety Act 2011</i>	256	Civil penalty	Involvement in contravention treated in same way as actual contravention	Person	WHS CPP	‘involved in’

* These provisions essentially use the same drafting as other provisions using the terminology ‘involved in’, but do not use that term in the title or text of the provision. Example drafting: ‘(1) A person must not: (a) attempt to contravene a civil penalty provision [...]; or (b) aid, abet, counsel or procure a contravention of a civil penalty provision; or (c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or (d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or (e) conspire with others to effect a contravention of a civil penalty provision’: *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth) s 69EJM.

** Section 10 (Definitions) states that ‘**Involved in** in relation to a contravention, has the meaning given by section 17’, however s 17 was repealed by the *Treasury Legislation Amendment (Application of Criminal Code) Act (No 1) 2001* (Cth), and does not appear to have been replaced.

*** Note that this extends liability beyond the ordinary principles of criminal complicity (but is not limited to management personnel).

Table 6.2: Extended management liability provisions identified in reviewed legislation

Legislation	Section	Type of provision	Civil / criminal	In consequence of corporate contravention of	Classes of individuals liable	Prosecution / regulator must prove	Defences (nature) (onus)
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	69EJR	FTP	Civil penalty	Any CPP	Executive officer	Knowledge the contravention would occur; position to influence the conduct; failure to take all reasonable steps to prevent (see s 69EJS)	No -
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	145CF	FTP	Civil penalty	Any CPP	Executive officer	Knowledge the contravention would occur; position to influence the conduct; failure to take all reasonable steps to prevent (see s 145CG)	No -
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	<i>No extended management liability provisions identified.</i>						
<i>ASIC Act 2001</i>	<i>No extended management liability provisions identified.</i>						
<i>Australian Consumer Law (Competition and Consumer Act 2010, Sch 2)</i>	<i>No extended management liability provisions identified.</i>						
<i>Banking Act 1959</i>	<i>No extended management liability provisions identified.</i>						
<i>Competition and Consumer Act 2010</i>	<i>No extended management liability provisions identified.</i>						

Legislation	Section	Type of provision	Civil / criminal	In consequence of corporate contravention of	Classes of individuals liable	Prosecution / regulator must prove	Defences (nature) (onus)
<i>Corporations Act 2001</i>	188	Deemed	Civil penalty	Certain provisions ('corporate responsibility provisions')	Company secretary; director of proprietary company without secretary	Corporate contravention only	Yes (Reasonable steps)
	324BC(2)	Deemed	Criminal	s 324BC(1)*	Director	Knowledge of contravening conduct.	Yes (Reasonable steps to correct) (evidential burden)
	324BC(3)	Deemed	Criminal	s 324BC(1)*	Director	Corporate contravention only	Yes (reasonable steps to correct) (evidential burden)
<i>Criminal Code</i>	<i>No extended management liability provisions identified.</i>						
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	494	FTP	Civil penalty	Certain CPPs	Executive officer	Knowledge that, or recklessness or negligence as to whether, contravention would occur; position to influence conduct; failure to take all reasonable steps to prevent (see s 496)	No
	495(1)	FTP	Criminal	Certain offences	Executive officer	Knowledge, recklessness or negligence; position to influence; failure to take all reasonable steps to prevent (see s 496)	No
	495(2)	FTP	Criminal	Certain offences	Executive officer	Recklessness; position to influence; failure to take all reasonable steps to prevent (see s 496)	No
<i>Excise Act 1901</i>	<i>No extended management liability provisions identified.</i>						

Legislation	Section	Type of provision	Civil / criminal	In consequence of corporate contravention of	Classes of individuals liable	Prosecution / regulator must prove	Defences (nature) (onus)
<i>Export Control Act 1982</i>							<i>No extended management liability provisions identified. Note however ss 364B(1)-(3) and 364C(1)-(3) of the Export Control Act 2020 (Cth), which impose liability on executive officers of a corporation for failing to prevent certain offences and contraventions.</i>
<i>Fair Work Act 2009</i>							<i>No extended management liability provisions identified.</i>
<i>Fisheries Management Act 1991</i>							<i>No extended management liability provisions identified.</i>
<i>Income Tax Assessment Act 1936</i>							<i>No extended management liability provisions identified. Note that s 252(1)(f) may appear to impose extended management liability on the 'public officer' of a company, but this has been interpreted to apply only where notice is served to the public officer under (previous) s 252(1)(j); Reynolds v Deputy Federal Commissioner of Taxation (ACT) (1984) 3 FCR 329. Section 252(1)(j) was amended by the Personal Liability for Corporate Fault Reform Act 2012. The Explanatory Memorandum states that the amendment was intended to 'remove the potential for directors to be made personally liable for corporate fault'.⁸</i>
<i>Income Tax Assessment Act 1997</i>							<i>No extended management liability provisions identified.</i>
<i>National Consumer Credit Protection Act 2009</i>							<i>No extended management liability provisions identified.</i>
<i>Privacy Act 1988</i>							<i>No extended management liability provisions identified.</i>
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>							<i>No extended management liability provisions identified.</i>
<i>Quarantine Act 1908</i>							<i>Repealed.</i>
<i>Superannuation Industry (Supervision) Act 1993</i>							<i>No extended management liability provisions identified.</i>

⁸ Explanatory Memorandum, Personal Liability for Corporate Fault Reform Bill 2012 (Cth) [7.16].

Legislation	Section	Type of provision	Civil / criminal	In consequence of corporate contravention of	Classes of individuals liable	Prosecution / regulator must prove	Defences (nature) (onus)
<i>Taxation Administration Act 1953</i>	8Y	Deemed	Criminal	Taxation offence	Person (by whatever name called and whether or not the person is an officer of the corporation) who is concerned in, or takes part in, the management of the corporation	Corporate contravention only	Yes (did not aid, abet, counsel or procure; not knowingly concerned) (Legal burden)
<i>Telecommunications Act 1997</i>	<i>No extended management liability provisions identified.</i>						
<i>Therapeutic Goods Act 1989</i>	54B(1)	FTP	Criminal	Certain offences set out in s 54BA	Executive officer	Knowledge contravention would occur; position to influence the conduct; failure to take all reasonable steps (see s 54C)	No
	54B(3)	FTP	Civil penalty	Any CPP	Executive officer	Knowledge contravention would occur; position to influence the conduct; failure to take all reasonable steps (see s 54C)	No
<i>Work Health and Safety Act 2011</i>	<i>No extended management liability provisions identified.</i>						

* Note this creates a separate offence. The drafting repeats the requirements to prove a corporate contravention of the relevant section, rather than referring to the corporate contravention itself.

Table 6.3: Illustrative examples of duties on directors, officers, and/or executive officers

Non-exhaustive list of example provisions imposing duties to take ‘reasonable measures’ or ‘reasonable steps’, or to exercise ‘due diligence’ or ‘care and diligence’ on ‘directors’, ‘officers’ and/or ‘executive officers’.

Legislation	Section
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	-
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	-
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	-
<i>ASIC Act 2001</i>	-
<i>Australian Consumer Law</i>	-
<i>Banking Act 1959</i>	ss 11CG(2) (Non-compliance with a direction) [officer]; 13Q(4) (Non-compliance with a recapitalisation direction) [officer]; 14A(2A) (Banking Act statutory manager’s powers and functions) [officer]; s16AL(4) (Enforcing requirement for assistance or information) [officer]; 16BA(11) (Requirement for auditors to give information about ADIs) [director/senior manager]; s 38L(3) (Non-compliance with a direction under section 38K) [officer]
<i>Competition and Consumer Act 2010</i>	-
<i>Corporations Act 2001</i>	ss 180(1) (Care and diligence — civil obligation only) [directors and other officers], 324CC(1) (General requirement for auditor independence — director of audit company) [director], 324CG(5) (Auditor independence — specific requirements for audit company), 325(4) (Appointment of auditor by proprietary company) [director], 327A(3) (Public company auditor (initial appointment of auditor) [director], 327B(3) (Public company auditor (annual appointments at AGMs to fill vacancies)) [director], 327C(3) (Public company auditor (appointment to fill casual vacancy)) [director], 331AAA(3) (Registered scheme auditor (initial appointment of auditor)) [director], 331AAB(2) (Registered scheme auditor (appointment to fill vacancy)) [director], 344 (1) (Contravention of Part 2M.2 or 2M.3, or of certain provisions of Part 2M.4) [director], 601FD(1) (Duties of officers of responsible entity) [officers], 601FF(2) (Surveillance checks by ASIC) [officers], 601UAA(1) (Duties of officers of licensed trustee company) [officers], 1299G(4) (Annual statements by authorised audit company) [director], 1309(2) (False information etc) [officer or employee]
<i>Criminal Code</i>	-
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	-
<i>Excise Act 1901</i>	-
<i>Export Control Act 1982</i>	-

Legislation	Section
<i>Fair Work Act 2009</i>	-
<i>Fisheries Management Act 1991</i>	-
<i>Income Tax Assessment Act 1936</i>	-
<i>Income Tax Assessment Act 1997</i>	-
<i>National Consumer Credit Protection Act 2009</i>	-
<i>Privacy Act 1988</i>	-
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	-
<i>Quarantine Act 1908</i>	<i>Repealed</i>
<i>Superannuation Industry (Supervision) Act 1993</i>	ss 52A (Covenants relating to directors to be included in governing rules — registrable superannuation entities) [director], 52C (Covenant relating to directors to be included in governing rules — self managed superannuation funds) [director], 242L (Additional obligations of a director of a corporate trustee in relation to an eligible rollover fund) [director]
<i>Taxation Administration Act 1953</i>	<i>See also</i> sch 1, div 269, ss 269-15 (Directors' obligations)
<i>Telecommunications Act 1997</i>	-
<i>Therapeutic Goods Act 1989</i>	-
<i>Work Health and Safety Act 2011</i>	s 27 (Duty of officers)

Table 7: Legislative Review — *Agricultural and Veterinary Chemicals (Administration) Act 1992 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 7A	69E(2A)	Provision of annual returns to APVMA	Yes	No	0	50	250	69E(2B)
Pt 7A	69EA(1AA)	Records relating to compliance with sections 69B, 69C and 69E	Yes	No	0	50	250	69EA(1AB)
Pt 7A	69EA(2)	Records relating to import etc of chemical products prescribed under section 69(6)CB or 69C	Yes	No	0	50	250	69EA(3)
Pt 7AA	69EAC(3)	Non-compliance with monitoring powers	Yes	No	0	30	150	69EAC(4)
Pt 7AA	69EBA(3)	Non-compliance with requirements re investigation powers	Yes	No	0	30	150	69EBA(4)
Pt 7AA	69EBC(5)	Non-compliance with seizing evidence investigation powers	Yes	No	0	30	150	69EBC(6)
Pt 7AB	69EP(6)	Contravention of direction given by APVMA re hearing confidentiality	Yes	No	0	50	250	
Pt 7AA	69EAH(4)	Non-compliance with requirement re inspector questions or requests	No	No	0	50	250	
Pt 7AA	69EC(4)	Non-compliance with inspector question asking powers	No	No	0	30	150	
Pt 7AA	69EFA(2)	Occupier failure to provide inspector with facilities and assistance	No	No	0	30	150	
Pt 7AB	69ENB(3)	Failure to comply with substantiation notice	No	No	0	50	250	69ENB(4)
Pt 7AB	69EP(7)	Contravention of direction given by APVMA re hearing confidentiality re presence	No	No	0	50	250	
Pt 7AB	69ER(1)	False or misleading information or document re APVMA consent decisions	No	No	0	300	1,500	
Pt 7AB	69ER(2)	False or misleading information or document re inspector requirement	No	No	0	60	300	

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 7A	69B	Importation offence	I	No	0	300	1500	69B
Pt 7A	69CD(1)	Providing information	I	No	0	50	250	69CD(2A)
Pt 7A	69CD(3)	False or misleading information for information under ss 69CA or 69CB	I	No	0	300	1,500	
Pt 7A	69C	Contravening conditions or restrictions in importing/manufacturing/using/dealing with or exporting	I	No	0	300	1,500	

Note: no offences in this statute were identified as requiring a 'special calculation' to determine the applicable penalty.

Strict and Absolute Liability Key:

I Identified elements only

Table 8: Legislative Review — *Agricultural and Veterinary Chemicals Code Act 1994 (Cth)*

Sch & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Sch Pt 2	26(4)	Failure to notify of incorrect particulars	Yes	No	0	30	150	26(3)
Sch Pt 2	32(5)	Failure to comply with a notice requirement under s 32(1)(b)	Yes	No	0	120	600	32(3)
Sch Pt 2	33(4)	Failure to comply with a notice requirement under s 33(1)	Yes	No	0	120	600	33(2)
Sch Pt 2	45C(5)	Failure to comply with notice under s 45A(1)	I	No	0	300	1500	45C(2)
Sch Pt 2	47E(4)	Failure to comply with notice under s 47C	I	No	0	300	1500	47E(2)
Sch Pt 3	61(1)	Failure to notify secondary holder of notice under sub-s 60(3)	Yes	No	0	300	1500	
Sch Pt 3	70(5)	Failure to give copy of notice to primary holder under sub-ss (3) or (4) to APVMA	Yes	No	0	10	50	
Sch pt 4	74(2A)	Possession or custody of unapproved active constituents with the intention of supply	No	No	0	200	1000	74(1)
Sch pt 4	75(2A)	Possession or custody of chemical products, other than registered or reserved products, with the intention of supply	No	No	0	200	1000	75(1)
Sch pt 4	76(2A)	Supply of unapproved active constituents	No	No	0	300	1500	76(1)
Sch pt 4	77(1A)	Supply of approved active constituents in contravention of conditions of approval	No	No	0	300	1500	77(1)
Sch pt 4	78(2A)	Supply of chemical products that are not registered products or reserved products	No	No	0	300	1500	78(1)
Sch pt 4	79(1A)	Supply of registered chemical products in contravention of conditions of registration	No	No	0	300	1500	79(1)
Sch pt 4	79B(1A)	Supply of reserved chemical products contrary to conditions specified in the regulations	I	No	0	300	1500	79B(1)

Sch & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Sch pt 4	80(1A)	Supply of chemical products without a label	No	No	0	300	1500	80(1)
Sch pt 4	81(1A)	Supply of registered chemical products with unapproved label	No	No	0	300	1500	81(1)
Sch pt 4	83(1A)	Supply of substances whose constituents differ from constituents of registered chemical product	No	No	0	300	1500	83(1)
Sch pt 4	84(3A)	Claims inconsistent with labels	No	No	0	300	1500	84(1)
Sch pt 4	85(3A)	Claims inconsistent with expiry date	I	No	0	300	1500	85(1)
Sch pt 4	86(1A)	Detaching etc. labels	No	No	0	300	1500	86(1)
Sch pt 4	86(2A)	Causing or permitting detachment etc. labels	No	No	0	300	1500	86(2)
Sch pt 4	87(3A)	Supply of chemical product that does not conform to prescribed standards	No	No	0	300	1500	87(2)
Sch pt 4	88(2A)	Publication of proscribed notices	No	No	0	50	250	88(2)
Sch pt 4	89(5A)	Making prohibited statements	I	No	0	50	250	89(1)
Sch pt 4	90(1A)	Breach of record-keeping obligations re: manufacture or import of date-controlled chemical product	I	No	0	120	600	90(1)
Sch pt 4	91(1AA)	Supply of date-controlled product without approved label	I	No	0	120	600	91(1)
Sch pt 4	91(2A)	Supply of date-controlled product after expiry date	No	No	0	120	600	91(2)
Sch pt 4	92(2A)	Abuse of warning on label	No	No	0	120	600	92(1)
Sch pt 4	94(1A)	Supply of restricted chemical product to non-authorised persons	No	No	0	120	600	94(1)
Sch pt 4	95(1A)	Supply of restricted chemical product without label with prescribed words	No	No	0	120	600	95(1)
Sch pt 5	97(2)	Failure to give certificate of analysis in approved form to APVMA	Yes	No	0	10	50	
Sch pt 5	97(6)	Use of certificate of analysis for trade purposes or advertisement	Yes	No	0	60	300	

Sch & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Sch pt 5	99(5AA)	Failure to comply with notice under sub-s (2)	Yes	No	0	120	600	99(5)
Sch pt 6	105(1A)	Non-compliance with recall notice	Yes	No	0	120	600	105(1)
Sch pt 7	116(3B)	Contravention of condition of permit	No	No	0	300	1500	116(3A)
Sch pt 8	121(3A)	Carrying out a step in the manufacture of a prohibited chemical product	Yes	No	0	240	1200	121(3)
Sch pt 8	121(4A)	Carrying out a step in the manufacture of a prohibited chemical product	Yes	No	0	240	1200	121(4)
Sch pt 8	121(5A)	Contravention of condition of licence	Yes	No	0	120	600	121(5)
Sch pt 9	130B(1)	Failure to comply with notice under s 130 (providing documents or info)	No	No	0.5	30	150	
Sch pt 9	130B(2)	Failure to comply with notice under s 130 (appearance before inspector)	No	No	0.5	30	150	
Sch pt 9	130B(3)	Failure to comply with requirement to take oath	No	No	0.5	30	150	
Sch pt 9	130B(4)	Failure to comply with notice under s 130 (refusal to answer q's)	No	No	0.5	30	150	
Sch pt 9	131A(3)	Failure to comply with direction under sub-s (1)	Yes	No	0	30	150	131A(2)
Sch pt 9	131F(4)	Failure to comply with requirement under sub-s (3) re: exercise of warrant	No	No	0	50	250	
Sch pt 9	132A(3)	Failure to comply with direction under sub-s (1) re: inspector's investigation powers	Yes	No	0	30	150	132A(2)
Sch pt 9	132C(5)	Failure to comply with direction under sub-s (3) re: seizure of a thing	Yes	No	0	30	150	132C(4)
Sch pt 9	132G(4)	Failure to comply with requirement under sub-s (3) re: answering q's, producing docs to inspector	No	No	0	50	250	
Sch pt 9	138D(2)	Failure to comply with requirement under sub-s (1) re: providing inspector with facilities and assistance	No	No	0	30	150	
Sch pt 9A	145GB(3)	Failure to comply with substantiation notice	No	No	0	50	250	145GB(1)

Sch & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Sch pt 9A	145H(5)	Failure to comply with notice under sub-s (2)	No	No	0	30*	*	145H(4)
Sch pt 9A	146(1)	False or misleading information or document re: ss 5A, 5B, 5C or 5D or sub-s 123(1)	No	No	0	300	1500	
Sch pt 9A	146(2)	False or misleading information or document	No	No	0	60	300	
Sch pt 10	160A(2A)	Failure to notify APVMA of new info in respect of pending application	No	No	0	300	1500	160A(2)
Sch pt 10	161(1A)	Failure to notify APVMA of new info	No	No	0	300	1500	161(1)

* Depends on contravention

Strict and Absolute Liability Key:

I Identified elements only

Table 9: Legislative Review — *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 2	s 35H	Unauthorised access to verification information	No	No	0	300	1,500	No
Pt 2	s 35J	Obtaining access to verification information by false pretences	No	No	0	300	1,500	No
Pt 2	s 35K	Unauthorised use or disclosure of verification information	No	No	0	300	1,500	No
Pt 4	s 53(1)	Reports about movements of physical currency into or out of Australia	I	No	2	500	2,500	s 53(3)
Pt 4	s 55(1)	Reports about receipts of physical currency from outside Australia	I	No	2	500	2,500	s 55(3)
Pt 4	s 59(3)	Reports about movements of bearer negotiable instruments into or out of Australia	No	No	2	500	2,500	s 59(4)
Pt 4	s 61(3)	Power to affix notices about reporting obligations	Yes	No	0	50	250	No
Pt 4	s 62(3)	Notice about reporting obligations to be given to travellers to Australia	Yes	No	0	50	250	No
Pt 6	s 74(2)	Unregistered persons must not provide certain remittance services	I	No	2	500	2,500	s 74(10)
Pt 6	s 74(4)	Unregistered person provides certain remittance service after having given an undertaking and this was the only time the AUSTRAC CEO gave a direction	I	No	4	1000	5,000	s 74(10)
Pt 6	s 74(6)	Unregistered person provides certain remittance service after having given an undertaking and this was not the only time the AUSTRAC CEO gave a direction	I	No	7	2000	10,000	s 74(10)
Pt 6	s 74(8)	Unregistered person provides certain remittance service after having given an undertaking and the person has previously been convicted of an offence under s 74	I	No	7	2000	10,000	s 74(10)
Pt 6	s 76A(3)	Unregistered persons provides certain digital currency services	I	No	2	500	2,500	s 76A(11)
Pt 6	s 76A(5)	Unregistered person provides certain digital currency services after having given an undertaking and this was the only time the AUSTRAC CEO gave a direction	I	No	4	1000	5,000	s 76A(11)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 6	s 76A(7)	Unregistered person provides certain digital currency services after having given an undertaking and this was not the only time the AUSTRAC CEO gave a direction	I	No	7	2000	10,000	s 76A(11)
Pt 6	s 76A(9)	Unregistered person provides certain digital currency services after having given an undertaking and the person has previously been convicted of an offence under s 74	I	No	7	2000	10,000	s 76A(11)
Pt 11	s 121	Secrecy - AUSTRAC information and AUSTRAC documents	No	No	2	120	600	No
Pt 11	s 122	Secrecy - information obtained under s 49	No	No	2	120	600	No
Pt 11	s 123	Offence of tipping off	No	No	2	120	600	No
Pt 11	s 127	Dealings with AUSTRAC information once accessed	No	No	2	120	600	No
Pt 11	s 130	Dealings with AUSTRAC information once accessed	No	No	2	120	600	No
Pt 11	s 131	When AUSTRAC information can be passed on by an official of a non-designated Commonwealth agency	No	No	2	120	600	No
Pt 12	s 136	False or misleading information	I	No	10	10000	50,000	No
Pt 12	s 137	Producing false or misleading documents	I	No	10	10000	50,000	No
Pt 12	s 138(1)	Making false documents	No	No	10	10000	50,000	No
Pt 12	s 138(3)	Possessing a false document	No	No	10	10000	50,000	No
Pt 12	s 138(5)	Possessing equipment for making a false document	No	No	10	10000	50,000	No
Pt 12	s 138(6)	Making equipment for making a false document	No	No	10	10000	50,000	No
Pt 12	s 139(1)	Providing a designated service using a false customer name or customer anonymity	I	No	2	120	600	No
Pt 13	s 139(3)	Providing a designated service using a false customer name or customer anonymity	I	No	2	120	600	No
Pt 12	s 140(1)	Receiving a designated service using a false customer name or customer anonymity	I	No	2	120	600	No
Pt 13	s 140(3)	Receiving a designated service using a false customer name or customer anonymity	I	No	2	120	600	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 12	s 141	Customer commonly known by 2 or more different names - disclosure to reporting entity	I	No	2	120	600	No
Pt 12	s 142	Conducting transactions so as to avoid reporting requirements relating to threshold transactions	No	No	5	300	1,500	No
Pt 12	s 143	Conducting transfer so as to avoid reporting requirements relating to cross-border movements of physical currency	No	No	5	300	1,500	No
Pt 13	s 149	Tampering or interfering with things secured in the exercise of monitoring powers	No	No	0.5	30	150	No
Pt 13	s 150	Authorised officer may ask questions and seek production of documents	No	No	0.5	30	150	No
Pt 13	s 158	Occupier to provide authorised officer with facilities and assistance	No	No	0	30	150	No
Pt 13	s 161	External audits risk management etc	No	No	0.5	30	150	s 161(8)
Pt 13	s 162(7)	External audits compliance	No	No	1	60	300	s 162(8)
Pt 13	s 165(3)	Money laundering and terrorism financing risk assessments	No	No	0.5	30	150	s 165(4)
Pt 13	s 157(3)	Authorised officer may obtain information and documents	No	No	0.5	30	150	No
Pt 15	s 199	Breach of requirements in connection with search powers in relation to physical currency	No	No	1	60	300	s 199(12)
Pt 15	s 200	Breach of requirements in connection with search powers in relation to bearer negotiable instruments	No	No	1	60	300	s 200(15)
Pt 15	s 207	Disclosure of existence or nature of offence	No	No	2	120	600	No

Note: no offences in this statute were identified as requiring a 'special calculation' to determine the applicable penalty.

Key:

I	Identified elements only.
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Table 10: Legislative Review — *Australian Securities and Investments Commission Act 2001 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 2, Div 2	12DB(1)	False or misleading representations	Yes	No	0	2000	20000	Yes	Dis./FMD
Pt 2, Div 2	12DC(1)	False or misleading representations about financial products that involve interests in land	Yes	No	0	2000	20000	Yes	Dis./FMD
Pt 2, Div 2	12DC(2A)	False or misleading representations about financial products that involve interests in land	I	No	0	2000	20000	Yes	Dis./FMD
Pt 2, Div 2	12DD(1)	Cash price to be stated in certain circumstances	Yes	No	0	2000	20000	Yes	Con. Dis.
Pt 2, Div 2	12DE(1)	Offering rebates, gifts, prizes, etc.	I	No	0	2000	20000	Yes	Con. Dis.
Pt 2, Div 2	12DE(2A)	Offering rebates, gifts, prizes, etc.	I	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DF(1)	Certain misleading conduct in relation to financial services	Yes	No	0	2000	20000	Yes	Dis./FMD
Pt 2, Div 2	12DG(1)	Bait advertising	Yes	No	0	2000	20000	Yes	Con. Dis.
Pt 2, Div 2	12DG(2)	Bait advertising	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DH(1)	Referral selling	Yes	No	0	2000	20000	Yes	Con. Dis.
Pt 2, Div 2	12DI(1)	Accepting payment without intending or being able to supply as ordered	I	No	0	2000	20000	Yes	Con. Dis.
Pt 2, Div 2	12DI(3)	Accepting payment without intending or being able to supply as ordered	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DJ(1)	Harassment and coercion	I	No	0	2000	20000	Yes	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 2, Div 2	12DK(1)	Pyramid selling of financial products	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DK(2)	Pyramid selling of financial products	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DK(3)	Pyramid selling of financial products	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DL(1)	Unsolicited credit cards and debit cards	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DL(4)	Unsolicited credit cards and debit cards	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DM(1)	Assertion of right to payment for unsolicited financial services	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DM(1AA)	Assertion of right to payment for unsolicited financial services	Yes	No	0	2000	20000	Yes	Dis./FMD
Pt 2, Div 2	12DMB(1)	Assertion of right to payment for unauthorised advertisement	Yes	No	0	2000	20000	Yes	Duty
Pt 2, Div 2	12DMB(2)	Assertion of right to payment for unauthorised advertisement	Yes	No	0	2000	20000	Yes	ASIC info
Pt 2, Div 2	12GBD(1)	Indemnification of officers - officers not to be indemnified	Yes	No	0	300	3000	No	Order
Pt 2, Div 2	12GN(5)	Power of Court to prohibit payment or transfer of money or other property	Yes	No	0	200	2000	No	Order
Pt 3, Div 2	19	Notice requiring appearance for examination	No	No	2	240	2400	No	Order
Pt 3, Div 2	21(1)	Requirements made of examinee - inspector may require examinee to take oath/affirmation	Yes	No	0.25	30	300	No	Order
Pt 3, Div 2	21(3)	Requirements made of examinee - inspector may require them to answer relevant questions to ASIC investigation under examination	Yes	No	2	240	2400	No	Order
Pt 3, Div 2	22(2)	Examination to take place in private - only entitled persons may attend	Yes	No	0	30	300	No	Order

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 3, Div 2	23(2)	Examinee's lawyer may attend - inspector may require lawyer to stop addressing the inspector/examining the examinee where it obstructs the examination	Yes	No	0	20	200	No	Order
Pt 3, Div 2	24(2)	Record of examination made in writing - inspector may require examinee to read/sign/hear the record and must give a copy if requested by the examinee	Yes	No	0.25	30	300	No	Order
Pt 3, Div 2	25(2)	ASIC giving to other persons copies of record - person must not use/publish/communicate the copy or any part of it	Yes	No	0	30	300	No	Order
Pt 3, Div 2	26(1)	Copies given subject to conditions - person must comply with conditions	Yes	No	0	30	300	No	Order
Pt 3, Div 3	29(2)	ASIC may inspect books without charge - authorised person may require books to be made available	Yes	No	0.25	30	300	No	Other
Pt 3, Div 3	30(1)	ASIC may issue notice to produce books about affairs - body corporate	No	No	2	240	2400	No	Order
Pt 3, Div 3	30(2)	ASIC may issue notice to produce books about affairs - registered scheme	No	No	2	240	2400	No	Order
Pt 3, Div 3	30A(1)	Notice to auditors concerning information and books	No	No	2	240	2400	No	Order
Pt 3, Div 3	30B(1)	Notice to liquidators concerning information and books	No	No	2	240	2400	No	Order
Pt 3, Div 3	31(1)	Notice to produce books about financial products	No	No	2	240	2400	No	Order
Pt 3, Div 3	32A	Notice to produce books about financial services	No	No	2	240	2400	No	Order
Pt 3, Div 3	33(1)	Notice to produce documents in person's possession	No	No	2	240	2400	No	Order
Pt 3, Div 3	34(1)	ASIC may authorise persons to require production of books/information	No	No	2	240	2400	No	Order
Pt 3, Div 3	37(9)	Powers where books produced or seized - may require a person to explain the compilation of any books	No	No	2	240	2400	No	Order
Pt 3, Div 3	38	Powers where books not produced - must provide information of where books may be found and who last had possession/control and where that person may be found	No	No	2	240	2400	No	Order

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 3, Div 3	39	Power to require person to identify property	No	No	2	240	2400	No	Order
Pt 3, Div 3	39A(1)	ASIC may give copy of book relating to registered scheme to another person	No	No	0.25	30	300	No	Order
Pt 3, Div 3	39C(8)	Failure to comply with ASIC condition in disclosure	No	No	0.25	30	300	No	Order
Pt 3, Div 4	41(1)	Acquisitions and disposals of financial products	Yes	No	0	120	1200	No	Order
Pt 3, Div 4	41(2)	Acquisitions and disposals of financial products	Yes	No	0	120	1200	No	Order
Pt 3, Div 4	41(3)	Acquisitions and disposals of financial products	Yes	No	0	120	1200	No	Order
Pt 3, Div 4	41(4)	Acquisitions and disposals of financial products	Yes	No	0	120	1200	No	Order
Pt 3, Div 4	42(1)	Acquisitions and disposals of trust property	Yes	No	0	120	1200	No	Order
Pt 3, Div 4	43(2)	Exercise of certain powers of ASIC re financial products	Yes	No	0	120	1200	No	ASIC info
Pt 3, Div 4	43(3)	Exercise of certain powers of ASIC re financial products	Yes	No	0	120	1200	No	ASIC info
Pt 3, Div 4	44(2)	Exercise of certain powers of ASIC re trust property	Yes	No	0	120	1200	No	ASIC info
Pt 3, Div 4	44(3)	Exercise of certain powers of ASIC re trust property	Yes	No	0	120	1200	No	ASIC info
Pt 3, Div 4	47(2)	Person must not be present during a disclosure unless entitled	Yes	No	0	30	300	No	Other
Pt 3, Div 4	48(2)	Lawyer of person making disclosure may attend	Yes	No	0	20	200	No	Order
Pt 3, Div 5	49(3)	ASIC may cause prosecution to be begun - require a person to give reasonable assistance	Yes	No	0.25	30	300	No	Order
Pt 3, Div 6	56(3)	Person must not be present at a private ASIC hearing unless entitled	Yes	No	0	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 3, Div 6	58(1)	Power to summon witnesses and take evidence - member may require a person to give evidence/produce documents at an ASIC hearing	Yes	No	0.25	30	300	No	Order
Pt 3, Div 6	58(2)	Power to summon witnesses and take evidence - ASIC may require a witness to take/administer an oath/affirmation	Yes	No	0.25	30	300	No	Order
Pt 3, Div 6	58(4)	Power to summon witnesses and take evidence - member presiding at hearing may require a witness to answer a question or produce a document	Yes	No	0.25	30	300	No	Order
Pt 3, Div 7	64(1)	False information - person must not give false or misleading information/statements in the course of examination or in purported compliance with a requirement under this part	No	No	5	600	6000	No	Dis./FMD
Pt 3, Div 7	64(2)	Person must not give false or misleading evidence as to a material particular at a hearing	No	No	2	240	2400	No	Dis./FMD
Pt 3, Div 7	65(1)	Person must not obstruct person investigating/gathering information	No	No	2	240	2400	No	Duty
Pt 3, Div 7	66(1)	Contempt of ASIC - person must not obstruct/hinder ASIC functions/powers or a hearing	No	No	2	240	2400	No	Duty
Pt 3, Div 7	66(2)	Contempt of ASIC - must not contravene direction given under 55(1)	Yes	No	0	120	1200	No	Order
Pt 3, Div 7	67(1)	Concealing/destroying/mutilating/altering or taking/sending out of state books relevant to ASIC investigation	No	No	5	600	6000	No	Duty
Pt 3, Div 7	69(3)	Legal professional privilege - lawyer required to provide written notice setting out details of refusal to provide information/books	No	No	0.25	30	300	No	Duty
Pt 3, Div 8	72(1)	Orders in relation to securities of a body corporate	Yes	No	0	60	600	No	Order
Pt 3, Div 8	73(1)	Orders in relation to financial products and trust property	Yes	No	0	60	600	No	Order
Pt 3, Div 8	73(1A)	Orders ASIC may make when 71(c) applies	Yes	No	0	60	600	No	Order
Pt 3, Div 9	75(5)	Person must comply with an order under this Division	No	No	0	60	600	No	Order

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 3 , Div 10	91(3)	Recovery of expenses of investigation - person must comply with an order under this section	Yes	No	0	120	1200	No	Order
Pt 7, Div 2	125(3)	Notification of interests to ASIC - person must not fail to do whatever is necessary to avoid conflict under 125(1)	No	No	1	120	1200	No	Duty
Pt 7, Div 2	127(4E)	Confidentiality, compliance with conditions	No	No	2	240	2400	No	Other
Pt 7, Div 2	127(4EA)	Confidentiality, disclosure not authorised	No	No	2	240	2400	No	Order
Pt 7, Div 2	127(EB)	Confidentiality, disclosure not authorised	No	No	2	240	2400	No	Order
Pt 7, Div 2	127(4F)	Confidentiality, disclosure not authorised	No	No	2	240	2400	No	Other
Pt 10, Div 3	192(1)	Written summons to appear may require a person to appear before the panel to give evidence and/or produce specified document	Yes	No	0	30	300	No	Other
Pt 10, Div 3	192(2)	Panel may require witness to provide evidence under oath or affirmation during panel proceedings	Yes	No	0	30	300	No	Other
Pt 10, Div 3	192(4)	Requirement for a witness at panel proceedings to answer questions and person appearing to produce documents	Yes	No	0	30	300	No	Other
Pt 10, Div 3	199(1)	False evidence - Person must not give false or misleading information to be used for Panel Proceedings	No	No	0.25	30	300	No	Dis./FMD
Pt 10, Div 3	200(1)	Contempt of panel - Offence of obstruction/hindering the Panel or disruption of Panel proceedings	No	No	1	120	1200	No	Other
Pt 10, Div 3	200(2)	Offence of contravening direction made under 190(1)	Yes	No	0	120	1200	No	Other
Pt 11, Div 2	216(7)	Hearings by Disciplinary Board - A person must not attend a private hearing unless they are entitled to attend	Yes	No	0	30	300	No	Other
Pt 11, Div 2	219(1)	Failure of witnesses to attend and answer questions - attendance requirement for a witness summoned to attend a hearing	No	No	0.25	30	300	No	Other
Pt 11, Div 2	219(2)	Failure of witnesses to attend and answer questions - requirement for witness at a hearing taking oath, answering questions or producing documents	No	No	0.25	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty	Misconduct
Pt 11, Div 2	219(3)	Failure of witnesses to attend and answer questions - person must not give false or misleading evidence at a hearing	No	No	0.25	30	300	No	Dis./FMD
Pt 11, Div 2	220(1)	Contempt of Disciplinary Board - person must not hinder or disrupt the Disciplinary Board or a hearing	No	No	0.25	30	300	No	Other
Pt 11, Div 2	220(2)	Contempt of Disciplinary Board - a person must not contravene a direction given under 216(5)(b)	Yes	No	0	30	300	No	Other
Pt 12, Div 1	225A(9)	Financial Reporting Council's information gathering powers	Yes	No	0	20	200	No	Other
Pt 15	243B	Offences committed partly in and partly out of the jurisdiction	No	No	depends	depends	depends	No	Other

Note: current to No. 74 (compiled 18 February 2020 and including amendments up to Act No. 3, 2020)

Note: the applicable penalties identified in this table are either expressly provided for in the relevant provision or calculated according to the formulas in ss 93D and 93E of the *Australian Securities and Investments Commission Act 2001* (Cth).

Strict and Absolute Liability Key:

I	Identified elements only
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Misconduct Key:

Duty	Breach of duty/ conduct obligation
CMO	Client money obligations
Dis./FMD	Defective disclosure/ false, misleading or deceptive conduct
Dishonesty	Dishonest conduct
Distortion	Financial market distortion/misconduct
Order	Non-compliance with ASIC/court requirement
Other	Other compliance requirement

ASIC info	Providing ASIC with information
Other info	Providing auditors/liquidators/administrators with information
Con. Dis.	Providing information/disclosure to consumers
Corp. info	Providing members/directors/company with information
Records	Record keeping
Lending	Responsible lending
Unlicensed	Unlicensed conduct

Table 11: Legislative Review — *Australian Consumer Law* (contained in Schedule 2 of the *Competition and Consumer Act 2010* (Cth))

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - Individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - Individual (\$ max)
Ch 4 pt 4-1 div 1	151(1)	False or misleading representations about goods or services	Yes	No	0	500,000	No	10,000,000*	100000	29(1)	500,000*
Ch 4 pt 4-1 div 1	152(1)	Misleading conduct relating to employment	Yes	No	0	500,000	No	10,000,000*	100000	30(1)	500,000*
Ch 4 pt 4-1 div 1	153(1)	Misleading conduct relating to employment	Yes	No	0	500,000	No	10,000,000*	100000	31	500,000*
Ch 4 pt 4-1 div 1	155(1)	Misleading conduct as to the nature etc of goods	Yes	No	0	500,000	No	10,000,000*	100000	33	500,000*
Ch 4 pt 4-1 div 1	156(1)	Misleading conduct as to the nature etc of services	Yes	No	0	500,000	No	10,000,000*	100000	34	500,000*
Ch 4 pt 4-1 div 1	157(1)	Bait advertising prohibited	Yes	No	0	500,000	No	10,000,000*	100000	35	500,000*
Ch 4 pt 4-1 div 1	157(2)	Failure to offer advertised goods or services for reasonable price and period considering market and advertisement	Yes	No	0	500,000	No	10,000,000*	100000	35	500,000*
Ch 4 pt 4-1 div 1	158(7)	Wrongly accepted payment - requirement to supply within specified or reasonable time	Yes	No	0	500,000	No	10,000,000*	100000	36	500,000*
Ch 4 pt 4-1 div 1	159(1)	False and misleading representations about business activities prohibited	Yes	No	0	500,000	No	10,000,000*	100000	37	500,000*
Ch 4 pt 4-1 div 1	159(2)	Misleading representations - invitations to work or invest in business activities	Yes	No	0	500,000	No	10,000,000*	100000	37	500,000*
Ch 4 pt 4-1 div 2	161(1)	Sending unsolicited credit or debit cards	Yes	No	0	500,000	No	10,000,000*	100000	39	500,000*
Ch 4 pt 4-1 div 2	161(3)	Enabling unsolicited cards	Yes	No	0	500,000	No	10,000,000*	100000	39	500,000*
Ch 4 pt 4-1 div 2	161(4)	Enabling unsolicited cards	Yes	No	0	500,000	No	10,000,000*	100000	39	500,000*
Ch 4 pt 4-1 div 2	162(1)	Assertion of right to payment for unsolicited goods or services - unsolicited goods	Yes	No	0	500,000	No	10,000,000*	100000	40	500,000*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - individual (\$ max)
Ch 4 pt 4-1 div 2	162(2)	Assertion of right to payment for unsolicited goods or services - unsolicited services	Yes	No	0	500,000	No	10,000,000*	100000	40	500,000*
Ch 4 pt 4-1 div 2	162(3)	Assertion of right to payment for unsolicited goods or services - invoice for unsolicited goods or services	Yes	No	0	500,000	No	10,000,000*	100000	40	500,000*
Ch 4 pt 4-1 div 2	163(1)	Assertion of right to payment for unauthorised entries or advertisements	Yes	No	0	500,000	No	10,000,000*	100000	43	500,000*
Ch 4 pt 4-1 div 2	163(2)	Assertion of right to payment for unauthorised entries or advertisements - invoice	Yes	No	0	500,000	No	10,000,000*	100000	43	500,000*
Ch 4 pt 4-1 div 3	164(1)	Participation in pyramid scheme	Yes	No	0	500,000	No	10,000,000*	100000	44	500,000*
Ch 4 pt 4-1 div 3	164(2)	Inducements to participate in pyramid scheme	Yes	No	0	500,000	No	10,000,000*	100000	44	500,000*
Ch 4 pt 4-1 div 4	165(1)	Selling for higher displayed price	Yes	No	0	1000	No	5000	50	47	500,000*
Ch 4 pt 4-1 div 4	166(1)	Failure to specify single price in required circumstances	Yes	No	0	500,000	No	10,000,000*	100000	48	500,000*
Ch 4 pt 4-1 div 5	167(1)	Inducing consumers with promise of rebate etc	Yes	No	0	500,000	No	10,000,000*	100000	49	500,000*
Ch 4 pt 4-1 div 5	168(1)	Undue harassment or coercion	Yes	No	0	500,000	No	10,000,000*	100000	50	500,000*
Ch 4 pt 4-2 div 1	169(1)	Failure to display notice	Yes	No	0	10,000	No	50,000	500	66(2)	10,000**
Ch 4 pt 4-2 div 2	170(1)	Calling outside permitting hours for negotiating an unsolicited consumer agreement	Yes	No	0	10000	No	50000	500	73	10,000**
Ch 4 pt 4-2 div 2	171(1)	Dealer failure to disclose purpose and identity	Yes	No	0	10,000	No	50,000	500	74	10,000**
Ch 4 pt 4-2 div 2	172(1)	Dealer failure to leave on request	Yes	No	0	10,000	No	50,000	500	75	10,000**
Ch 4 pt 4-2 div 2	172(2)	Dealer contact with prospective consumer within 30 days of request to leave premises	Yes	No	0	10,000	No	50,000	500	75	10,000**
Ch 4 pt 4-2 div 2	173(1)	Dealer failure to provide termination information	Yes	No	0	10,000	No	50,000	500	76	10,000**
Ch 4 pt 4-2 div 2	174(1)	Dealer failure to give copy of agreement	Yes	No	0	10,000	No	50,000	500	78	10,000**

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - individual (\$ max)
Ch 4 pt 4-2 div 2	174(2)	Dealer failure to deliver agreement document	Yes	No	0	10,000	No	50,000	500	78	10,000**
Ch 4 pt 4-2 div 2	175(1)	Failure to comply with formal requirements for agreement	Yes	No	0	10,000	No	50,000	500	79	10,000**
Ch 4 pt 4-2 div 2	176(1)	Failure to comply with additional requirements for agreements made in person	Yes	No	0	10,000	No	50,000	500	80	10,000**
Ch 4 pt 4-2 div 2	177(1)	Failure to ensure agreement signed by both parties	Yes	No	0	10,000	No	50,000	500	81	10,000**
Ch 4 pt 4-2 div 2	178(1)	Failure to refund consideration for terminated agreement	Yes	No	0	10,000	No	50,000	500	84	10,000**
Ch 4 pt 4-2 div 2	179(1)	Supplier under unsolicited consumer agreement supplies goods or services	Yes	No	0	10,000	No	50,000	500	86	10,000**
Ch 4 pt 4-2 div 2	180(1)	Payments received after termination not repaid	Yes	No	0	10,000	No	50,000	500	87	10,000**
Ch 4 pt 4-2 div 2	181(1)	Bringing legal proceedings after termination of unsolicited consumer agreement	Yes	No	0	10,000	No	50,000	500	88	10,000**
Ch 4 pt 4-2 div 2	182(1)	Supplier inclusion of void provision in agreement	Yes	No	0	10,000	No	50,000	500	89(2)	10,000**
Ch 4 pt 4-2 div 2	182(2)	Supplier relies on void provision	Yes	No	0	10,000	No	50,000	500	89(3)	10,000**
Ch 4 pt 4-2 div 2	183(1)	Inducement to waive rights	Yes	No	0	10,000	No	50,000	500	90(2)	10,000**
Ch 4 pt 4-2 div 3	188(1)	Supplier failure to put lay-by agreement in writing	Yes	No	0	6,000	No	30,000	300	96	6,000***
Ch 4 pt 4-2 div 3	189(1)	Lay-by agreement imposing termination charge	Yes	No	0	6,000	No	30,000	300	97(2)	6,000***
Ch 4 pt 4-2 div 3	189(3)	Lay-by agreement imposing termination charge exceeding reasonable costs	Yes	No	0	6,000	No	30,000	300	97(3)	6,000***
Ch 4 pt 4-2 div 3	190(1)	Termination of lay-by agreement by supplier	Yes	No	0	6,000	No	30,000	300	98	6,000***
Ch 4 pt 4-2 div 3	191(1)	Failure to refund amounts paid under terminated lay-by agreement	Yes	No	0	6,000	No	30,000	300	99(1)	6,000***
Ch 4 pt 4-2 div 3A	191A(1)	Gift card not redeemable for at least 3 years	Yes	No	0	6,000	No	30,000	300	99B(1)	6,000***

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - individual (\$ max)
Ch 4 pt 4-2 div 3A	191B(1)	Failure to display when gift card ceases to be redeemable to appear prominently on gift card	Yes	No	0	6,000	No	30,000	300	99C	6,000***
Ch 4 pt 4-2 div 3A	191C(1)	Terms and conditions allow post-supply fees	Yes	No	0	6,000	No	30,000	300	99D(1)	6,000***
Ch 4 pt 4-2 div 3A	191D(1)	Demand or receipt of post-supply fee in relation to a gift card	Yes	No	0	6,000	No	30,000	300	99E	6,000***
Ch 4 pt 4-2 div 4	192(1)	Failure to comply with prescribed requirements for warranties against defects	Yes	No	0	10,000	No	50,000	500	102	10,000**
Ch 4 pt 4-2 div 4	193(1)	Failure to comply with formal requirements for repairs of consumer goods	Yes	No	0	10,000	No	50,000	500	103	10,000**
Ch 4 pt 4-3 div 1	194(1)	Supply of goods that do not comply with safety standard	Yes	No	0	500,000	No	10,000,000*	100000	106	500,000*
Ch 4 pt 4-3 div 1	194(2)	Offer to supply consumer goods that do not comply with safety standards	Yes	No	0	500,000	No	10,000,000*	100000	106	500,000*
Ch 4 pt 4-3 div 1	194(3)	Manufacture of consumer goods that do not comply with safety standards for purpose of supply	Yes	No	0	500,000	No	10,000,000*	100000	106	500,000*
Ch 4 pt 4-3 div 1	194(5)	Export of consumer goods that do not comply with safety standards	Yes	No	0	500,000	No	10,000,000*	100000	106	500,000*
Ch 4 pt 4-3 div 1	195(1)	Supply of services that do not comply with safety standard	Yes	No	0	500,000	No	10,000,000*	100000	107	500,000*
Ch 4 pt 4-3 div 1	195(2)	Offer to supply product related services that do not comply with safety standards	Yes	No	0	500,000	No	10,000,000*	100000	107	500,000*
Ch 4 pt 4-3 div 1	196(1)	Failure to nominate a safety standard	Yes	No	0	4,400	No	22,000	220	108	
Ch 4 pt 4-3 div 2	197(1)	Supply of goods covered by ban	Yes	No	0	500,000	No	10,000,000*	100000	118	500,000*
Ch 4 pt 4-3 div 2	197(2)	Offer to supply consumer goods covered by a ban	Yes	No	0	500,000	No	10,000,000*	100000	118	500,000*
Ch 4 pt 4-3 div 2	197(3)	Manufacture for purpose of supply of consumer goods covered by a ban	Yes	No	0	500,000	No	10,000,000*	100000	118	500,000*
Ch 4 pt 4-3 div 2	197(5)	Export of consumer goods covered by a ban	Yes	No	0	500,000	No	10,000,000*	100000	118	500,000*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - individual (\$ max)
Ch 4 pt 4-3 div 2	198(1)	Supply of services covered by a ban	Yes	No	0	500,000	No	10,000,000*	100000	119	500,000*
Ch 4 pt 4-3 div 2	198(2)	Offer to supply services covered by a ban	Yes	No	0	500,000	No	10,000,000*	100000	119	500,000*
Ch 4 pt 4-3 div 2	199(1)	Failure to comply with recall notice	Yes	No	0	500,000	No	10,000,000*	100000	127	500,000*
Ch 4 pt 4-3 div 2	199(2)	Supply of defective goods	Yes	No	0	500,000	No	10,000,000*	100000	127	500,000*
Ch 4 pt 4-3 div 2	200(1)	Notification by persons who supply consumer goods outside Australia if there is compulsory recall	Yes	No	0	3,330	No	16,650	167	125	3,300##
Ch 4 pt 4-3 div 2	201(1)	Failure to provide 128(2) notice	Yes	No	0	3,330	No	16,650	167	128(2)	3,300##
Ch 4 pt 4-3 div 2	202(2)	Failure to provide 128(6) notice	Yes	No	0	3,330	No	16,650	167	128(6)	3,300##
Ch 4 pt 4-3 div 2	202(1)	Failure to provide copy of ss 131 or 132 notices	Yes	No	0	3,330	No	16,650	167	131(1) and 132(1)	3,300##
Ch 4 pt 4-4	203(1)	Supply of goods which fail to comply with information standard prohibited	Yes	No	0	500,000	No	10,000,000*	100000	136	500,000*
Ch 4 pt 4-4	203(2)	Offer to supply goods that do not comply with information standard	Yes	No	0	500,000	No	10,000,000*	100000	136	500,000*
Ch 4 pt 4-4	203(3)	Manufacture of goods that do not comply with information standard for purpose of supply	Yes	No	0	500,000	No	10,000,000*	100000	136	500,000*
Ch 4 pt 4-4	204(1)	Supply of services which fail to comply with information standard	Yes	No	0	500,000	No	10,000,000*	100000	137	500,000*
Ch 4 pt 4-4	204(2)	Offer to supply services which fail to comply with information standard	Yes	No	0	500,000	No	10,000,000*	100000	137	500,000*
Ch 4 pt 4-5	205(1)	Failure to comply with substantiation notice	Yes	No	0	3,300	No	16,500	165	221	3,300##
Ch 4 pt 4-5	206(1)	False or misleading information in response to substantiation notice	Yes	No	0	5,500	No	27,500	275	222	5,500#
Ch 5 pt 5-2	229(1)	Indemnification of officers	No	No	0	NA	No	2,750	28	NA	

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty - individual (\$ max)	Penalty - individual (special calculation)	Penalty - corporations (\$ max)	Pecuniary penalty - corporations (max PU)	Equivalent civil provision	Penalty - individual (\$ max)
Ch 4 pt 4-1 div 1	154(1)	Offer of gifts, etc prohibited where no intention to provide as offered	I	No	0	500,000	No	10,000,000*	100000	32	500,000*
Ch 4 pt 4-1 div 1	154(2)	Requirement to supply offered gifts, etc	I	No	0	500,000	No	10,000,000*	100000	32	500,000*
Ch 4 pt 4-1 div 1	158(1)	Wrongly accepting payment - intention not to supply goods or services	I	No	0	500,000	No	10,000,000*	100000	36	500,000*
Ch 4 pt 4-1 div 1	158(3)	Wrongly accepting payment - intention to supply materially different goods or services	I	No	0	500,000	No	10,000,000*	100000	36	500,000*
Ch 4 pt 4-1 div 1	158(5)	Wrongly accepting payment - reckless acceptance of prohibited payment	I	No	0	500,000	No	10,000,000*	100000	36	500,000*
Ch 4 pt 4-2 div 2	181(2)	Placing consumer's name on list of defaulters to recover amount under terminated agreement	I	No	0	10,000	No	50,000	500	88	10,000**

Note: As the penalties provided for in the *Australian Consumer Law* are expressed in dollars, the conversions to penalty units ('PU') in this table are calculated by reference to the formula in s 4AB of the *Crimes Act 1914* ('Cth').

Strict and Absolute Liability Key:

I	Identified elements only
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Penalty Key:

*	If the person is a body corporate — Greater of \$10,000,000; 3 x the benefit obtained; and 10% of annual turnover
**	If the person is a body corporate — \$50,000
***	If the person is a body corporate — \$30,000
#	If the person is a body corporate — \$27,500
##	If the person is a body corporate — \$16,500

Table 12: Legislative Review — *Banking Act 1959 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt II div 1	8(1)	Carrying on banking business when not the Reserve Bank or body corporate	No	No	0	200	1000	No
Pt II div 1	9AB(1)	Breach of authority conditions	Yes	No	0	300	1500	No
Pt II div 1	10(3)	Failure to provide APRA with certain documents	No	No	0	50	250	No
Pt II div 1	11(3)	Contravention of APRA determination [that certain provisions do not apply] made under s 11	No	No	0	200	1,000	No
Pt II div 1	11AAB(1)	Breach of authority conditions	Yes	No	0	300	1,500	No
Pt II div 1BA	11CG(1)	Non-compliance with a direction	No	No	0	50	250	No
Pt II div 1BA	11CG(2)	Non-compliance with a direction	No	No	0	50	250	No
Pt II div 1BA	11CI	Secrecy relating to directions	No	No	2	120	600	No
Pt II div 1B	11E(2)	Foreign ADI failing to inform	No	No	0	50	250	No
Pt II div 2	13(3)	ADI failure to inform APRA of inability to meet obligations to provide APRA with certain information	No	No	0	200	1000	No
Pt II div 2	13A(4)	ADI failure to hold assets at least equal to its deposit liabilities	No	No	0	200	1000	No
Pt II div 2	13B(1A)	Failure to give access to books etc	No	No	0	50	250	No
Pt II div 2	13Q(1)	Non-compliance with a recapitalisation direction	No	No	0	50	250	No
Pt II div 2	13Q(4)	Failure to take reasonable steps to comply with recapitalisation direction	No	No	0	50	250	No
Pt II div 2	14A(2A)	Failure to comply with Banking Act statutory manager's requirement to produce information	No	No	1	60	300	No
Pt II div 2	14AD(4)	Refusal or failure to give information to APRA as required	No	No	1	50	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt II div 2AA	16AL(2)	ADI failure to comply with a requirement made of an ADI under s 16AJ or 16AK(1)	No	No	0	200	1000	Yes
Pt II div 2AA	16AL(4)	Failure to comply with requirement of ADI	No	No	0	50	250	No
Pt II Div 2A	16B(1A)	Failure to comply with requirement to give APRA documents	No	No	0.5	30	150	No
Pt II Div 2A	16BA(3)	Contravention of notice requirement	No	No	0.5	30	150	No
Pt II Div 2A	16BA(4)	Failure to immediately notify APRA where reasonable grounds for believing insolvency, or material prejudice to the interests of certain depositors	Yes	No	0	60	300	No
Pt II Div 2A	16BA(8)	Failure to notify APRA as soon as practicable of certain matters	No	No	0.5	30	150	No
Pt II Div 2A	16BA(9)	Failure to notify APRA as soon as practicable of certain matters	Yes	No	0	60	300	No
Pt II Div 2A	s 16BA(11)	Offence by director or senior manager for failure to notify APRA of the matters in ss 16BA(2) or (6)	No	No	1	60	300	No
Pt II Div 2A	16E(1)	Giving false or misleading information to auditor that is known to be false or misleading	No	No	5	200	1000	No
Pt II Div 2A	16E(2)	Failing to ensure information is not false or misleading	No	No	2	100	500	No
Pt II Div 3	19(1)	Disqualified person acts for ADIs or authorised NOHCs	No	No	2	120	600	No
Pt II Div 3	19(2)	Disqualified person acts for ADIs or authorised NOHCs	Yes	No	0	60	300	No
Pt II Div 3	19(4)	Allowing a disqualified person (body corporate) to act for ADI or authorised NOHC	No	No	0	250	1250	No
Pt II Div 3	19(5)	Allowing a disqualified person (body corporate) to act for ADI or authorised NOHC	Yes	No	0	60	300	No
Pt II Div 4	33(4)	Failure to comply with a required transfer notice of foreign currency to the Reserve Bank	No	No	0	200	1000	No
Pt II Div 5	36(1A)	ADI fails to follow Reserve Bank policy in relation to advances to be followed	No	No	0	200	1000	No
Pt II Div 5	36(2A)	ADI fails to comply with directions given by the Reserve Bank as to the classes of purposes for which advances may or may not be made	No	No	0	200	1000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt IIAA Div 6	37JC(2)	Allowing a person disqualified by APRA to act as an accountable person	No	No	0	250	1250	No
Pt IIAA Div 6	37JC(3)	Allowing a person disqualified by APRA to act as an accountable person	Yes	No	0	60	300	No
Pt IIB Div 3	38L(1)	Non-compliance with a direction given under s 38K	No	No	0	50	250	No
Pt IIB Div 3	38L(3)	Failure to take reasonable steps to comply with direction given	No	No	0	50	250	No
Pt IV	41(2)	Sending gold out of Australia	No	No	0	200	1000	No
Pt IV	42(1A)	Failure to comply with gold delivery requirement	No	No	0	50	250	No
Pt IV	42(3)	Failure to comply with gold delivery requirement	No	No	0	50	250	No
Pt IV	45(1A)	Selling or disposing of, or purchasing or otherwise obtaining, gold to a person other than the Reserve Bank or authorized person	No	No	0	200	1000	No
Pt IV	45(4)	Failure to comply with Reserve Bank's directions relating to gold to the person	No	No	0	200	1000	No
Pt IV	46(2)	Working or using in manufacture gold	No	No	0	200	1000	No
Pt VI	51B(7)	Failure to comply with a condition imposed in a notice served by APRA	I	No	2	120	600	No
Pt VI	51D(3)	Failure to comply with condition relating to disclosure of information	No	No	2	120	600	No
Pt VIA Div 1	52C(1)	Victimisation of whistleblowers - actually causing detriment	No	No	0.5	25	125	No
Pt VIA Div 1	52C(2)	Victimisation of whistleblowers - threatening detriment	No	No	0.5	25	125	No
Pt VIA Div 1	52E(1)	Breach of confidentiality requirement	No	No	0	25	125	No
Pt VII	60(6)	Failure to properly keep financial records in Australia	No	No	0	200	1000	No
Pt VIII Div 1	61(3)	Failure to give APRA appointee access to books etc	No	No	0	50	250	No
Pt VIII Div 1	61A(2)	Failure to comply with requirement to produce books etc.	No	No	0	30	150	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max Pt)	Pecuniary penalty - corporations (max Pt)	Equivalent CPP
Pt VIII Div 1	61B	Concealing books, accounts or documents relevant to investigation	No	No	2	200	1000	No
Pt VIII Div 2	61E(3)	Unauthorised presence at examination	No	No	0	30	150	No
Pt VIII Div 2	61F(4)	Improper use of record of examination	No	No	0.5	30	150	No
Pt VIII Div 2	61G	Failure to comply with requirement under the Division	No	No	0	30	150	No
Pt VIII Div 4	62(1A)	Failure to comply with APRA requirement to supply information	No	No	0	200	1000	No
Pt VIII Div 5	62AA(4)	Failure to comply with legal professional privilege requirement	No	No	0	30	150	No
Pt IX	62A(1)	Member of a group of bodies corporate fails to notify APRA when becoming aware that another member of the group or the group as a whole may not be in a sound financial position	No	No	0	200	1000	No
Pt IX	62A(1B)	Member of a group of bodies corporate fails to give APRA a written report as soon as practicable after becoming aware of a breach of prudential standard or of the Act that another member of the group or group as a whole	No	No	0	200	1,000	No
Pt IX	62B(4)	Failure to involve APRA in proposed appointment of external administrators of ADIs and NOHCs	Yes	No	0	60	300	No
Pt IX	63(1)	Restructuring of ADI without prior consent from Treasurer	No	No	0	200	1,000	No
Pt IX	63(4)	Restructuring of foreign ADI without prior consent from Treasurer	No	No	0	200	1,000	No
Pt IX	66(1)	Use of restricted word or expression	No	No	0	50	250	No
Pt IX	66(3)	Contravention of consent condition on restricted word or expression	No	No	0	50	250	No
Pt IX	66AA(1)	Unauthorised use of the word bank by ADI	No	No	0	50	250	No
Pt IX	66A(1)	Unauthorised use of expression authorised deposit-taking institution and ADI	No	No	0	50	250	No
Pt IX	67(1)	Unauthorised establishment or maintenance of representative offices of overseas banks	No	No	0	50	250	No
Pt IX	67(3)	Contravention of consent condition on establishment or maintenance	No	No	0	50	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt IX	69(3AA)	Failure to give Treasurer required statement on unclaimed monies	No	No	0	50	250	No
Pt IX	69(5A)	Failure to pay at time of delivery of statement	No	No	0	50	250	No
Pt IX	69(7A)	Failure to pay monies under subsection (7) or (7AA)	No	No	0	50	250	No

Note: current to Compilation No. 54 (compiled 6 April 2019 and including amendments up to Act No. 49, 2019).

Strict and Absolute Liability Key:

I Identified elements only

Table 13: Legislative Review — *Competition and Consumer Act 2010 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Pt IIIA Div 3	44ZG(5)	Particular powers of Commission	No	No	0.5	30	150	No
Pt IIIA Div 3	44ZI	Failure to attend as a witness	No	No	0.5	30	150	No
Pt IIIA Div 3	44ZJ	Failing to answer questions etc.	No	No	0.5	30	150	No
Pt IIIA Div 3	44ZK	Intimidation etc.	No	No	1	60	300	No
Pt IV Div 1	45AF	Making a contract etc. containing a cartel provision	No	No	0	NA	100000*	Yes
Pt IV Div 1	45AG	Giving effect to a cartel provision	No	No	0	NA	100000*	Yes
Pt IVC Div 3	55E	Participant must comply with notice	Yes	No	0	30	150	No
Pt V Div 2A	60FC(3)	Compliance with carbon tax removal substantiation notices	Yes	No	0	40	200	No
Pt V Div 2B	60FD(5)	Carbon tax removal substantiation statements	Yes	No	0	40	500	No
Pt V Div 2C	60FE(4)	Statements for customers	Yes	No	0	40	400	No
Pt V Div 3	60H(4)	Information-gathering powers	No	No	0	20	100	No
Pt VI	77A(1)	Indemnification of officers	No	No	0	25	125	No
Pt VIIA Div 3	95N(2)	Price restrictions	No	No	0	100	500	No
Pt VIIA Div 3	95N(3)	Price restrictions - no previous local supply	No	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Pt VIIA Div 3	95N(4)	Price restrictions - no previous supply in Australia	No	No	0	100	500	No
Pt VIIA Div 3	95Q(3)	Notification of proposed prices after receipt of report	No	No	0	10	50	No
Pt VIIA Div 3	95T	Failure of witness to attend	No	No	0	10	50	No
Pt VIIA Div 3	95U	Refusal to be sworn or to answer question	No	No	0	10	50	No
Pt VIIA Div 4	95Z(1)	Price restrictions - previous local supply	No	No	0	100	500	No
Pt VIIA Div 4	95Z(2)	Price restrictions - no previous local supply	No	No	0	100	500	No
Pt VIIA Div 4	95Z(3)	Price restrictions - no previous supply in Australia	No	No	0	100	500	No
Pt VIIA Div 6	95ZK(4)	Refusal or failure to comply with notice	No	No	0	20	100	No
Pt VIIA Div 6	95ZK(8)	False or misleading declarations	No	No	0	20	100	No
Pt X Div 12	10.68	Ocean carrier who provides international liner cargo shipping services to have registered agent	No	No	0	20	100	No
Pt XI Div 4	133F	Compliance with disclosure notices	Yes	No	0	40	200	No
Pt XI Div 4	133G	False or misleading information etc.	No	No	1	60	300	No
Pt XI Div 6	135C(1)	Failure to answer questions or produce documents	Yes	No	0	30	150	No
Pt XI Div 6	135L(1)	Occupier etc. to provide inspector etc. with facilities and assistance	Yes	No	2	120	600	No
Pt XI Div 6	135Y(1)	Compliance with embargo notices	I	No	0	40	200	No
Pt XI Div 6	135Y(2)	Compliance with embargo notices	I	No	0	40	200	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Pt XI Div 7	137G(1)	Compliance with orders made under s 137F	Yes	No	0	180	900	No
Pt XIB Div 6	151BUA(1)	Commission gives access to reports - person fails to comply with direction	No	No	0	20	100	No
Pt XIB Div 6	151BUA(11)	Commission gives access to reports - failure to comply with terms and conditions	No	No	0	100	500	No
Pt XIB Div 6	151BUB(12)	Carrier or carriage service provider gives access to reports - failure to comply with direction	No	No	0	20	100	No
Pt XIB Div 6	151BUB(13)	Carrier or carriage service provider gives access to reports - failure to comply with terms and conditions	No	No	0	100	500	No
Pt XIB Div 6	151BUC(12)	Carrier or carriage service provider gives access to periodic reports - failure to comply with directions	No	No	0	20	100	No
Pt XIB Div 6	151BUC(13)	Carrier or carriage service provider gives access to periodic reports - failure to comply with terms and conditions	No	No	0	100	500	No
Pt XIB Div 6	151BUDA(6)	Commissioner gives access to Ministerially-directed reports	No	No	0	20	100	No
Pt XIB Div 6	151BUDA(7)	Commissioner gives access to Ministerially-directed reports	No	No	0	100	500	No
Pt XIB Div 6	151BUDB(7)	Carrier or carriage service provider gives access to Ministerially-directed reports	No	No	0	20	100	No
Pt XIB Div 6	151BUDB(8)	Carrier or carriage service provider gives access to Ministerially-directed reports	No	No	0	100	500	No
Pt XIB Div 6	151BUDC(7)	Carrier or carriage service provider gives access to Ministerially-directed periodic reports	No	No	0	20	100	No
Pt XIB Div 6	151BUDC(8)	Carrier or carriage service provider gives access to Ministerially-directed periodic reports	No	No	0	100	500	No
Pt XID Div 4	154Q	Occupier to provide reasonable facilities and assistance	No	No	0	30	150	No
Pt XID Div 4	154R	Answering of questions or producing evidential material	No	No	1	30	150	No
Pt XID Div 4	154RA	Person does not assist to access computer data	No	No	0.5	30	150	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Pt XII	155	Power to obtain information, documents and evidence	No	No	2	100	500	No
Pt XII	155B(3)	ACCC may receive information and documents on behalf of NZCC	No	No	0	20	100	No
Pt XII	160(2)	Failure of witness to attend	No	No	1	20	100	No
Pt XII	161(3)	Refusal to be sworn or to answer question	No	No	1	20	100	No
Pt XII	162(2)	Contempt	No	No	1	20	100	No
Pt XII	162A	Intimidation etc.	No	No	1	20	100	No

Note: current to Compilation No. 118 (compiled 6 April 2019 and including amendments up to Act No. 49, 2019).

Note: where applicable penalties are expressed in the Act in dollars, the maximum penalty units ('PU') identified in this table were calculated by reference to the formula in s 4B(3) of the *Crimes Act 1914* ('Cth').

Strict and Absolute Liability Key:

I Identified elements only

Penalty Key:

* greater of \$10 million, triple the benefit attributable to offence, or 10% of annual turnover

Table 14: Legislative Review — *Corporations Act 2001* (Cth)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 1, Pt 1.2A	111AU	Enforcing conditions of exemption	No	No	5	600	6000	No	Duty
Ch 2A, Pt 2A.1	113(1)	Maximum non-employee shareholders	No	No	1	120	1200	No	Unlicensed
Ch 2A, Pt 2A.1	113(3)	Disclosure to investors under fundraising provisions	Yes	No	0	20	200	No	Duty
Ch 2A, Pt 2A.1	115(1)	Restrictions on size of partnerships and associations	Yes	No	0	20	200	No	Unlicensed
Ch 2A, Pt 2A.2	117(5)	Consents and agreements re application to register company	Yes	No	0	30	300	No	Other
Ch 2A, Pt 2A.2	123(3)	Information in company common seal	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.4	136(5)	Lodgment of special resolution to ASIC re company constitution	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.4	139(1)	Sending copy of company constitution to members	Yes	No	0	20	200	No	Corp. info
Ch 2B, Pt 2B.5	142(1)	Registered office in jurisdiction	Yes	No	0	60	600	No	ASIC info
Ch 2B, Pt 2B.5	142(2)	Notice of change of address of registered office	Yes	No	0	60	600	No	ASIC info
Ch 2B, Pt 2B.5	143(1)	Written consent for use of other premises as registered office	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.5	144(1)	Company's name must be displayed at registered office etc.	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.5	144(2)	Company's name must be displayed at registered office etc.	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.5	145(1)	Opening hours of registered company	Yes	No	0	60	600	No	Other
Ch 2B, Pt 2B.5	145(3)	Change in registered office opening hours	Yes	No	0	60	600	No	ASIC info
Ch 2B, Pt 2B.5	146(1)	Change of address of principal place of business	Yes	No	0	60	600	No	ASIC info
Ch 2B, Pt 2B.6	148(2)	Limited company names	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.6	148(3)	Unlimited proprietary company names	Yes	No	0	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2B, Pt 2B.6	148(4)	No liability company name	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.6	148(5)	Public companies with "Proprietary" in name	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.6	150(2)	Use of limited in company name	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.6	151(2)	Pre-existing licences to use "limited" in name	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.6	153(1)	Use of company name on documents	Yes	No	0	30	300	No	Order
Ch 2B, Pt 2B.6	153(2)	Use of ACN on documents	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.6	156(1)	Carrying on business using "limited" etc in name	Yes	No	0	30	300	No	Unlicensed
Ch 2B, Pt 2B.6	157(2)	Changing company name	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.6	158(2)	ASIC direction to change company name	Yes	No	0	120	1200	No	Order
Ch 2B, Pt 2B.6	161A(2)	Company under external administration - former name to be used on documents	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.6	161A(3)	Company under external administration - former name to be used on documents	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.7	162(3)	Changing company type	Yes	No	0	20	200	No	ASIC info
Ch 2B, Pt 2B.7	163(5)	Changing company type, consents	Yes	No	0	30	300	No	Other
Ch 2B, Pt 2B.7	165(2)	ASIC direction to change to a public company	Yes	No	0	120	1200	No	Order
Ch 2C, Pt 2C.1	168(1)	Registers to be maintained	Yes	No	0	30	300	No	Records
Ch 2C, Pt 2C.1	170(3)	Register of option holders and copies of options documents	Yes	No	0	30	300	No	Records
Ch 2C, Pt 2C.1	172(1)	Location of registers	Yes	No	0	30	300	No	Records
Ch 2C, Pt 2C.1	172(1A)	Location of registers	Yes	No	0	30	300	No	Records
Ch 2C, Pt 2C.1	172(2)	Location of registers	Yes	No	0	30	300	No	Records

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2C, Pt 2C.1	173(1)	Right to inspect register	Yes	No	0	30	300	No	Con. Dis.
Ch 2C, Pt 2C.2	173(3)	Right to inspect register	Yes	No	0	30	300	No	Con. Dis.
Ch 2C, Pt 2C.3	173(9)	Right to inspect register	Yes	No	0	30	300	No	Order
Ch 2C, Pt 2C.1	174(1)	Agent's obligations re registers	Yes	No	0	30	300	No	Con. Dis.
Ch 2C, Pt 2C.1	177(1)	Use of information on registers	Yes	No	0	50	500	No	Duty
Ch 2C, Pt 2C.1	177(1AA)	Use of information on registers	Yes	No	0	50	500	No	Duty
Ch 2C, Pt 2C.2	178A(1)	Notice of change to member register	Yes	No	0	60	600	No	ASIC info
Ch 2C, Pt 2C.2	178C(1)	Notice of change to share structure	Yes	No	0	60	600	No	ASIC info
Ch 2D, Pt 2D.1	184(1)	Good faith - Directors and other officers	No	No	15	4500*	45000**	No	Dishonesty
Ch 2D, Pt 2D.2	184(2)	Use of position - directors, other officers and employees	No	No	15	4500*	45000**	No	Dishonesty
Ch 2D, Pt 2D.3	184(3)	Use of information - directors, other officers and employees	No	No	15	4500*	45000**	No	Dishonesty
Ch 2D, Pt 2D.1	191(1)	Director's duty to disclose	I	No	0	30	300	No	Corp. info
Ch 2D, Pt 2D.1	195(1)	Restrictions on voting - public company directors	Yes	No	0	20	200	No	Duty
Ch 2D, Pt 2D.2	199B(1)	Insurance premiums for breach of directors' duties etc	Yes	No	0	20	200	No	Duty
Ch 2D, Pt 2D.2	200B(1)	Retirement benefits generally need membership approval	I	No	0.5	180	1800	No	Duty
Ch 2D, Pt 2D.2	200C(1)	Benefits on transfer of undertaking or property need membership approval	I	No	0.5	180	1800	No	Duty
Ch 2D, Pt 2D.2	200D	Contravention to receive benefit without member approval	Yes	No	0	180	1800	No	Duty
Ch 2D, Pt 2D.3	201D(1)	Consent to act as director	Yes	No	0	30	300	No	Other
Ch 2D, Pt 2D.3	201D(2)	Company to keep consent	Yes	No	0	20	200	No	Records
Ch 2D, Pt 2D.3	201R(2)	Records of voting on board limit resolution if poll demanded	No	No	0	30	300	No	Records

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2D, Pt 2D.3	201R(3)	Records of voting on board limit resolution if poll demanded	No	No	0	30	300	No	Records
Ch 2D, Pt 2D.3	202B(1)	Disclosure of director remuneration to members	Yes	No	0	20	200	No	Con. Dis.
Ch 2D, Pt 2D.3	203AA(6)	Resignation of directors	Yes	No	0	120	1200	No	ASIC info
Ch 2D, Pt 2D.3	203D(3)	Notice of resolution to remove director	Yes	No	0	20	200	No	Corp. info
Ch 2D, Pt 2D.3	203D(5)	Circulation of director's statement to members	Yes	No	0	20	200	No	Corp. info
Ch 2D, Pt 2D.4	204A(1)	Minimum number of secretaries	Yes	No	0	20	200	No	Other
Ch 2D, Pt 2D.5	204A(2)	Minimum number of secretaries	Yes	No	0	20	200	No	Other
Ch 2D, Pt 2D.4	204C(1)	Consent to act as secretary	Yes	No	0	20	200	No	Other
Ch 2D, Pt 2D.4	204C(2)	Company to keep consent	Yes	No	0	20	200	No	Records
Ch 2D, Pt 2D.5	205B(1)	Lodgment of director and secretary personal details to ASIC	Yes	No	0	120	1200	No	ASIC info
Ch 2D, Pt 2D.5	205B(2)	Lodgment of alternate director personal details	Yes	No	0	120	1200	No	ASIC info
Ch 2D, Pt 2D.5	205B(4)	Notice of change of director etc personal details	Yes	No	0	120	1200	No	ASIC info
Ch 2D, Pt 2D.5	205B(5)	Notice of person stopped being director etc	Yes	No	0	120	1200	No	ASIC info
Ch 2D, Pt 2D.5	205C(1)	Director to disclose personal details to company	Yes	No	0	30	300	No	Corp. info
Ch 2D, Pt 2D.5	205C(2)	Director to disclose personal details to company	Yes	No	0	30	300	No	Corp. info
Ch 2D, Pt 2D.5	205E(2)	Director or secretary to inform ASIC of position	Yes	No	0	30	300	No	ASIC info
Ch 2D, Pt 2D.5	205F(1)	Director to give information to company	Yes	No	0	30	300	No	Corp. info
Ch 2D, Pt 2D.5	205G(9)	Listed company director to notify market operator of shareholdings etc	Yes	No	2	240	2400	No	Duty
Ch 2D, Pt 2D.5	205G(10)	Listed company director to notify market operator of shareholdings etc	No	No	0	30	300	No	Duty
Ch 2D, Pt 2D.6	206A(1)	Disqualified persons not to manage corporations	I	No	5	600	6000	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2D, Pt 2D.7	206J(4)	Hedging of management remuneration	Yes	No	0	60	600	No	Duty
Ch 2D, Pt 2D.7	206J(6)	Hedging of management remuneration, recklessness	No	No	0	60	600	No	Duty
Ch 2D, Pt 2D.7	206J(7)	Hedging of management remuneration, intentional	No	No	0	60	600	No	Duty
Ch 2D, Pt 2D.8	206K(4)	Board to approve remuneration consultants	Yes	No	0	60	600	No	Unlicensed
Ch 2D, Pt 2D.8	206L(3)	Recommendations by remuneration consultants	No	No	0	60	600	No	Duty
Ch 2D, Pt 2D.8	206L(4)	Recommendations by remuneration consultants	No	No	0	60	600	No	Duty
Ch 2D, Pt 2D.8	206M(2)	Declaration by remuneration consultant	Yes	No	0	60	600	No	Dis./FMD
Ch 2E, Pt 2E.1	209(3)	Member approval for financial benefit to related party	No	No	5	2000	20000	No	Dishonesty
Ch 2E, Pt 2E.1	224	Voting by or on behalf of related party interested in proposed resolution	No	No	5	600	6000	No	Unlicensed
Ch 2E, Pt 2E.2	225(3)	Voting by or on behalf of related party interested in proposed resolution	Yes	No	0	20	200	No	Records
Ch 2E, Pt 2E.3	225(4)	Voting by or on behalf of related party interested in proposed resolution	Yes	No	0	20	200	No	Records
Ch 2E, Pt 2E.4	225(5)	Voting by or on behalf of related party interested in proposed resolution	Yes	No	0	20	200	No	Records
Ch 2F, Pt 2F.1	235(1)	Lodgment of court order to ASIC, oppressive conduct	Yes	No	0	120	1200	No	ASIC info
Ch 2F, Pt 2F.1A	237	Proceedings on behalf of company, leave	No	No	0.5	60	600	No	Order
Ch 2F, Pt 2F.1A	242	Power of court to make costs orders	No	No	0.25	30	300	No	Order
Ch 2F, Pt 2F.2	246B(3)	Varying or cancelling class rights, notice to members	Yes	No	0	20	200	No	Corp. info
Ch 2F, Pt 2F.2	246D(6)	Lodgment of court order to ASIC, class rights	Yes	No	0	20	200	No	ASIC info
Ch 2F, Pt 2F.2	246F(1)	Division or conversion of shares into classes, notice to ASIC	Yes	No	0	20	200	No	ASIC info
Ch 2F, Pt 2F.2	246F(3)	Change of share rights etc, notice to ASIC	Yes	No	0	20	200	No	ASIC info
Ch 2F, Pt 2F.2	246G(1)	Member's copies of documents and resolutions, share class etc	Yes	No	0	20	200	No	Corp. info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2F, Pt 2F.3	247C(1)	Disclosure of information from inspection of books	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	249E(3)	Failure of directors to call general meeting	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.2	249E(4)	Failure of directors to call general meeting	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	249K(1)	Auditor entitled to notice and other communications	Yes	No	0	20	200	No	Other info
Ch 2G, Pt 2G.2	249Z(1)	Member proxies at meetings, sending appointment forms	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.2	249L(1)	Contents of notice of meetings of members	No	No	0	30	300	No	Corp. info
Ch 2G, Pt 2G.2	249L(2)	Contents of AGM notice for listed company	No	No	0	30	300	No	Corp. info
Ch 2G, Pt 2G.2	250BB(2)	Chair acting as proxy	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250BB(3)	Proxy way to vote	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250BB(4)	Proxy way to vote	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250BD(1)	Proxy voting by key management personnel or closely related parties	No	No	5	600	6000	No	Unlicensed
Ch 2G, Pt 2G.2	250N(1)	Public company must hold AGM	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.2	250N(2)	Public company AGM, frequency	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.2	250P(3)	Extension of time for holding AGM	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.2	250P(4)	Conditions on AGM extension	Yes	No	0	30	300	No	Order
Ch 2G, Pt 2G.2	250PA(3)	Company to pass question to auditor	No	No	0	30	300	No	Other info
Ch 2G, Pt 2G.2	250PA(4)	Contravention by individual auditor	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.2	250PA(6)	Contravention by lead auditor	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250PA(9)	Listed company to make question list available at AGM	No	No	0	30	300	No	Corp. info
Ch 2G, Pt 2G.2	250R(2)	Advisory resolution for adoption of remuneration report	No	No	0	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2G, Pt 2G.2	250R(7)	Voting on advisory resolution by key management personnel or closely related parties	No	No	5	600	6000	No	Duty
Ch 2G, Pt 2G.2	250RA(1)	Attendance at AGM, individual auditor	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250RA(3)	Attendance at AGM, lead auditor	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250S(1)	Questions and comments on management at AGM	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250SA(1)	Questions and comments on remuneration report at AGM	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250T(1)	Questions to auditors at AGM	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.2	250T(4)	Written answers by auditors at AGM	No	No	0	30	300	No	Corp. info
Ch 2G, Pt 2G.2	250W(5)	Deadline for holding spill meeting after spill resolution	Yes	No	0	20	200	No	Other
Ch 2G, Pt 2G.3	251A(1)	Keeping minute books	Yes	No	0	30	300	No	Records
Ch 2G, Pt 2G.3	251A(2)	Signing minute books	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.3	251A(3)	Signing minute books, no meeting	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.3	251A(4)	Signing minute books, sole director	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.3	251A(5)	Location of minute books	Yes	No	0	30	300	No	Records
Ch 2G, Pt 2G.3	251B(1)	Members' access to minutes	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.3	251B(3)	Sending copy of minutes, unpaid	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.3	251B(4)	Sending copy of minutes, paid	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.4	252C(3)	Sending copy of register of members	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.4	252C(4)	Costs for copying register of members	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.4	252H(1)	Auditors entitled to other communications	Yes	No	0	20	200	No	Other info
Ch 2G, Pt 2G.4	252X(1)	Sending proxy appointment form	Yes	No	0	20	200	No	Corp. info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2G, Pt 2G.4	252Y(5)	Proxy way to vote	Yes	No	0	20	200	No	Duty
Ch 2G, Pt 2G.4	253M(1)	Keeping minute books	Yes	No	0	30	300	No	Records
Ch 2G, Pt 2G.4	253M(2)	Signing minute books	Yes	No	0	30	300	No	Other
Ch 2G, Pt 2G.4	253M(3)	Location of minute books	Yes	No	0	30	300	No	Records
Ch 2G, Pt 2G.4	253N(1)	Members' access to minutes	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.4	253N(3)	Sending copy of minutes, unpaid	Yes	No	0	20	200	No	Corp. info
Ch 2G, Pt 2G.4	253N(4)	Sending copy of minutes, paid	Yes	No	0	20	200	No	Corp. info
Ch 2H, Pt 2H.1	254H(4)	Resolution to convert number of shares	Yes	No	0	20	200	No	ASIC info
Ch 2H, Pt 2H.2	254L(3)	Redemption of preference shares	No	No	5	2000	20000	No	Dishonesty
Ch 2H, Pt 2H.3	254N(2)	Special resolution limiting calls under external administration	Yes	No	0	20	200	No	ASIC info
Ch 2H, Pt 2H.3	254Q(2)	No liability companies - forfeiture and sale of shares for failure to meet call	Yes	No	0	20	200	No	Duty
Ch 2H, Pt 2H.3	254Q(3)	No liability companies - forfeiture and sale of shares for failure to meet call	Yes	No	0	20	200	No	Duty
Ch 2H, Pt 2H.5	254SA	Companies limited by guarantee not to pay dividends	No	No	2	240	2400	No	Duty
Ch 2H, Pt 2H.5	254T	Circumstances in which a dividend may be paid	No	No	2	240	2400	No	Duty
Ch 2H, Pt 2H.6	254X(1)	Notice to ASIC of share issue	Yes	No	0	60	600	No	ASIC info
Ch 2H, Pt 2H.6	254X(2)	Notice to ASIC of share issue, non-cash consideration	Yes	No	0	60	600	No	ASIC info
Ch 2H, Pt 2H.6	254Y(1)	Notice to ASIC of share cancellation	Yes	No	0	20	200	No	ASIC info
Ch 2J, Pt 2J.1	256D(4)	Reductions in share capital	No	No	5	2000	20000	No	Dishonesty
Ch 2J, Pt 2J.1	259B(6)	Taking security over own shares or shares in holding company	Yes	No	0	20	200	No	Duty
Ch 2J, Pt 2J.1	259D(4)	Company controlling entity that holds shares in it	Yes	No	0	20	200	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2J, Pt 2J.1	259F(3)	Contravention of self-acquisition and control of shares provisions	No	No	5	2000	20000	No	Dishonesty
Ch 2J, Pt 2J.1	260D(3)	Contravention of financial assistance for acquiring shares provisions	No	No	5	2000	20000	No	Dishonesty
Ch 2L, Pt 2L.1	283AA(1)	Requirement for trust deed and trustee	Yes	No	0	60	600	No	Duty
Ch 2L, Pt 2L.1	283AA(3)	Compliance with debenture provisions	No	No	0.5	60	600	No	Other
Ch 2L, Pt 2L.1	283AB(1)	Trust deed for debenture holders	Yes	No	0	60	600	No	Other
Ch 2L, Pt 2L.1	283AC(1)	Who can be trustee	Yes	No	0	60	600	No	Unlicensed
Ch 2L, Pt 2L.1	283AC(2)	Who can be trustee, conflict of interest or duty	Yes	No	0	60	600	No	Duty
Ch 2L, Pt 2L.2	283BH(1)	How debentures may be described	No	No	5	600	6000	No	Other
Ch 2L, Pt 2L.3	283BI	Intentionally or recklessly contravening statutory duties	No	No	0.5	60	600	No	Duty
Ch 2L, Pt 2L.4	283CE	Intentionally or recklessly contravening statutory duties	No	No	0.5	60	600	No	Duty
Ch 2L, Pt 2L.5	283EA(1)	Borrower's duty to call meeting	No	No	0	20	200	No	Duty
Ch 2L, Pt 2L.5	283EA(2)	Borrower's duty to call meeting - Duty to give notification of meeting	No	No	0	20	200	No	Duty
Ch 2L, Pt 2L.5	283EA(3)	Borrower's duty to call meeting - Duty to give notification of meeting	No	No	0	20	200	No	Duty
Ch 2M	286(3)	Keeping financial records	No	No	2	240	2400	No	Records
Ch 2M	286(4)	Keeping financial records	Yes	No	0	60	600	No	Records
Ch 2M	287(2)	Language requirements - Circumstances where English translation to be made available	Yes	No	0	60	600	No	Records
Ch 2M	288(1)	Physical format of financial records	Yes	No	0	60	600	No	Records
Ch 2M	289(2)	Financial records kept outside jurisdiction	Yes	No	0	60	600	No	Records
Ch 2M	294(1)	Small proprietary company - ASIC direction	Yes	No	0	30	300	No	Other
Ch 2M	294B(1)	Small company limited by guarantee - ASIC direction	Yes	No	0	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	307A(3)	Auditing standards	No	No	2	240	2400	No	Other
Ch 2M	307A(4)	Auditing standards	Yes	No	0	50	500	No	Other
Ch 2M	307B(1)	Retention period for audit working papers	Yes	No	0	50	500	No	Records
Ch 2M	307B(3)	Retention period for audit working papers	Yes	No	0	50	500	No	Records
Ch 2M	307C(1)	Independence declaration, individual auditor	Yes	No	0	20	200	No	Corp. info
Ch 2M	307C(3)	Independence declaration, lead auditor	Yes	No	0	20	200	No	Corp. info
Ch 2M	308(1)	Auditor's report on annual financial report	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(2)	Auditor's report on annual financial report	No	No	0	50	500	No	Dis./FMD
Ch 2M	308(3)	Auditor's report on annual financial report	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(3A)	Auditor's report, auditing standards	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(3AA)	Auditor's report on annual financial report, limited by guarantee	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(3AB)	Auditor's report on annual financial report, limited by guarantee	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(3C)	Auditor's report on remuneration report	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	308(4)	Auditor's report, date	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	309(1)	Auditor's report on half-year financial report	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	309(2)	Auditor's report on half-year financial report	No	No	0	50	500	No	Dis./FMD
Ch 2M	309(3)	Auditor's report on half-year financial report	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	309(4)	Auditor's report, review	Yes	No	0	50	500	No	Corp. info
Ch 2M	309(5)	Auditor's report, review	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	309(5A)	Auditor's report, auditing standards	Yes	No	0	50	500	No	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	309(6)	Auditor's report, date	Yes	No	0	50	500	No	Dis./FMD
Ch 2M	311(1)	Notice to ASIC of contravention, individual auditor	No	No	1	120	1200	No	ASIC info
Ch 2M	311(2)	Notice to ASIC of contravention, audit company	No	No	1	120	1200	No	ASIC info
Ch 2M	311(3)	Notice to ASIC of contravention, lead auditor	No	No	1	120	1200	No	ASIC info
Ch 2M	312(1)	Assisting auditor	Yes	No	0	60	600	No	Other info
Ch 2M	313(1)	Special provisions on audit of debenture issuers and guarantors - Auditor to give trustee for debenture holders copies of reports, certificates etc	Yes	No	0	30	300	No	Other
Ch 2M	313(2)	Special provisions on audit of debenture issuers and guarantors - Auditor to report on matters prejudicial to debenture holders' interests	Yes	No	0	30	300	No	Other
Ch 2M	314(1)	Annual financial reporting to members, notice of access	Yes	No	0	30	300	No	Corp. info
Ch 2M	314(1AB)	Annual financial reporting to members, notice of access	Yes	No	0	30	300	No	Corp. info
Ch 2M	314A(1)	Annual financial reporting by notified foreign passport funds to Australian members	Yes	No	0	30	300	No	Corp. info
Ch 2M	314A(3)	Annual financial reporting by notified foreign passport funds to Australian members	Yes	No	0	30	300	No	Corp. info
Ch 2M	314A(7)	Annual financial reporting by notified foreign passport funds to Australian members	Yes	No	0	30	300	No	Corp. info
Ch 2M	316(2)	Choices for members of companies, registered schemes or disclosing entities	Yes	No	0	30	300	No	Other
Ch 2M	316(3)	Choices for members of companies, registered schemes or disclosing entities	Yes	No	0	30	300	No	Other
Ch 2M	316A(3)	Deadline for sending copy of reports to members, limited by guarantee	Yes	No	0	30	300	No	Corp. info
Ch 2M	316A(4)	Deadline for sending copy of reports to members, under direction	Yes	No	0	30	300	No	Corp. info
Ch 2M	317(1)	Consideration of reports at AGM	Yes	No	0	30	300	No	Corp. info
Ch 2M	318(1)	Deadline for sending copy of annual reports to debenture issuers	Yes	No	0	60	600	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	318(3)	Sending copies of reports to debenture holders	Yes	No	0	60	600	No	Other
Ch 2M	318(4)	Deadline for sending copy of half-year reports to debenture issuers	Yes	No	0	60	600	No	Other
Ch 2M	319(1)	Lodgment of annual reports with ASIC	Yes	No	0	120	1200	No	ASIC info
Ch 2M	319(1AA)	Lodgment of annual reports with ASIC	Yes	No	0	120	1200	No	ASIC info
Ch 2M	320(1)	Lodgment of half-year reports with ASIC	Yes	No	0	120	1200	No	ASIC info
Ch 2M	321(1)	ASIC direction to lodge reports	Yes	No	0	30	300	No	Order
Ch 2M	321(1AA)	ASIC direction to lodge reports	Yes	No	0	30	300	No	Order
Ch 2M	322(1)	Relodgment if financial statements or directors' reports amended after lodgment - Lodgment and distribution requirements following amendment to financial statement or director's report	Yes	No	0	30	300	No	ASIC info
Ch 2M	322(1A)	Relodgment if financial statements or directors' reports amended after lodgment - Lodgment and distribution requirements following amendment to financial statement or director's report	Yes	No	0	30	300	No	ASIC info
Ch 2M	322(2)	Relodgment if financial statements or directors' reports amended after lodgment - Notification of members if material amendment	Yes	No	0	30	300	No	Corp. info
Ch 2M	323(1)	Disclosure of information to prepare consolidated financial statements	Yes	No	0	60	600	No	Corp. info
Ch 2M	323B(1)	Controlled entity to assist auditor	Yes	No	0	60	600	No	Other info
Ch 2M	323D(3)	Synchronisation of financial years between consolidated entities	Yes	No	0	30	300	No	Other
Ch 2M	324BA	Registration requirements for individual auditor	No	No	0.5	60	600	No	Unlicensed
Ch 2M	324BB(1)	Registration requirements for auditor firm	No	No	0.5	60	600	No	Unlicensed
Ch 2M	324BB(2)	Registration requirements for auditor firm	I	No	0	30	300	No	Unlicensed
Ch 2M	324BC(1)	Registration requirements for auditor company	No	No	0.5	60	600	No	Unlicensed

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	324BC(2)	Registration requirements for auditor company	No	No	0.5	60	600	No	Unlicensed
Ch 2M	324BC(3)	Registration requirements for auditor company	I	No	0	30	300	No	Unlicensed
Ch 2M	324CA(1)	Auditor conflict of interest, individual auditor and auditor company	No	No	0.5	60	600	No	Duty
Ch 2M	324CA(1A)	Notice to ASIC of auditor conflict of interest	No	No	0	30	300	No	ASIC info
Ch 2M	324CA(2)	Auditor conflict of interest, constructive knowledge	I	No	0	30	300	No	Duty
Ch 2M	324CB(1)	Auditor conflict of interest, member of auditor firm	No	No	0.5	60	600	No	Duty
Ch 2M	324CB(1A)	Notice to ASIC of auditor conflict of interest, member	No	No	0	30	300	No	ASIC info
Ch 2M	324CB(2)	Auditor conflict of interest, second member knowledge	I	No	0	30	300	No	Duty
Ch 2M	324CB(4)	Auditor conflict of interest, constructive knowledge	I	No	0	30	300	No	Duty
Ch 2M	324CC(1)	Auditor conflict of interest, director of audit company	No	No	0.5	60	600	No	Duty
Ch 2M	324CC(1A)	Notice to ASIC of auditor conflict of interest, director	No	No	0	30	300	No	ASIC info
Ch 2M	324CC(2)	Auditor conflict of interest, second director knowledge	I	No	0	30	300	No	Duty
Ch 2M	324CC(4)	Auditor conflict of interest, constructive knowledge	I	No	0	30	300	No	Duty
Ch 2M	324CE(1)	Independence requirements for individual auditors	No	No	0.5	60	600	No	Duty
Ch 2M	324CE(1A)	Notice to ASIC of auditor conflict of interest, individual auditor	No	No	0	30	300	No	ASIC info
Ch 2M	324CE(2)	Individual auditor in relevant relationships compromising independence	I	No	0	30	300	No	Duty
Ch 2M	324CF(1)	Independence requirements for members of audit firm	No	No	0.5	60	600	No	Duty
Ch 2M	324CF(1A)	Notice to ASIC of auditor conflict of interest, audit firm	No	No	0	30	300	No	ASIC info
Ch 2M	324CF(2)	Member of audit firm in relevant relationships compromising independence	I	No	0	30	300	No	Duty
Ch 2M	324CG(1)	Independence requirements for audit company	No	No	0.5	60	600	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	324CG(1A)	Notice to ASIC of auditor conflict of interest, audit company	No	No	0	30	300	No	ASIC info
Ch 2M	324CG(2)	Person in audit company in relevant relationships compromising independence	I	No	0	30	300	No	Duty
Ch 2M	324CG(5)	Independence requirements for directors of audit company	No	No	0.5	60	600	No	Duty
Ch 2M	324CG(5A)	Notice to ASIC of auditor conflict of interest, director	No	No	0	30	300	No	ASIC info
Ch 2M	324CG(6)	Director in audit company in relevant relationships compromising independence	I	No	0	30	300	No	Duty
Ch 2M	324CI	Independence requirements for retiring partner or director auditors	No	No	0.5	60	600	No	Duty
Ch 2M	324CJ	Independence requirements for professional member of audit company	No	No	0.5	60	600	No	Duty
Ch 2M	324CK	Multiple former partner or director auditors	No	No	0.5	60	600	No	Duty
Ch 2M	324CM(1)	Deliberately disqualifying auditor, individual auditor	No	No	0.5	60	600	No	Duty
Ch 2M	324CM(2)	Deliberately disqualifying auditor, audit firm	No	No	0.5	60	600	No	Duty
Ch 2M	324CM(3)	Deliberately disqualifying auditor, audit company	No	No	0.5	60	600	No	Duty
Ch 2M	324DB	Individual's rotation obligation	No	No	0.5	60	600	No	Duty
Ch 2M	324DC(1)	Audit firm's rotation obligation	No	No	0.5	60	600	No	Duty
Ch 2M	324DC(2)	Audit firm's rotation obligation	I	No	0	30	300	No	Duty
Ch 2M	324DD(1)	Audit company's rotation obligation	No	No	0.5	60	600	No	Duty
Ch 2M	324DD(2)	Audit company's rotation obligation, directors	No	No	0.5	60	600	No	Duty
Ch 2M	324DD(3)	Audit firm's rotation obligation, lead auditor	No	No	0	30	300	No	Duty
Ch 2M	327A(3)	Appointment of public company auditor	No	No	0.5	60	600	No	Duty
Ch 2M	327B(1)	Appointment of public company auditor	No	No	0.5	60	600	No	Duty
Ch 2M	327B(3)	Appointment of public company auditor	No	No	0.5	60	600	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 2M	327C(3)	Casual vacancy of public company auditor	No	No	0.5	60	600	No	Duty
Ch 2M	328A(4)	Auditor's consent to appointment	No	No	0.5	60	600	No	Other
Ch 2M	328B(2)	Nomination of auditor	No	No	0.5	60	600	No	Other
Ch 2M	331AAA(1)	Appointment of registered scheme auditor	No	No	0.5	60	600	No	Duty
Ch 2M	331AAA(3)	Appointment of registered scheme auditor	No	No	0.5	60	600	No	Duty
Ch 2M	331AAB(1)	Vacancy of registered scheme auditor	No	No	0.5	60	600	No	Duty
Ch 2M	331AAB(2)	Vacancy of registered scheme auditor	No	No	0.5	60	600	No	Duty
Ch 2M	332A(2)	Publication of annual transparency reports	Yes	No	0	20	200	No	Duty
Ch 2M	332A(3)	Lodgment of annual transparency reports with ASIC	Yes	No	0	20	200	No	ASIC info
Ch 2M	342B(1)	Auditor to notify company of declaration modifying rotation obligation	No	No	0	30	300	No	Corp. info
Ch 2M	344(2)	Requirements for financial reports	No	No	15	4500*	45000**	No	Dishonesty
Ch 2N	346C(1)	Respond to incorrect extract of particulars	Yes	No	0	60	600	No	Duty
Ch 2N	346C(2)	Respond if required to provide a particular	Yes	No	0	60	600	No	Duty
Ch 2N	347A(1)	Directors must pass a solvency resolution after each review date	Yes	No	0	20	200	No	Duty
Ch 2N	347B(1)	Notice to ASIC of solvency resolution	Yes	No	0	20	200	No	ASIC info
Ch 2N	347B(2)	Notice to ASIC of solvency resolution	Yes	No	0	20	200	No	ASIC info
Ch 2N	348D(1)	Contents of response to return of particulars	Yes	No	0	60	600	No	Duty
Ch 2N	349A(1)	Notice to ASIC of changes to ultimate holding company	Yes	No	0	60	600	No	ASIC info
Ch 5	428(1)	Statement that receiver appointed or other controller acting	Yes	No	0	20	200	No	Other
Ch 5	428(2)	Statement that receiver appointed or other controller acting	Yes	No	0	20	200	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5	428(2B)	Statement that receiver appointed or other controller acting	Yes	No	0	20	200	No	Other
Ch 5	428(2C)	Statement that receiver appointed or other controller acting	Yes	No	0	20	200	No	Other
Ch 5	429(2)(b)	Officers to report to controller about corporation's affairs	No	No	0	50	500	No	Other
Ch 5	436DA(2)	Declarations of relationships and indemnities	Yes	No	0	20	200	No	Duty
Ch 5	436DA(3)	Notification of creditors	Yes	No	0	20	200	No	Duty
Ch 5	436DA(4)	Notification of creditors	Yes	No	0	20	200	No	Duty
Ch 5	436DA(4A)	Lodging declaration with ASIC	Yes	No	0	20	200	No	Duty
Ch 5	436DA(5)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	436DA(6)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	436DA(6A)	Lodging declaration with ASIC	Yes	No	0	20	200	No	Duty
Ch 5	437D(5)	Only administrator can deal with company's property	No	No	0.5	60	600	No	Duty
Ch 5	438B(4)	Directors to help administrator	Yes	No	0	120^	1200^	No	Other info
Ch 5	438C(5)	Administrator's rights to company's books	Yes	No	0	120	1200	No	Other info
Ch 5	446C(4)	Liquidator may require submission of a report about the company's affairs	I	No	0	60	600	No	Other info
Ch 5	448B(1)	Administrator must be registered liquidator	Yes	No	0	60	600	No	Other
Ch 5	448C(1)	Disqualification of person connected with company	Yes	No	0	60	600	No	Unlicensed
Ch 5	449CA(2)	Declarations of relationships and indemnities	Yes	No	0	20	200	No	Duty
Ch 5	449CA(3)	Notification of creditors	Yes	No	0	20	200	No	Duty
Ch 5	449CA(4)	Notification of creditors	Yes	No	0	20	200	No	Duty
Ch 5	449CA(4A)	Lodge copy with ASIC	Yes	No	0	20	200	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5	449CA(5)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	449CA(6)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	449CA(6A)	Lodge copy with ASIC	Yes	No	0	20	200	No	Duty
Ch 5	450E(1)	Notice in public documents etc of company - Requirement to include statement that “administrator appointed”	Yes	No	0	20	200	No	Other
Ch 5	450E(2)	Notice in public documents etc of company - Requirement to include statement that “company subject to deed of company arrangement”	Yes	No	0	20	200	No	Other
Ch 5	475(9)	Report as to company’s affairs to be submitted to liquidator	Yes	No	0	60^	600^^	No	Other info
Ch 5	477(3)	Powers of liquidator	Yes	No	0	20	200	No	Duty
Ch 5	486A(8)	Court order preventing officer etc from avoiding liability to company	No	No	2	240	2400	No	Order
Ch 5	494	Declaration of solvency	No	No	1	120	1200	No	Other
Ch 5	496(4)	Duty of liquidator when company is insolvent	Yes	No	0	20	200	No	Duty
Ch 5	496(5)	Duty of liquidator when company is insolvent	Yes	No	0	20	200	No	Other
Ch 5	496(6)	Duty of liquidator when company is insolvent	Yes	No	0	20	200	No	Other
Ch 5	496(7)	Duty of liquidator when company is insolvent	Yes	No	0	20	200	No	Other
Ch 5	496(8)	Duty of liquidator when company is insolvent	Yes	No	0	20	200	No	Other
Ch 5	497(1)	Meeting of creditors - Timing for meeting of creditors after resolution for voluntary winding up	No	No	0.25	30	300	No	Duty
Ch 5	497(4)	Non-provision of report	Yes	No	0	50	500	No	Duty
Ch 5	497(7)	Liquidator to lodge report	Yes	No	0	20	200	No	Duty
Ch 5	506A(2)	Declarations of relationships and indemnities	Yes	No	0	20	200	No	Duty
Ch 5	506A(3)	Notification of creditors	Yes	No	0	20	200	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5	506A(4)	Notification of creditors	Yes	No	0	20	200	No	Duty
Ch 5	506A(5)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	506A(6)	Updating of declaration	Yes	No	0	20	200	No	Duty
Ch 5	530A(1)	Officer's duties re company books	Yes	No	1	50	500	No	Other info
Ch 5	530A(2)	Officer's duties re winding up	Yes	No	1	50	500	No	Other info
Ch 5	530A(3)	Compliance with liquidator	Yes	No	1	50	500	No	Duty
Ch 5	530A(4)	Compliance with provisional liquidator	Yes	No	1	50	500	No	Duty
Ch 5	530A(5)	Power to acquire information	Yes	No	1	50	500	No	Other info
Ch 5	530B(3)	Liquidator's rights to company's books	No	No	1	120	1200	No	Other info
Ch 5	530B(6)	Liquidator's rights to company's books, notice	Yes	No	0	120	1200	No	Other info
Ch 5	532(1)	Disqualification of liquidator - Requirement to be registered	Yes	No	0	30	300	No	Unlicensed
Ch 5	532(2)	Disqualification of liquidator - Who may not seek appointment or act as liquidator without court leave	Yes	No	0	30	300	No	Unlicensed
Ch 5	532(8)	Disqualification of liquidator - Winding up by court - only official liquidator may be appointed	Yes	No	0	30	300	No	Unlicensed
Ch 5	532(9)	Disqualification of liquidator - Written consent required before appointment	Yes	No	0	30	300	No	Other
Ch 5	541(1)	Notification that company is in liquidation	Yes	No	0	30	300	No	Other
Ch 5	588FGAC	Compliance with orders generally	No	No	0	60	600	No	Order
Ch 5	588G(3)	Insolvent Trading	I	I	5	2000	20,000	No	Dishonesty
Ch 5	588GAB(1)	preventing creditor-defeating dispositions	No	No	10	4500*	45000**	Yes	Duty
Ch 6	588GAC(1)	preventing creditor-defeating dispositions	No	No	10	4500*	45000**	Yes	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5	590(1)	Offences by officers of certain companies	No	I	2	240	2400	No	Duty
Ch 5	590(4)	Offences by officers of certain companies	No	No	0	5	50	No	Duty
Ch 5	590(4A)	Offences by officers of certain companies	No	No	0	5	50	No	Duty
Ch 5	590(5)	Offences by persons accepting pawned, pledged or disposed property	No	No	1	120	1200	No	Duty
Ch 5	592(1)	Incurring of certain debts	Yes	No	0	120	1200	No	Duty
Ch 5	592(6)	Fraudulent conduct against creditors	No	I	2	240	2400	No	Dishonesty
Ch 5	595(1)	Inducement to be appointed liquidator etc. of company	Yes	No	0	30	300	No	Duty
Ch 5	596(1)	Frauds by officers	No	I	2	240	2400	No	Duty
Ch 5	596AB(1)	Relevant agreements or transactions that avoid employee entitlements	No	No	15	4500*	45000**	No	Duty
Ch 5	596AB(1A)	Relevant agreements or transactions that avoid employee entitlements	No	No	15	4500*	45000**	No	Duty
Ch 5	596AB(1B)	Relevant agreements or transactions that avoid employee entitlements	No	No	15	4500*	45000**	No	Duty
Ch 5	596AB(1C)	Relevant agreements or transactions that avoid employee entitlements	No	No	15	4500*	45000**	No	Duty
Ch 5	596F(3)	Court may give directions about examination about corporation	No	No	2	240	2400	No	Order
Ch 5	597(6)	Failure to attend summons for examination	No	No	2	240	2400	No	Order
Ch 5	597(7)	Conduct of person being examined	No	No	2	240	2400	No	Order
Ch 5	597(10A)	Directions requiring person to produce books for examination	No	No	2	240	2400	No	Order
Ch 5	597(13)	Examination, written records	No	No	2	240	2400	No	Order
Ch 5	597A(3)	Affidavit about corporation's examinable affairs	No	No	2	240	2400	No	Order
Ch 5A	601AD(5)	Effect of deregistration	Yes	No	0	20	200	No	Records
Ch 5B	601BC(5)	Applying for registration as company, consents and agreements	Yes	No	0	30	300	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5B	601BH(1)	Modifications of constitution	Yes	No	0	20	200	No	Other
Ch 5B	601BH(2)	Modifications of constitution, foreign currency	Yes	No	0	20	200	No	Duty
Ch 5B	601BJ(3)	ASIC direction for court approval of constitution modification	Yes	No	0	20	200	No	ASIC info
Ch 5B	601BK(1)	Establishing registers and minute books	Yes	No	0	20	200	No	Records
Ch 5B	601BP(1)	Bearer shares	Yes	No	0	20	200	No	Duty
Ch 5B	601BR(1)	First AGM	Yes	No	0	20	200	No	Other
Ch 5B	601CW(9)	Body's name etc. must be displayed at office and place of business	Yes	No	0	30	300	No	Other
Ch 5B	601CW(10)	Body's name etc. must be displayed at office and place of business	Yes	No	0	30	300	No	Other
Ch 5B	601CZB(1)	Register of debenture holders to be maintained by noncompanies	Yes	No	0	30	300	No	Records
Ch 5B	601CZC(1)	Location of register of debenture holders	Yes	No	0	30	300	No	Records
Ch 5B	601CZC(2)	Location of register of debenture holders	Yes	No	0	30	300	No	ASIC info
Ch 5B	601DD(1)	Registered bodies to carry on business using registered name only	Yes	No	0	20	200	No	Unlicensed
Ch 5B	601DE(1)	Using a name and ARBN	Yes	No	0	30	300	No	Other
Ch 5B	601DH(1)	Notice of name change must be given to ASIC	Yes	No	0	20	200	No	ASIC info
Ch 5C	601ED(5)	When a managed investment scheme must be registered	No	No	5	600	6000	Yes	Unlicensed
Ch 5C	601FD(4)	Duties of officers of responsible entities	No	No	15	4500*	45000**	Yes	Duty
Ch 5C	601FE(4)	Duties of employees of responsible entities	No	No	15	4500*	45000**	Yes	Duty
Ch 5C	601FF(3)	Surveillance checks by ASIC	No	No	5	600	6000	No	Order
Ch 5C	601FG(3)	Acquisition of interest in scheme by responsible entity	No	No	5	2000	20000	Yes	Duty
Ch 5C	601FL(4)	Retirement of responsible entity	No	No	2	240	2400	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5C	601FM(3)	Removal of responsible entity by members	No	No	2	240	2400	No	Duty
Ch 5C	601FQ(6)	Temporary responsible entity of registered scheme	No	No	2	240	2400	No	Duty
Ch 5C	601HD(1)	ASIC may require further information about compliance plan	Yes	No	0	60	600	No	Order
Ch 5C	601HG(1)	Auditor of compliance plan	Yes	No	0	20	200	No	Duty
Ch 5C	601HG(3)	Auditor's responsibilities	Yes	No	0	20	200	No	Duty
Ch 5C	601HG(4)	Audit of compliance plan, individual auditor	No	No	1	120	1200	No	ASIC info
Ch 5C	601HG(4A)	Audit of compliance plan, audit company	No	No	1	120	1200	No	ASIC info
Ch 5C	601HG(4B)	Audit of compliance plan, lead auditor	No	No	1	120	1200	No	ASIC info
Ch 5C	601HG(6)	Officer of responsible entity must assist auditor	Yes	No	0	60	600	No	Other info
Ch 5C	601HG(7)	Lodgment of auditor's report	Yes	No	0	20	200	No	ASIC info
Ch 5C	601JA(3)	Deadline for establishing compliance committee	No	No	2	240	2400	No	Other
Ch 5C	601JA(4)	Conditions on extending deadline for establishing compliance committee	Yes	No	0	60	600	No	Order
Ch 5C	601JB(5)	Membership of compliance committee	No	No	0	60	600	No	Duty
Ch 5C	601JB(6)	Membership of compliance committee	No	No	0	20	200	No	Duty
Ch 5C	601JD(4)	Duties of members	No	No	5	2000	20000	No	Duty
Ch 5C	601KA(3)	Restrictions on members' rights to withdraw	Yes	No	0	60	600	No	Duty
Ch 5D	601SBB(1)	Licensed trustee company may be required to provide account in relation to estate	No	No	0	50	500	No	Con. Dis.
Ch 5D	601SBC(2)	Court may order audit of accounts of trustee company	No	No	0	50	500	No	Order
Ch 5D	601SCB(1)	Obligations relating to common funds	No	No	0	50	500	No	Other
Ch 5D	601SCB(2)	Obligations relating to common funds	No	No	0	50	500	No	Records

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 5D	601SCB(3)	Obligations relating to common funds	No	No	1	120	1200	No	Unlicensed
Ch 5D	601SCD(1)	Arm's length transactions, common fund	No	No	5	2000	20000	No	Duty
Ch 5D	601TAA	Access to schedule of fees charged by licensed trustee company	No	No	1	120	1200	No	Other
Ch 5D	601TAB(1)	Disclosure to clients of changed fees	No	No	1	120	1200	No	Con. Dis.
Ch 5D	601TBA(2)	Disclosure to clients of changed fees	No	No	1	120	1200	No	Duty
Ch 5D	601UAA(1)	Duties of officers if licensed trustee company	No	No	15	4500*	45000**	Yes	Duty
Ch 5D	601UAB(1)	Duties of employees of responsible entity	No	No	15	4500*	45000**	Yes	Duty
Ch 5D	601VAB	Acquisitions of shares, licensed trustee companies	No	No	2	240	2400	No	Duty
Ch 5D	601VBD(8)	Notice to ASIC of approval to exceed voting power limit	No	No	1	120	1200	No	ASIC info
Ch 5D	601VCC(2)	Direction to cease increased voting power	No	No	2	240	2400	No	Duty
Ch 5D	601WBE(5)	Conditions on transfer determinations	No	No	0	50	500	No	Duty
Ch 5D	601WCF	Income or other distribution received by transferring company	No	No	1	120	1200	No	Corp. info
Ch 5D	601WCG	Access to books held by transferring company	No	No	1	120	1200	No	Corp. info
Ch 5D	601WDA(1)	Notice of cancellation of licence of trustee company	No	No	2	240	2400	No	Con. Dis.
Ch 5D	601WDA(2)	Notice of compulsory transfer determination	No	No	2	240	2400	No	Con. Dis.
Ch 5D	601WDA(3)	Notice of voluntary transfer determination	No	No	2	240	2400	No	Other
Ch 5D	601XAB	Prohibition on holding out	No	No	1	120	1200	No	Duty
Ch 6	606(1)	Acquisition of relevant interests in voting shares, by or on behalf of person	No	Yes	0	60	600	No	Duty
Ch 6	606(2)	Acquisition of legal or equitable interest giving rise to relevant interest for someone else	No	Yes	0	60	600	No	Duty
Ch 6	606(4)	Offers and invitations	No	Yes	0	60	600	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6	606(1)	Acquisition of relevant interests in voting shares, by or on behalf of person	No	No	5	600	6000	No	Duty
Ch 6	606(2)	Acquisition of legal or equitable interest giving rise to relevant interest for someone else	No	No	5	600	6000	No	Duty
Ch 6	606(4)	Offers and invitations	No	No	5	600	6000	No	Duty
Ch 6	622(1)	Escalation agreements	Yes	No	0	60	600	No	Duty
Ch 6	623(1)	Collateral benefits not allowed	Yes	No	0	60	600	No	Duty
Ch 6	624(2)	Automatic extension of offer period	Yes	No	0	60	600	No	Other
Ch 6	630(2)	Notice of extension of offer period	Yes	No	0	60	600	No	Other
Ch 6	630(3)	Notice of status of defeating condition	Yes	No	0	60	600	No	Other
Ch 6	630(4)	Notice of fulfillment of defeating condition	Yes	No	0	60	600	No	Other
Ch 6	631(1)	Proposing or announcing a bid	I	No	2	240	2400	No	Duty
Ch 6	631(2)	Proposals if takeover bid not intended	No	No	5	600	6000	No	Duty
Ch 6	633(1) (items 4, 5, 7, 8, 9, 11, 12, 13, 14)	Bidder steps to make an off-market bid	Yes	No	0	60	600	No	ASIC info
Ch 6	635(1) (items 5, 7, 8, 10, 11, 12, 13, 14)	Bidder steps to make a market bid	Yes	No	0	60	600	No	ASIC info
Ch 6	636(3)	Consent of person to whom bidder's statement attributed	Yes	No	0	60	600	No	Other
Ch 6	636(4)	Bidder's keeping of consent	Yes	No	0	20	200	No	Other
Ch 6	637(1)	Approval by ASIC of bidder's statement	Yes	No	0	60	600	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6	637(2)	Approval by ASIC of bidder's statement	Yes	No	0	20	200	No	Other
Ch 6	638(1)	Target's statement content, general	Yes	No	0	60	600	No	Corp. info
Ch 6	638(3)	Target's statement content, director's recommendations	Yes	No	0	60	600	No	Corp. info
Ch 6	638(5)	Consent of person to whom target's statement attributed	Yes	No	0	60	600	No	Other
Ch 6	638(6)	Target's keeping of consent	Yes	No	0	20	200	No	Other
Ch 6	639(1)	Approval of target's statement	Yes	No	0	60	600	No	Other
Ch 6	639(2)	Approval of target's statement	Yes	No	0	20	200	No	Other
Ch 6	640(1)	Expert's report to accompany target's statement if bidder connected with target	Yes	No	0	60	600	No	Corp. info
Ch 6	641(1)	Target must inform bidder about securities holdings	Yes	No	0	60	600	No	Corp. info
Ch 6	643	Supplementary bidder's statement	I	No	0.5	60	600	No	Duty
Ch 6	644	Supplementary target's statement	I	No	0.5	60	600	No	Duty
Ch 6	647(1)	Supplementary bidder's statement, who to send to	Yes	No	0	60	600	No	Duty
Ch 6	647(2)	Supplementary target's statement, who to send to	Yes	No	0	60	600	No	Duty
Ch 6	647(3)	Sending supplementary statements	Yes	No	0	60	600	No	ASIC info
Ch 6	648A(1)	Experts' reports to accompany bidder or target statement	Yes	No	0	60	600	No	Other
Ch 6	648E(1)	Resolution to be put if proportional bid made	Yes	No	0	60	600	No	Other
Ch 6	648E(2)	Notice of resolution to approve proportional bid	Yes	No	0	60	600	No	Corp. info
Ch 6	648G(5)	Including proportional takeover provisions in constitution	Yes	No	0	120	1200	No	Duty
Ch 7	648G(9)	Including proportional takeover provisions in constitution	Yes	No	0	120	1200	No	ASIC info
Ch 6	649C(2)	Notice of extension of offer period, market bids	Yes	No	0	60	600	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6	650B(3)	Fresh election as to the form of consideration	Yes	No	0	60	600	No	Duty
Ch 6	650E(5)	Right to withdraw acceptance, bidder obligations	Yes	No	0	60	600	No	Duty
Ch 6	650E(6)	Right to withdraw acceptance, cancellation of securities	Yes	No	0	60	600	No	Duty
Ch 6	650F(3)	Notice of freeing off-market bids from defeating conditions	Yes	No	0	60	600	No	Duty
Ch 6	651A(4)	Off-market bid, effect of non-cash offers accepted during bid period	Yes	No	0	60	600	No	Duty
Ch 6	651C(1)	Returning securities as part of election	Yes	No	0	60	600	No	Duty
Ch 6	652C(3)	Notice of withdrawal of market bids	Yes	No	0	60	600	No	Duty
Ch 6	654A(1)	Bidder not to dispose of securities during the bid period	Yes	No	0	60	600	No	Duty
Ch 6	654C(1)	Disclosures about substantial shareholdings in unlisted companies	Yes	No	0	60	600	No	Duty
Ch 6	654C(3)	Disclosures about substantial shareholdings in unlisted companies, lodgment	Yes	No	0	60	600	No	Other
Ch 6	657F(1)	Offence to contravene Takeovers Panel order	Yes	No	0	60	600	No	Order
Ch 6	661B(1)	Compulsory acquisition notice	Yes	No	0	20	200	No	ASIC info
Ch 6	661B(2)	Time for dispatching notices to holders	Yes	No	0	20	200	No	Duty
Ch 6	661D(1)	Holder may obtain names and addresses of other holders	Yes	No	0	60	600	No	ASIC info
Ch 6	662A(1)	Bidder must offer to buy out remaining holders of bid class securities	Yes	No	0	60	600	No	Duty
Ch 6	663A(1)	Bidder must offer to buy out holders of convertible securities	Yes	No	0	60	600	No	Duty
Ch 6	664D(1)	Benefits outside compulsory acquisition procedure	Yes	No	0	60	600	No	Duty
Ch 6	664D(2)	Benefits outside compulsory acquisition procedure	Yes	No	0	60	600	No	Duty
Ch 6	664D(3)	Benefits outside compulsory acquisition procedure	Yes	No	0	60	600	No	Duty
Ch 6	664E(2)	Holder's right to object to the acquisition, lodgment with ASIC	Yes	No	0	60	600	No	ASIC info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6	664E(3)	List of people who have objected to compulsory acquisition notice	Yes	No	0	60	600	No	Duty
Ch 6	664E(4)	Notice of failed proposed acquisition	Yes	No	0	60	600	No	Duty
Ch 6	665A(2)	100% holder must offer to buy out holders of convertible securities	Yes	No	0	60	600	No	Duty
Ch 6	666A(1)	Completing acquisition of securities by private treaty or statutory procedure	Yes	No	0	60	600	No	Duty
Ch 6	666B(2)	Statutory procedure for completion	Yes	No	0	60	600	No	Duty
Ch 6	666B(3)	Statutory procedure for completion	Yes	No	0	60	600	No	Duty
Ch 6	667A(3)	Copy of expert reports to be given to security holders	Yes	No	0	60	600	No	Duty
Ch 6	668A(1)	Records of unclaimed compulsory acquisition consideration	Yes	No	0	60	600	No	Records
Ch 6	668A(2)	Records of unclaimed compulsory acquisition consideration, location	Yes	No	0	20	200	No	Other
Ch 6	668A(3)	Records of unclaimed compulsory acquisition consideration, inspection	Yes	No	0	60	600	No	Duty
Ch 6	668A(4)	Records of unclaimed compulsory acquisition consideration, publication	Yes	No	0	60	600	No	Duty
Ch 6	668B(1)	Unclaimed consideration to be transferred to ASIC	Yes	No	0	60	600	No	Duty
Ch 6A	670A(3)	Materially adverse statement, omission or new matter	No	No	5	600	6000	Yes	Dis./FMD
Ch 6A	670C(1)	Notice of deficiencies in statement, people liable	Yes	No	0	60	600	No	Dis./FMD
Ch 6A	670C(2)	Notice of deficiencies in statement, expert	Yes	No	0	60	600	No	Dis./FMD
Ch 6A	670C(3)	Notice of deficiencies in statement, expert	Yes	No	0	60	600	No	Dis./FMD
Ch 6C	671B(8)	Information about substantial holdings must be given to company, responsible entity, fund operator and relevant market operator	No	No	2	240	2400	No	Corp. info
Ch 6C	671B(9)	Information about substantial holdings must be given to company, responsible entity, fund operator and relevant market operator	Yes	No	0	60	600	No	Corp. info
Ch 6C	672B(1)	Disclosure by member of relevant interests and instructions	Yes	No	0	60	600	No	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6C	672DA(1)	Register of information about relevant interests	No	No	0	30	300	No	Records
Ch 6C	672DA(2)	Location of register with company	Yes	No	0	20	200	No	Other
Ch 6C	672DA(3)	Location of register with listed managed investment scheme	Yes	No	0	20	200	No	Other
Ch 6C	672DA(3A)	Location of register	Yes	No	0	20	200	No	Other
Ch 6C	672DA(4)	Location of register	Yes	No	0	20	200	No	Other
Ch 6C	672DA(6)	Contents of register	No	No	0	30	300	No	Records
Ch 6C	672DA(7)	Inspection of register	No	No	0	30	300	No	Other
Ch 6C	672DA(8)	Deadline for providing copy of register	No	No	0	30	300	No	Duty
Ch 6C	672DA(9)	Entering information into register	No	No	0	30	300	No	Records
Ch 6CA	674(2)	Continuous Disclosure	No	No	5	600	6000	Yes	Con. Dis.
Ch 6CA	674(5)	Continuous Disclosure	No	No	2	240	2400	No	Con. Dis.
Ch 6CA	675(2)	Continuous Disclosure	No	No	5	600	6000	Yes	Con. Dis.
Ch 6D	708A(9)	Obligation to correct defective notice, sale offers that do not need disclosure	No	No	2	240	2400	No	Dis./FMD
Ch 6D	708AA(10)	Obligation to correct defective notice, rights issues not needing disclosure	No	No	2	240	2400	No	Dis./FMD
Ch 6D	721(5)	Offers of securities involving disclosure document	No	No	5	600	6000	No	Other
Ch 6D	722(1)	Application money to be held on trust	Yes	No	0	60	600	No	Duty
Ch 6D	722(2)	Application money to be returned	Yes	No	0	20	200	No	Duty
Ch 6D	723(1)	Applications must be made on form	Yes	No	0	20	200	No	Other
Ch 6D	723(2)	Minimum subscription condition must be fulfilled before issue or transfer	Yes	No	0	20	200	No	Other
Ch 6D	723(3)	Issue or transfer void if quotation condition not fulfilled	Yes	No	0	20	200	No	Other

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6D	724(1)	Dealings with applications for securities made under disclosure document	Yes	No	0	60	600	No	Dis./FMD
Ch 6D	725(1)	Expiration of disclosure document	Yes	No	0	60	600	No	Duty
Ch 6D	726	Offering securities in a body that does not exist	No	No	5	600	6000	No	Duty
Ch 6D	727(1)	Offer of securities needs lodged disclosure document	No	No	15	4500*	45000**	Yes	Duty
Ch 6D	727(2)	Offer form to be included in or accompanied by disclosure document	No	No	5	600	6000	Yes	Duty
Ch 6D	727(3)	Non-quoted securities - waiting period after lodgment	No	No	5	600	6000	Yes	Duty
Ch 6D	727(4)	Issue or transfer not to breach ceiling	No	No	5	600	6000	Yes	Duty
Ch 6D	728(3)	Materially adverse statement, omission or new matter	No	No	15	4500*	45000**	Yes	Dis./FMD
Ch 6D	730(1)	Notice of deficiencies in the disclosure document to person making offer	Yes	No	0	120	1200	No	Dis./FMD
Ch 6D	734(1)	Restrictions on advertising and publicity	Yes	No	0	60	600	No	Duty
Ch 6D	734(2)	Advertising or publicity for offers that need a disclosure document	Yes	No	0	60	600	No	Duty
Ch 6D	735(1)	Obligation to keep consents and other documents	Yes	No	0	30	300	No	Other
Ch 6D	736(1)	Securities hawking prohibited	Yes	No	0	60	600	No	Duty
Ch 6D	738L(3)	CSF offer document to be published on platform of a single CSF intermediary	No	No	5	600	6000	No	Other
Ch 6D	738M(1)	Consents needed for publication of CSF offer document	Yes	No	0	20	200	No	Other
Ch 6D	738M(2)	Consents needed for publication of CSF offer document	Yes	No	0	20	200	No	Other
Ch 6D	738M(3)	Consents needed for publication of CSF offer document	Yes	No	0	20	200	No	Other
Ch 6D	738N(4)	When CSF offer must be closed	No	No	0.5	60	600	No	Duty
Ch 6D	738P(1)	CSF offer document to be removed from offer platform if offer closes in certain circumstances	No	No	0.5	60	600	No	Duty
Ch 6D	738Q(1)	CSF intermediary to conduct checks before publishing CSF offer document	Yes	No	0	50	500	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6D	738Q(5)	CSF intermediary not to publish CSF offer document if not satisfied of certain matters etc.	No	No	1	120	1200	No	Duty
Ch 6D	738Q(7)	CSF intermediary to have adequate arrangements to ensure compliance with gatekeeper obligations	No	No	0.5	60	600	No	Duty
Ch 6D	738R(1)	Company and related parties not to have more than one CSF offer open at any one time	No	No	5	600	6000	No	Duty
Ch 6D	738R(2)	Company and related parties not to have more than one CSF offer open at any one time	No	No	5	600	6000	No	Duty
Ch 6D	738V(1)	Obligation to notify company making offer, and responsible intermediary, if CSF offer document defective	Yes	No	0	50	500	No	Duty
Ch 6D	738V(2)	Obligation to notify company making offer, and responsible intermediary, if CSF offer document defective	Yes	No	0	50	500	No	Duty
Ch 6D	738V(3)	Obligation to notify company making offer, and responsible intermediary, if CSF offer document defective	Yes	No	0	50	500	No	Duty
Ch 6D	738X(2)	Responsible intermediary must suspend or close CSF offer	Yes	No	0	50	500	No	Duty
Ch 6D	738X(3)	Responsible intermediary must suspend or close CSF offer	Yes	No	0	50	500	No	Duty
Ch 6D	738X(7)	Consequences of publication of supplementary or replacement CSF offer document	Yes	No	0	30	300	No	Duty
Ch 6D	738Y(1)	Other liabilities relating to defective CSF offer documents	No	No	5	600	6000	No	Duty
Ch 6D	738Y(3)	Other liabilities relating to defective CSF offer documents	No	No	5	600	6000	No	Dis./FMD
Ch 6D	738ZA(1)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZA(3)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZA(4)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZA(5)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZA(6)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 6D	738ZA(8)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZA(9)	General obligations of CSF intermediaries relating to their platforms etc	No	No	1	120	1200	No	Duty
Ch 6D	738ZB(2)	Responsible intermediary's obligations relating to application money	Yes	No	0	50	500	No	Duty
Ch 6D	738ZB(3)	Responsible intermediary's obligations relating to application money	Yes	No	0	50	500	No	Duty
Ch 6D	738ZB(4)	Responsible intermediary's obligations relating to application money	Yes	No	0	50	500	No	Duty
Ch 6D	738ZC(1)	Caps on investment by retail clients pursuant to CSF offers	No	No	0	30	300	No	Duty
Ch 6D	738ZE(2)	Company making CSF offer or CSF intermediary etc. must not financially assist retail client to acquire securities	No	No	5	600	6000	No	Duty
Ch 6D	738ZF	Offering securities of a company that does not exist	No	No	5	600	6000	No	Duty
Ch 6D	738ZG(1)	Restrictions on advertising and publicity	Yes	No	0	30	300	No	Duty
Ch 7	791A(1)	Licensing requirement of financial market operators	I	No	5	600	6000	Yes	Unlicensed
Ch 7	791B	Other prohibitions on holding out	No	No	5	600	6000	No	Duty
Ch 7	792B(1)	Obligation to notify ASIC of inability to meet obligations	No	No	2	240	2400	Yes	ASIC info
Ch 7	792B(2)	Notice to ASIC by market licensee	No	No	2	240	2400	Yes	ASIC info
Ch 7	792B(3)	Reporting of matters by market licensee to ASIC	No	No	2	240	2400	Yes	ASIC info
Ch 7	792B(4)	Notice to ASIC by market licensee	No	No	2	240	2400	Yes	ASIC info
Ch 7	792B(5)	Notice to ASIC by market licensee	No	No	2	240	2400	Yes	ASIC info
Ch 7	792C(1)	Giving ASIC information about a listed disclosing entity	No	No	2	240	2400	No	ASIC info
Ch 7	792D(1)	Obligation by market licensee to assist ASIC	No	No	2	240	2400	No	Order
Ch 7	792E	Obligation by market licensee to give ASIC access to market facilities	No	No	2	240	2400	No	Order
Ch 7	792F(1)	Annual reports to ASIC by market licensee	No	No	2	240	2400	No	ASIC info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	792F(2)	Annual reports to ASIC by market licensee, information and statements	No	No	0	50	500	No	ASIC info
Ch 7	792F(3)	Annual reports to ASIC by market licensee, statements	No	No	2	240	2400	No	ASIC info
Ch 7	792G(1)	Obligations to notify people about clearing and settlement arrangements in certain circumstances - Notification requirements about clearing and settlement arrangements	No	No	2	240	2400	No	Duty
Ch 7	792G(2)	Obligations to notify people about clearing and settlement arrangements in certain circumstances - Notification requirements about terminating arrangements	No	No	2	240	2400	No	Duty
Ch 7	792I	Making information about compensation arrangements publicly available	No	No	0	50	500	No	Duty
Ch 7	793D(3)	Changing the operating rules - Subsection 795B(2) markets	No	No	2	240	2400	No	ASIC info
Ch 7	794B(3)	Minister's power to require special report - Time for compliance	No	No	2	240	2400	No	ASIC info
Ch 7	794D(3)	ASIC's power to give directions - Period of effect	No	No	2	##	####	No	Order
Ch 7	794E(2)	Additional directions to clearing and settlement facilities - Operator must comply with direction	No	No	2	##	####	No	Order
Ch 7	798C(3)	Market licensee or related body corporate etc listing on market - Obligations to comply with arrangements	No	No	2	240	2400	No	Order
Ch 7	798C(6)	Market licensee or related body corporate etc listing on market - Restrictions on trading on own market	No	No	2	240	2400	No	Duty
Ch 7	798D(4)	Exemptions and modifications for self-listing licensees or related bodies corporate etc - Licensee comply must with any conditions	No	No	2	240	2400	No	Duty
Ch 7	798DA(4)	Market licensee, related body corporate etc or competitor participating in market - Restrictions on participating in own market	No	No	2	240	2400	No	Duty
Ch 7	820A(1)	Need for a licence - Licence requirements for Australian CS facility operator	I	No	5	600	6000	Yes	Unlicensed
Ch 7	820B	Other prohibitions on holding out	No	No	5	600	6000	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	821B(1)	Obligation to notify ASIC of certain matters - Notification requirements for failure or anticipated failure to meet s 821A obligation	No	No	2	240	2400	Yes	ASIC info
Ch 7	821B(2)	Obligation to notify ASIC of certain matters - Other circumstances where licensee must notify ASIC	No	No	2	240	2400	Yes	ASIC info
Ch 7	821B(3)	Obligation to notify ASIC of certain matters - Notification obligations for licensee where licence granted under subs 824B(2)	No	No	2	240	2400	Yes	ASIC info
Ch 7	821B(4)	Obligation to notify ASIC of certain matters	No	No	2	240	2400	Yes	ASIC info
Ch 7	821BA(1)	Obligation to notify Reserve Bank of certain matters - Circumstances where licensee must notify Reserve Bank	No	No	2	240	2400	No	Other
Ch 7	821C(1)	Obligation to assist - ASIC	No	No	2	240	2400	No	Order
Ch 7	821C(3)	Obligation to assist - Reserve Bank	No	No	2	240	2400	No	Other
Ch 7	821D	Obligation to give ASIC access to the facility	No	No	2	240	2400	No	Order
Ch 7	821E(1)	Annual report - Requirement to report to ASIC on compliance with licensee obligations	No	No	2	240	2400	No	ASIC info
Ch 7	821E(2)	Annual report - Regulations may specify information and statement required with report under subs (1)	No	No	2	240	2400	No	ASIC info
Ch 7	821E(3)	Annual report - Licensee to provide audit report if required under subs (4)	No	No	2	240	2400	No	ASIC info
Ch 7	822D(3)	Changing the operating rules - Subsection 824B(2) facilities	No	No	2	240	2400	No	ASIC info
Ch 7	823B(3)	Minister's power to require special report - Time for compliance	No	No	2	240	2400	No	ASIC info
Ch 7	823D(5)	Directions power - protecting dealings in financial products and ensuring fair and effective provision of services by CS facilities - Duration of direction and licensee's obligation to comply	No	No	0	#	###	No	Order
Ch 7	823E(3)	Directions power - reduction of systemic risk - Licensee must comply	No	No	0	#	###	No	Order
Ch 7	850C	Acquisitions of shares	No	No	4	480	4800	No	Duty
Ch 7	851D(8)	Conditions of approval - Obligations on breach of condition	No	No	2	240	2400	No	ASIC info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	852B(2)	Anti-avoidance - Requirement to comply	No	No	4	480	4800	No	Order
Ch 7	853F(1)	Obligations on disqualified individuals - Disqualified individuals	No	No	5	600	6000	No	Duty
Ch 7	853F(2)	Obligations on disqualified individuals - Cessation of involvement	No	No	5	600	6000	Yes	Duty
Ch 7	854A(4)	Record-keeping and giving of information - Contravention	No	No	2	240	2400	No	Dis./FMD
Ch 7	892B(1)	How regulated funds are to be kept - Requirements for keeping money contained in fidelity funds or the NGF	No	No	5	600	6000	No	Duty
Ch 7	892B(3)	How regulated funds are to be kept - Requirements for keeping money sourced other than from a fidelity fund	No	No	5	600	6000	No	Duty
Ch 7	892H(1)	Accounting and reporting for regulated funds - Record-keeping requirements	No	No	5	600	6000	No	Records
Ch 7	892H(2)	Accounting and reporting for regulated funds - End of financial year requirements	No	No	5	600	6000	No	Records
Ch 7	892H(3)	Accounting and reporting for regulated funds - Registered company auditor or authorised audit company must be appointed	No	No	5	600	6000	No	Duty
Ch 7	892H(6)	Accounting and reporting for regulated funds - Obligation to lodge auditor's report	No	No	1	120	1200	No	ASIC info
Ch 7	892H(7)	Accounting and reporting for regulated funds - SEGC's obligation to distribute audited financial statements	No	No	1	120	1200	No	Other
Ch 7	892K(2)	Risk assessment report - Operator must comply	No	No	5	600	6000	No	Order
Ch 7	904B(1)	Obligations relating to derivative trade data - Obligation relating to use or disclosure of derivative trade data	No	No	0	1000	10000	No	Order
Ch 7	904B(5)	Obligations relating to derivative trade data - Obligation relating to use or disclosure of derivative trade data	No	No	0	1000	10000	No	Order
Ch 7	904C(1)	Obligation to notify ASIC of certain matters - Notification of inability to meet obligations under 904A OR Notification of changes to directors, secretaries or senior managers	No	No	0	100	1000	Yes	ASIC info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	904C(3)	Obligation to notify ASIC of certain matters - Notification of inability to meet obligations under 904A OR Notification of changes to directors, secretaries or senior managers	No	No	0	100	1000	No	ASIC info
Ch 7	904D(2)	Obligation to assist APRA and the Reserve Bank	No	No	0	100	1000	No	Order
Ch 7	904E	Obligation to give ASIC access to derivative trade repository facilities	No	No	0	100	1000	No	Order
Ch 7	904G(5)	ASIC's power to give directions to licensee not complying with obligations	No	No	0	##	###	No	Order
Ch 7	904H(3)	ASIC's power to give directions requiring special reports	No	No	0	100	1000	No	Order
Ch 7	904K(4)	Directions relating to derivative trade data if repository ceases to be licensed	No	No	0	##	###	No	Order
Ch 7	905A(2)	Regulations may identify derivative trade repositories as being required to be licensed	No	No	2	500	5000	Yes	Duty
Ch 7	907A	Other prohibitions on holding out	No	No	2	240	2400	No	Duty
Ch 7	911A(1)	Need for an Australian financial services licence - Obligation to hold Australian financial services licence	No	No	5	600	6000	Yes	Unlicensed
Ch 7	911B(1)	Providing financial services on behalf of a person who carries on a financial services business - Conditions for providing financial services on behalf of principal	No	No	5	600	6000	Yes	Unlicensed
Ch 7	911C	Prohibition on holding out	No	No	2	240	2400	No	Duty
Ch 7	912C(3)	Direction to provide a statement - Time for compliance	No	No	2	240	2400	No	Order
Ch 7	912D(1B)	Obligation to notify ASIC of certain matters - Licensee's obligation to lodge a written report	No	No	2	240	2400	Yes	ASIC info
Ch 7	912D(2)	Obligation to notify ASIC of certain matters - Written notice of participation in licensed market/CS facility	No	No	1	120	1200	Yes	ASIC info
Ch 7	912DA(1)	Obligation to notify ASIC of change in control	Yes	No	0	30	300	No	ASIC info
Ch 7	912DB(1)	Obligation to notify ASIC if licensee does not provide financial service	Yes	No	0	30	300	No	ASIC info

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	912E(1)	Surveillance checks by ASIC - Licensee's obligation to assist ASIC or authorised person	No	No	2	240	2400	No	Order
Ch 7	912F(1)	Obligation to cite licence number in documents - Licensee's obligation to cite licence number in certain documents	Yes	No	0	20	200	No	Other
Ch 7	916A(3A)	How representatives are authorised - Prohibition against void authorisations	No	No	2	240	2400	No	Unlicensed
Ch 7	916B(2A)	Sub-authorisations - Prohibition against void sub-authorisation	No	No	2	240	2400	No	Duty
Ch 7	916B(5A)	Sub-authorisations - Copy of consent to be kept	No	No	1	120	1200	No	Other
Ch 7	916C(3)	Authorised representative of 2 or more licensees - Prohibition against void authorisations	No	No	2	240	2400	No	Unlicensed
Ch 7	916D(2A)	Licensees cannot authorise other licensees - Prohibition against void authorisations	No	No	2	240	2400	No	Duty
Ch 7	916F(1)	Obligation to notify ASIC etc about authorised representatives - Obligation to lodge written notice of authorisation of representative with ASIC	Yes	No	0.5	60	600	No	ASIC info
Ch 7	916F(1A)	Obligation to notify ASIC etc about authorised representatives - Written notice of authorisation of sub-authorised representative required	Yes	No	0.5	60	600	No	Duty
Ch 7	916F(3)	Obligation to notify ASIC etc about authorised representatives - Notification obligations following change in details or revocation of authorisation	I	No	0	60	600	No	ASIC info
Ch 7	916G(2)	ASIC may give licensee information about representatives - Use of information provided by ASIC to licensee	No	No	1	120	1200	No	Duty
Ch 7	916G(3)	ASIC may give licensee information about representatives - Use of information provided by licensee to third party	No	No	1	120	1200	No	Duty
Ch 7	920C(3)	Effect of banning orders	No	No	5	600	6000	Yes	Duty
Ch 7	922M(3)	Offence for failing to comply with obligation to notify ASIC	No	No	0	50	500	Yes	ASIC info
Ch 7	923A(1)	Restriction on use of certain words or expressions	No	No	0	#	##	No	Duty
Ch 7	923B(1)	Restriction on use of certain words or expressions unless authorised in licence conditions	No	No	0	#	##	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	923C(1)	Restriction on use of terms “financial adviser” and “financial planner”	No	No	0	#	##	No	Duty
Ch 7	923C(2)	Restriction on use of terms “financial adviser” and “financial planner”	No	No	0	#	##	No	Duty
Ch 7	942B(8)	Financial Services Guide given by financial services licensee - main requirements - Request for record of advice	No	No	1	120	1200	No	Con. Dis.
Ch 7	942C(8)	Financial Services Guide given by authorised representative - main requirements - Request for record of advice	No	No	1	120	1200	No	Con. Dis.
Ch 7	942E	Situation in which only a Supplementary Financial Services Guide need be given	No	No	2	240	2400	No	Unlicensed
Ch 7	943F	Altering a Supplementary Financial Services Guide after its preparation and before giving it to a person	No	No	2	240	2400	No	Unlicensed
Ch 7	946AA(4)	Small investments - Statement of Advice not required - Record of advice	No	No	0	50	500	No	Records
Ch 7	946AA(5)	Advice and information to be provided to client	Yes	No	0	5	50	No	Con. Dis.
Ch 7	946B(3A)	Other situations in which a Statement of Advice is not required - Providing entity’s obligation to keep record of advice	No	No	0	50	500	No	Records
Ch 7	946B(9)	Other situations in which a Statement of Advice is not required - Providing entity’s obligation to keep record of advice	No	No	0	50	500	No	Records
Ch 7	949A(2)	General advice provided to retail client - obligation to warn client that advice does not take account of client’s objectives, financial situation or needs - Providing entity’s obligation to provide warning	No	No	2	240	2400	No	Con. Dis.
Ch 7	949A(5)	General advice provided to retail client - obligation to warn client that advice does not take account of client’s objectives, financial situation or needs - Licensee’s obligation to ensure compliance of authorised representative	No	No	5	600	6000	No	Con. Dis.
Ch 7	949B(2)	Regulations may impose disclosure requirements in certain situations - Compliance with regulation requirements	No	No	1	120	1200	No	Dis./FMD
Ch 7	949B(4)	Regulations may impose disclosure requirements in certain situations - Licensee’s obligation to ensure compliance of authorised representative	No	No	1	120	1200	No	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	952C(1)	Offence of failing to give a disclosure document or statement - Strict liability offence	Yes	No	0	50	500	No	Dis./FMD
Ch 7	952C(3)	Offence of failing to give a disclosure document or statement - Ordinary offence	No	No	5	600	6000	No	Dis./FMD
Ch 7	952D(1)	Offence of giving a disclosure document or statement knowing it to be defective - Circumstances where providing entity commits offence	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952D(2)	Offence of giving a disclosure document or statement knowing it to be defective - Circumstances where authorised representative commits offence	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952E(1)	Offence of giving a defective disclosure document or statement (whether or not known to be defective) - Circumstances where providing entity commits offence	I	No	2	240	2400	Yes	Dis./FMD
Ch 7	952E(2)	Offence of giving a defective disclosure document or statement (whether or not known to be defective) - Circumstances where authorised representative commits offence	I	No	2	240	2400	Yes	Dis./FMD
Ch 7	952F(2)	Offences of financial services licensee knowingly providing defective disclosure material to an authorised representative	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952F(3)	Offences of financial services licensee knowingly providing defective disclosure material to an authorised representative	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952F(4)	Offences of financial services licensee knowingly providing defective disclosure material to an authorised representative	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952G(2)	Offences of financial services licensee providing disclosure material to an authorised representative (whether or not known to be defective) - Offence	I	No	2	240	2400	No	Dis./FMD
Ch 7	952G(4)	Offences of financial services licensee providing disclosure material to an authorised representative (whether or not known to be defective) - Offence	I	No	2	240	2400	No	Dis./FMD
Ch 7	952G(6)	Offences of financial services licensee providing disclosure material to an authorised representative (whether or not known to be defective) - Offence	I	No	2	240	2400	No	Dis./FMD
Ch 7	952H	Offence of financial services licensee failing to ensure authorised representative gives disclosure documents or statements as required	No	No	5	600	6000	Yes	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	952I(1)	Offences if a Financial Services Guide (or Supplementary FSG) does not comply with certain requirements - Offence	I	No	0	30	300	No	Dis./FMD
Ch 7	952I(2)	Offences if a Financial Services Guide (or Supplementary FSG) does not comply with certain requirements - Offence	I	No	0	30	300	No	Dis./FMD
Ch 7	952I(3)	Offences if a Financial Services Guide (or Supplementary FSG) does not comply with certain requirements - Offence	I	No	0	30	300	No	Dis./FMD
Ch 7	952I(4)	Offences if a Financial Services Guide (or Supplementary FSG) does not comply with certain requirements - Offence	I	No	0	30	300	No	Dis./FMD
Ch 7	952J(1)	Offence if a Statement of Advice does not comply with certain requirements - Offence	I	No	0	30	300	No	Dis./FMD
Ch 7	952K	Offence if authorised representative gives out unauthorised Financial Services Guide (or Supplementary FSG)	No	No	5	600	6000	No	Unlicensed
Ch 7	952L(1)	Offences if financial services licensee or authorised representative becomes aware that a Financial Services Guide (or Supplementary FSG) is defective - Circumstances where licensee commits offence upon becoming aware of defective FSG or SFSG	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	952L(2)	Offences if financial services licensee or authorised representative becomes aware that a Financial Services Guide (or Supplementary FSG) is defective - Offence	No	No	5	600	6000	No	Dis./FMD
Ch 7	952L(3)	Offences if financial services licensee or authorised representative becomes aware that a Financial Services Guide (or Supplementary FSG) is defective - Circumstances where authorised representative commits offence upon becoming aware of defective FSG or SFSG	No	No	5	600	6000	No	Dis./FMD
Ch 7	952M	Offence of unauthorised alteration of Financial Services Guide or Supplementary Financial Services Guide	No	No	5	600	6000	No	Dis./FMD
Ch 7	982C(1)	Licensee to give client statement setting out terms of loan etc - Obligation to give client a statement	No	No	2	240	2400	No	Con. Dis.
Ch 7	982C(2)	Licensee to give client statement setting out terms of loan etc - Obligation to keep money in account until receive acknowledgment of receipt of statement	No	No	2	240	2400	No	CMO

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	982D	Permitted use of loan	No	No	2	240	2400	No	CMO
Ch 7	983C	Duty of person to whom order directed to make full disclosure	No	No	0.5	60	600	No	ASIC info
Ch 7	984B(1)	How property to which this Division applies is to be dealt with - How licensee must deal with applicable property	No	No	2	^	^	No	Duty
Ch 7	985D(1)	Financial services licensees etc not to deal in general insurance products from unauthorised insurers etc - Restriction on licensee dealing in certain general insurance products	Yes	No	0	50	500	No	Unlicensed
Ch 7	985J(1)	Failure to give assessment to retail client if requested before issue of facility or increase in limit	Yes	No	0	50	500	Yes	Con. Dis.
Ch 7	985J(2)	Failure to give assessment to retail client if requested before issue of facility or increase in limit	Yes	No	0	50	500	Yes	Con. Dis.
Ch 7	985J(4)	Demanding payment to give assessment to retail client	Yes	No	0	50	500	Yes	Con. Dis.
Ch 7	985K(1)	Issuing or increasing limit of margin lending facility if unsuitable	No	No	2	240	2400	Yes	Lending
Ch 7	988A(1)	Obligation to keep financial records - Obligation of licensee to keep records	No	No	5	200	2000	No	Records
Ch 7	989B(1)	Financial services licensee to prepare and lodge annual profit and loss statement and balance sheet - Licensee's obligation to prepare statement and balance sheet	No	No	5	200	2000	No	Records
Ch 7	989B(2)	Financial services licensee to prepare and lodge annual profit and loss statement and balance sheet - Licensee's obligation to lodge statement and balance sheet	No	No	5	200	2000	No	ASIC info
Ch 7	989B(3)	Financial services licensee to prepare and lodge annual profit and loss statement and balance sheet - Licensee's obligation to lodge auditor's report	No	No	5	200	2000	No	ASIC info
Ch 7	989CA(1)	Audit to be conducted in accordance with auditing standards - Obligations of individual auditors	Yes	No	0	50	500	No	Duty
Ch 7	989CA(2)	Audit to be conducted in accordance with auditing standards - Obligations of audit firm or company	Yes	No	0	50	500	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	990B(1)	Appointment of auditor by licensee - Licensee must appoint auditor(s) within 1 month of holding licence	No	No	5	600	6000	No	Duty
Ch 7	990B(2)	Appointment of auditor by licensee - Timing for appointment upon vacancy	No	No	5	600	6000	No	Duty
Ch 7	990B(6)	Appointment of auditor by licensee - Licensee's obligation to lodge notice of appointment	No	No	0.5	60	600	No	ASIC info
Ch 7	990D(1)	Ineligible person or firm must not consent to act or disqualify themselves etc - Restriction on actions of ineligible person or firm	No	No	2	240	2400	No	Duty
Ch 7	990D(2)	Ineligible person or firm must not consent to act or disqualify themselves etc - Disqualification of individual or firm during appointment as auditor prohibited	No	No	2	240	2400	No	Duty
Ch 7	990F(a)	Removal of auditors	No	No	2	240	2400	No	Duty
Ch 7	990I(3)	Auditor's right of access to records, information etc - Prohibition on certain persons hindering, obstructing or delaying auditor	No	No	2	240	2400	No	Duty
Ch 7	990K(1)	Auditor to report on certain matters - Auditor's obligation to report on subs (2) matters	No	No	1	120	1200	No	ASIC info
Ch 7	991B(2)	Financial services licensee to give priority to clients' orders - Prohibition on entering certain transactions	No	No	1	120	1200	No	Duty
Ch 7	991E(1)	Obligations of financial services licensee in relation to dealings with non-licensees - Obligation to disclose if acting on own behalf	No	No	1	120	1200	No	Unlicensed
Ch 7	991E(3)	Obligations of financial services licensee in relation to dealings with non-licensees - Obligation not to charge fee	No	No	1	120	1200	No	CMO
Ch 7	991F(1)	Dealings involving employees of financial services licensees - Prohibition on joint acquisitions by licensee and employee	No	No	0.5	60	600	No	Duty
Ch 7	991F(2)	Dealings involving employees of financial services licensees - Prohibition on licensee giving credit to certain persons	No	No	0.5	60	600	No	Lending
Ch 7	991F(3)	Dealings involving employees of financial services licensees - Limitations on employees acquiring certain financial products	No	No	0.5	60	600	No	Duty

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	992A(1)	Prohibition on hawking of certain financial products - Prohibition on unsolicited offers	No	No	0.5	60	600	No	Duty
Ch 7	992A(3)	Prohibition on hawking of certain financial products - Limitation on making certain offers by unsolicited calls or contacts	No	No	0.5	60	600	No	Duty
Ch 7	992AA(1)	Prohibition of hawking of managed investment products - Prohibition on unsolicited offers	No	No	0.5	60	600	No	Duty
Ch 7	993B(1)	Offence of failing to pay client money into an account as required - Strict liability offence	Yes	No	0	50	500	No	CMO
Ch 7	993B(3)	Offence of failing to pay client money into an account as required - Ordinary offence	No	No	15	4500*	45000**	No	CMO
Ch 7	993C(1)	Offence of failing to comply with requirements relating to client money account - Strict liability offence	Yes	No	0	50	500	No	CMO
Ch 7	993C(3)	Offence of failing to comply with requirements relating to client money account - Ordinary offence	No	No	5	600	6000	No	CMO
Ch 7	993D(2)	Offence of failing to pay loan money into an account as required - Strict liability offence	No	No	5	600	6000	Yes	Lending
Ch 7	993D(3)	Offence of failing to pay loan money into an account as required - Strict liability offence	Yes	No	0	50	500	Yes	Lending
Ch 7	1012DA(9)	Product Disclosure Statement not required for sale amounting to indirect issue - Obligation to correct defective notice	No	No	2	240	2400	No	Dis./FMD
Ch 7	1012DAA(10)	Rights issues for which Product Disclosure Statement is not required - Obligation to correct defective notice	No	No	2	240	2400	No	Dis./FMD
Ch 7	1012H(2)	Obligation to take reasonable steps to ensure that Product Disclosure Statement is given to person electing to be covered by group financial product - Timing for providing product disclosure statement	No	No	2	240	2400	No	Duty
Ch 7	1013I(4)	Extra requirements if Product Disclosure Statement relates to managed investment products that are ED securities - Copy requested to be given free of charge	No	No	2	240	2400	No	Con. Dis.

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1013IA(5)	Extra requirements if Product Disclosure Statement related to foreign passport fund products that are ED securities	No	No	2	240	2400	No	Con. Dis.
Ch 7	1013K(1)	Form, content and preparation of Replacement Product Disclosure Statements - Statement and information required at beginning of RPDS	No	No	2	240	2400	No	Other
Ch 7	1013K(2)	Form, content and preparation of Replacement Product Disclosure Statements - Where title must be used on RPDS	No	No	2	240	2400	No	Other
Ch 7	1015B(1)	Some Statements must be lodged with ASIC - Circumstances where statement must be lodged prior to being given to a person	No	No	2	240	2400	No	ASIC info
Ch 7	1015D(2)	Notice, retention and access requirements for Statement that does not need to be lodged - Responsible person must lodge notice with ASIC following certain events	No	No	2	240	2400	No	ASIC info
Ch 7	1015D(3)	Notice, retention and access requirements for Statement that does not need to be lodged - Statement to be kept for 7 years	No	No	2	240	2400	No	Records
Ch 7	1015D(4)	Notice, retention and access requirements for Statement that does not need to be lodged - Responsible person's obligation to provide copies of statement	No	No	2	240	2400	No	Order
Ch 7	1015E(1)	Altering a Statement after its preparation and before giving it to a person - Restrictions on giving altered Statement	No	No	2	240	2400	No	Duty
Ch 7	1016A(2)	Provisions relating to use of application forms - Conditions for restricted issue or restricted sale	No	No	5	600	6000	No	Duty
Ch 7	1016A(3)	Provisions relating to use of application forms - Conditions for becoming standard employer-sponsor	No	No	5	600	6000	No	Duty
Ch 7	1016B(1)	If Statement lodged with financial product is not to be issued or sold before specified period - Restrictions on issue or sale of financial products	No	No	2	240	2400	No	Duty
Ch 7	1016C	Minimum subscription condition must be fulfilled before issue or sale	No	No	2	240	2400	No	Duty
Ch 7	1016D(1)	Condition about ability to trade on a market must be fulfilled before issue or sale - Conditions of issue or sale	No	No	2	240	2400	No	Duty
Ch 7	1016D(2)(d)	Condition about ability to trade on a market must be fulfilled before issue or sale - Issue or transfer void if quotation condition not fulfilled	No	No	2	240	2400	No	CMO

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1016E(2)	Choices open to person making the offer if disclosure condition not met or Product Disclosure Statement defective - Obligations of responsible person	No	No	2	240	2400	No	Duty
Ch 7	1017B(1)	Ongoing disclosure of material changes and significant events - Issuer to notify holders of changes and events	No	No	5	600	6000	No	Con. Dis.
Ch 7	1017C(2)	Information for existing holders of superannuation products and RSA products - Information for concerned person related to a superannuation product	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017C(2A)	Information for existing holders of superannuation products and RSA products - Information for concerned person related to an RSA product	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017C(3)	Information for existing holders of superannuation products and RSA products - Information for employer-sponsor related to a superannuation product	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017C(3A)	Information for existing holders of superannuation products and RSA products - Information for employer related to an RSA product	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017C(5)	Information for existing holders of superannuation products and RSA products - Specific requirements	No	No	2	240	2400	No	Duty
Ch 7	1017D(1)	Periodic statements for retail clients for financial products that have an investment component - Where issuer must give holder periodic statements	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017DA(3)	Trustees of superannuation entities - regulations may specify additional obligations to provide information - Information to be provided in accordance with regulations	No	No	0	50	500	No	Con. Dis.
Ch 7	1017E(3)	Dealing with money received for financial product before the product is issued - Conditions for withdrawing money from account	No	No	5	600	6000	No	CMO
Ch 7	1017E(4)	Dealing with money received for financial product before the product is issued - Obligations of product provider after withdrawing money	No	No	5	600	6000	No	CMO
Ch 7	1017F(2)	Confirming transactions - Obligation to confirm transactions	No	No	2	240	2400	No	Con. Dis.
Ch 7	1017G(1)	Certain product issuers and regulated persons must meet appropriate dispute resolution requirements - Where dispute resolution system required	No	No	5	600	6000	No	Con. Dis.

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1018A(1)	Advertising or other promotional material for financial product must refer to Product Disclosure Statement - Advertisements and promotional material must identify issuer (or issuer and seller) and refer to Product Disclosure Statement	No	No	2	240	2400	No	Duty
Ch 7	1018A(2)	Advertising or other promotional material for financial product must refer to Product Disclosure Statement - Advertising requirements for certain product not currently available for acquisition by retail clients	No	No	2	240	2400	No	Duty
Ch 7	1018B(1)	Prohibition on advertising personal offers covered by section 1012E - Where offer not to be advertised	No	No	2	240	2400	No	Duty
Ch 7	1020AB(3)	Seller disclosure	No	No	0.5	60	600	No	Dis./FMD
Ch 7	1020AC(2)	Licensee disclosure	No	No	0.5	60	600	No	Dis./FMD
Ch 7	1020AD(2)	Public disclosure of information	No	No	0.5	60	600	No	Dis./FMD
Ch 7	1020AE	Licensee's obligation to ask seller about short sale	No	No	0.5	60	600	No	Duty
Ch 7	1020AI(3)	Requirement to give information statements for CGS depository interest if recommending acquisition of interest - Strict liability offence of failing to give statement	Yes	No	0	50	500	No	Con. Dis.
Ch 7	1020AI(5)	Requirement to give information statements for CGS depository interest if recommending acquisition of interest - Ordinary offence of failing to give statement	No	No	2	240	2400	No	Con. Dis.
Ch 7	1020AI(7)	Requirement to give information statements for CGS depository interest if recommending acquisition of interest - Offence of failing to ensure authorised representative gives statement	No	No	5	600	6000	No	Duty
Ch 7	1020AJ	Information statement given must be up to date	No	No	2	240	2400	No	Dis./FMD
Ch 7	1020A	Offers etc. relating to certain managed investment schemes not to be made in certain circumstances	No	No	5	600	6000	Yes	Unlicensed
Ch 7	1020BAA(1)	Offers etc. relating to foreign passport funds not to be made in certain circumstances	No	No	5	600	6000	No	Unlicensed

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1020B(2)	Prohibition of certain short sales of securities, managed investment products and certain other financial products - Conditions for sale of s 1020B products	No	No	∞	∞	∞	No	Duty
Ch 7	1020E(8)	Stop orders by ASIC - Recipient of order has duty to inform	No	No	2	240	2400	No	Order
Ch 7	1020E(9)	Stop orders by ASIC - Contravention of order prohibited	No	No	2	240	2400	No	Order
Ch 7	1021C(1)	Offence of failing to give etc a disclosure document or statement - Strict liability offence	Yes	No	0	50	500	No	Con. Dis.
Ch 7	1021C(3)	Offence of failing to give etc a disclosure document or statement - Ordinary offence	No	No	5	600	6000	No	Con. Dis.
Ch 7	1021D(1)	Offence of preparer of defective disclosure document or statement giving the document or statement knowing it to be defective - knowingly prepare and give defective disclosure document	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	1021D(2)	Offence of preparer of defective disclosure document or statement giving the document or statement knowing it to be defective - knowingly prepare and give defective disclosure document that may be given to third person	No	No	15	4500*	45000**	No	Dis./FMD
Ch 7	1021E(1)	Offence of preparer of defective disclosure document or statement giving the document or statement (whether or not known to be defective) - preparing and giving defective disclosure document	I	No	2	240	2400	Yes	Dis./FMD
Ch 7	1021E(2)	Offence of preparer of defective disclosure document or statement giving the document or statement (whether or not known to be defective) - prepare and give defective disclosure document that may be given to third person	I	No	2	240	2400	Yes	Dis./FMD
Ch 7	1021F(1)	Offence of regulated person (other than preparer) giving disclosure document or statement knowing it to be defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021FA(1)	Paragraph 1012G(3)(a) obligation - offences relating to communication of information - Offence where information known to be defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021FA(2)	Paragraph 1012G(3)(a) obligation - offences relating to communication of information - Offence whether or not information known to be defective	I	No	2	240	2400	No	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1021FB(1)	Paragraph 1012G(3)(a) obligation - offences relating to information provided by product issuer for communication by another person - Product issuer knows information is defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021FB(2)	Paragraph 1012G(3)(a) obligation - offences relating to information provided by product issuer for communication by another person - Product issuer knows information is not all the required information	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021FB(3)	Paragraph 1012G(3)(a) obligation - offences relating to information provided by product issuer for communication by another person - Product issuer provides information that results in information required by paragraph 1012G(3)(a) being defective	I	No	2	240	2400	No	Dis./FMD
Ch 7	1021FB(6)	Paragraph 1012G(3)(a) obligation - offences relating to information provided by product issuer for communication by another person - Product issuer does not provide all the required information	I	No	2	240	2400	No	Dis./FMD
Ch 7	1021G	Offence of financial services licensee failing to ensure authorised representative gives etc. disclosure documents or statements as required	No	No	5	600	6000	Yes	Duty
Ch 7	1021H(1)	Offences if a Product Disclosure Statement (or Supplementary PDS) does not comply with certain requirements	I	No	0	30	300	No	Dis./FMD
Ch 7	1021I(1)	Offence of giving disclosure document or statement that has not been prepared by the appropriate person	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021J(1)	Offences if preparer etc. of disclosure document or statement becomes aware that it is defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021J(2)	Offences if preparer etc. of disclosure document or statement becomes aware that it is defective - non-compliance by regulated person	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021J(3)	Offences if preparer etc. of disclosure document or statement becomes aware that it is defective - regulated person fails to take reasonable steps to notify relevant person	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021K(1)	Offence of unauthorised alteration of Product Disclosure Statement (or Supplementary PDS)	No	No	5	600	6000	No	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1021L(1)	Offences of giving, or failing to withdraw, consent to inclusion of defective statement	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021L(2)	Offences of giving, or failing to withdraw, consent to inclusion of defective statement - knowledge/awareness and failure to withdraw	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021M(1)	Offences relating to keeping and providing copies of Product Disclosure Statements (or Supplementary PDSs) - Strict liability offence	Yes	No	0	50	500	No	ASIC info
Ch 7	1021M(3)	Offences relating to keeping and providing copies of Product Disclosure Statements (or Supplementary PDSs) - Ordinary Offence	No	No	2	240	2400	No	ASIC info
Ch 7	1021N	Offence of failing to provide additional information requested under section 1017A	No	No	2	240	2400	No	Con. Dis.
Ch 7	1021NA(1)	Offences relating to obligation to make product dashboard publicly available - Failure to comply with obligation to make product dashboard publicly available	No	No	2	240	2400	No	Duty
Ch 7	1021NA(2)	Offences relating to obligation to make product dashboard publicly available - Offence where information known to be defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021NA(3)	Offences relating to obligation to make product dashboard publicly available - Offence whether or not information known to be defective	I	No	2	240	2400	No	Dis./FMD
Ch 7	1021NB(1)	Offences relating to obligation to make superannuation investment information publicly available - Failure to comply with obligation to make information publicly available	No	No	2	240	2400	No	Duty
Ch 7	1021NB(2)	Offences relating to obligation to make superannuation investment information publicly available - Offence where information known to be defective	No	No	5	600	6000	No	Dis./FMD
Ch 7	1021NB(3)	Offences relating to obligation to make superannuation investment information publicly available - Offence whether or not information known to be defective	I	No	2	240	2400	No	Dis./FMD
Ch 7	1021O(1)	Offences of issuer or seller of financial product failing to pay money into an account as required - Strict liability offence	Yes	No	0	60	600	No	CMO
Ch 7	1021O(3)	Offences of issuer or seller of financial product failing to pay money into an account as required - Ordinary offence	No	No	5	600	6000	No	CMO

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1021P(1)	Offences relating to offers to which Division 5A applies - Failure to comply with requirements of section 1019E relating to how offers are made	No	No	2	240	2400	No	Duty
Ch 7	1021P(2)	Offences relating to offers to which Division 5A applies - Contravening section 1019F by inviting offers to sell	No	No	2	240	2400	No	Duty
Ch 7	1021P(3)	Offences relating to offers to which Division 5A applies - Failure to comply with requirements of section 1019G relating to duration and withdrawal of offers	No	No	0	50	500	No	Duty
Ch 7	1021P(4)	Offences relating to offers to which Division 5A applies - Failure to comply with requirements of section 1019I relating to price or value	No	No	2	240	2400	No	Duty
Ch 7	1021P(5)	Offences relating to offers to which Division 5A applies - Failure to comply with other requirements of section 1019I	No	No	0	50	500	No	Duty
Ch 7	1021P(6)	Offences relating to offers to which Division 5A applies - Failure to comply with requirements of section 1019J	No	No	0	50	500	No	Duty
Ch 7	1023P(1)	Enforcement of product intervention orders	No	No	5	600	6000	Yes	Duty
Ch 7	1023P(2)	Enforcement of product intervention orders	No	No	5	600	6000	Yes	Duty
Ch 7	1023P(4)	Enforcement of product intervention orders	No	No	5	600	6000	Yes	Duty
Ch 7	1041A	Market Manipulation	No	No	15	4500*	45000**	Yes	Distortion
Ch 7	1041B(1)	False trading and market rigging - creating a false or misleading appearance of active trading	No	No	15	4500*	45000**	Yes	Distortion
Ch 7	1041C(1)	False trading and market rigging - artificially maintaining etc market price	No	No	15	4500*	45000**	Yes	Distortion
Ch 7	1041D	Dissemination of information about illegal transactions	No	No	15	4500*	45000**	Yes	Distortion
Ch 7	1041E(1)	False or misleading statements	I	No	15	4500*	45000**	No	Distortion
Ch 7	1041F(1)	Inducing persons to deal	No	No	15	4500*	45000**	No	Distortion
Ch 7	1041G(1)	Dishonesty	No	No	15	4500*	45000**	No	Dishonesty
Ch 7	1043A(1)	Insider Trading	No	No	15	4500*	45000**	Yes	Distortion

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1043A(2)	Insider Trading	No	No	15	4500*	45000**	Yes	Distortion
Ch 7	1052B(3)	Directions to increase limits on the value of claims	No	No	0	##	####	No	Order
Ch 7	1052BA(4)	Directions to ensure sufficient financing	No	No	0	##	####	No	Order
Ch 7	1052C(6)	General directions	No	No	0	##	####	No	Order
Ch 7	1070B(1)	Title to certain securities - Numbering of shares	No	No	0	30	300	No	Other
Ch 7	1070C(1)	Title to certain securities - Matters to be specified in share certificate	No	No	0	30	300	No	Other
Ch 7	1070D(3)	Title to certain securities - Loss or destruction of title documents for certain securities - Company's obligation to issue duplicate certificate or title	No	No	0	30	300	No	Duty
Ch 7	1071B(2)	Transfer of certain shares - Instrument of transfer required for registration	No	No	0	30	300	No	Duty
Ch 7	1071E	Notice of refusal to register transfer	No	No	0	30	300	No	Con. Dis.
Ch 7	1072E(11)	Special provisions for shares - Trustee etc. may be registered as owner of shares	No	No	0	30	300	No	Corp. info
Ch 7	1072H(1)	Special provisions for shares - Notices relating to nonbeneficial and beneficial ownership of shares	No	No	0	30	300	No	Duty
Ch 7	1072H(3)	Special provisions for shares - Notices relating to nonbeneficial and beneficial ownership of shares	No	No	0	30	300	No	Duty
Ch 7	1072H(4)	Special provisions for shares - Notices relating to nonbeneficial and beneficial ownership of shares	No	No	0	30	300	No	Corp. info
Ch 7	1072H(5)	Special provisions for shares - Notices relating to nonbeneficial and beneficial ownership of shares	No	No	0	30	300	No	Corp. info
Ch 7	1072H(6)	Special provisions for shares - Notices relating to nonbeneficial and beneficial ownership of shares	No	No	0	30	300	No	Corp. info
Ch 7	1101B(10)	Power of Court to make certain orders - Duty to comply with order	No	No	2	240	2400	No	Order
Ch 7	1101C(1)	Preservation and disposal of records etc - Registers	No	No	1	120	1200	No	Records

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 7	1101C(2)	Preservation and disposal of records etc - Financial records	No	No	1	120	1200	No	Records
Ch 7	1101C(3)	Preservation and disposal of records etc - Other records	No	No	1	120	1200	No	Records
Ch 7	1101E(1)	Concealing etc of books - Prohibition on concealment or tampering with certain books	No	No	2	240	2400	No	Records
Ch 7	1101F(1)	Falsification of records - Prohibition on destroying, removing or falsifying etc books or registers	No	No	2	240	2400	No	Dis./FMD
Ch 7	1101F(1A)	Falsification of records - Prohibition on conduct resulting in falsification of books or registers	No	No	2	240	2400	No	Dis./FMD
Ch 7	1101G	Precautions against falsification of records	No	No	1	120	1200	No	Dis./FMD
Ch 8	1200N(7)	ASIC's powers in relation to recognised offers - Stop orders - reasonable steps to ensure compliance	No	No	2	240	2400	No	Order
Ch 8	1200N(8)	ASIC's powers in relation to recognised offers - Stop orders - compliance	No	No	2	240	2400	No	Order
Ch 8	1200Q(1)	ASIC's powers in relation to recognised offers - Offence of breaching an ongoing condition	No	No	5	600	6000	No	Duty
Ch 8	1200Q(2)	ASIC's powers in relation to recognised offers - Offence of breaching an ongoing condition	No	No	5	600	6000	No	Duty
Ch 8	1200S	Offers made under foreign recognition schemes - Notice to ASIC	No	No	2	240	2400	No	ASIC info
Ch 8	1200U(6)	Offers made under foreign recognition schemes - ASIC stop order for advertising in a recognised jurisdiction - reasonable steps to ensure awareness	No	No	2	240	2400	No	Order
Ch 8	1200U(7)	Offers made under foreign recognition schemes - ASIC stop order for advertising in a recognised jurisdiction - compliance	No	No	2	240	2400	No	Order
Ch 8	1212C(1)	Notifying ASIC if offering interests in another participating economy in another name	No	No	0	60	600	No	Order
Ch 8	1215D(2)	Compliance with stop orders	No	No	2	240	2400	No	Order
Ch 8	1215D(3)	Compliance with stop orders	No	No	2	240	2400	No	Order

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 8	1215D(4)	Compliance with stop orders	No	No	2	240	2400	No	Order
Ch 9	1274(1)	Registers	No	No	1	120	1200	No	Order
Ch 9	1274(2)	Registers	No	No	1	120	1200	No	Order
Ch 9	1274(9)	Information required by ASIC in receiving/registering documents	Yes	No	0	120	1200	No	ASIC info
Ch 9	1274(13)	Company registers	Yes	No	0	120	1200	No	Order
Ch 9	1274(16)	Provision within reasonable period	Yes	No	0	120	1200	No	Order
Ch 9	1299F(1)	Notification of ASIC for certain matters - authorised audit company	No	No	0	30	300	No	ASIC info
Ch 9	1299F(3)	Notification of ASIC for certain matters - authorised audit company	No	No	0	30	300	No	ASIC info
Ch 9	1299F(5)	Notification of ASIC for certain matters - authorised audit company	No	No	0	30	300	No	ASIC info
Ch 9	1299G(1)	Annual statements by authorised audit company	Yes	No	0	20	200	No	ASIC info
Ch 9	1299G(4)	Annual statements by authorised audit company - Director's reasonable steps	No	No	0	30	300	No	ASIC info
Ch 9	1300(2A)	Making available books for inspection with 7 days	Yes	No	0	30	300	No	Duty
Ch 9	1300(3)	Inspector may make copies	Yes	No	0	20	200	No	Duty
Ch 9	1307(1)	Falsification of books	No	No	5	600	6000	No	Dis./FMD
Ch 9	1307(2)	Falsification of recorded or stored matter	Yes	No	5	600	6000	No	Dis./FMD
Ch 9	1308B(1)	False or misleading statements about share capital	Yes	No	0	20	200	No	Dis./FMD
Ch 9	1308(1)	False or misleading statements - purposely lodges a misleading document required by this act	No	No	5	600	6000	Yes	Dis./FMD
Ch 9	1308(3)	Misleading statements about capital	Yes	No	0	20	200	Yes	Dis./FMD
Ch 9	1309(1)	False information etc. - officer/employee knowledge	No	No	5	600	6000	No	Dis./FMD
Ch 9	1309(2)	False information etc. - lack of knowledge	No	No	2	240	2400	Yes	Dis./FMD

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision	Misconduct
Ch 9	1310	Obstructing or hindering ASIC etc.	No	No	2	240	2400	No	Order
Ch 9	1317AE(1)	Confidentiality requirements for company, company officers and employees and auditors	Yes	No	0	20	200	No	Dis./FMD
Ch 9	1317AAE(1)	Confidentiality of whistleblower's identity	No	No	0.5	60	600	Yes	Dis./FMD
Ch 9	1317AC(1)	Victimisation prohibited - Actually causing detriment to another person	No	No	2	240	2400	Yes	Duty
Ch 9	1317AC(2)	Victimisation prohibited - Threatening to cause detriment to another person	No	No	2	240	2400	Yes	Duty
Ch 9	1317AC(3)	Victimisation prohibited - Officers and employees involved in contravention	No	No	2	240	2400	Yes	Duty
Ch 9	1317AI(1)	Company must have whistleblower policy	Yes	No	0	60	600	No	Duty
Ch 9	1317AI(2)	Proprietary company must have whistleblower policy	Yes	No	0	60	600	No	Duty
Ch 9	1317AI(3)	Proprietary company that is trustee of registrable superannuation entity must have whistleblower policy	Yes	No	0	60	600	No	Duty
Ch 9	1323(9)	Power of Court to prohibit payment or transfer of money, financial products or other property	Yes	No	0	60	600	No	Order
Ch 10	1412(3)	Treatment of proposed markets that have not started to operate by the FSR commencement	No	No	2	240	2400	No	ASIC info
Ch 10	1424(3)	Treatment of proposed clearing and settlement facilities that have not started to operate by the FSR commencement	No	No	2	240	2400	No	ASIC info
Ch 10	1438(6)	New product disclosure provisions do not apply to existing products during transition period	No	No	0	50	500	No	Order
Sch 4	cl 25(5)	ASIC may direct to modify constitution	No	No	2	240	2400	No	Order
Sch 4	cl 29(7)	Disclosure for proposed demutualisation	No	No	5	2000	20000	Yes	Corp. info

Strict and Absolute Liability Key:

I	Identified elements only
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Special Penalty Calculation Key:

*	Greater of 4,500 PU and 3 x benefit derived and detriment avoided because of the offence (see 1311B(4))
**	Greater of 45,000 PU; 3 x benefit derived/detriment avoided; and 10% annual turnover in 12 month period (see s 1311C(3))
#	10 PU for each day or part of day for which offence is committed
##	100 PU for each day or part of day for which offence is committed
###	500PU for each day or part of day for which offence is committed
####	1000PU for each day or part of day for which offence is committed
^	The applicable penalty varies according to the particular contravention
^^	(a) for a first offence — imprisonment for 6 months; and (b) for a second offence — imprisonment for 2 years (conversion to pecuniary penalty requires recourse to ss 1311B or 1311C)

Misconduct Key:

Duty	Breach of duty/ conduct obligation	ASIC info	Providing ASIC with information
CMO	Client money obligations	Other info	Providing auditors/liquidators/administrators with information
Dis./FMD	Defective disclosure/ false, misleading or deceptive conduct	Con. Dis.	Providing information/disclosure to consumers
Dishonesty	Dishonest conduct	Corp. info	Providing members/directors/company with information
Distortion	Financial market distortion/misconduct	Records	Record keeping
Order	Non-compliance with ASIC/court requirement	Lending	Responsible lending
Other	Other compliance requirement	Unlicensed	Unlicensed conduct

**Table 15: Legislative Review — *Corporations Act 2001* (Cth)
(civil penalties)**

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 2D, Pt 2D.1	180(1)	Officer Duties - A director/officer must exercise their powers and discharge their duties with care and diligence	*	#	No	Duty
Ch 2D, Pt 2D.1	181(1)	Officer Duties - A director/officer must exercise their powers and discharge their duties in good faith and for a proper purpose	*	#	No	Duty
Ch 2D, Pt 2D.1	181(2)	Officer Duties - A person must not be involved in a contravention of 181(1)	*	#	No	Duty
Ch 2D, Pt 2D.1	182(1)	Officer Duties - A director/secretary/other officer/employee must not improperly use position	*	#	No	Duty
Ch 2D, Pt 2D.1	182(2)	Officer Duties - A person must not be involved in a contravention of 182(1)	*	#	No	Duty
Ch 2D, Pt 2D.1	183(1)	Officer Duties - A director/officer/employee of a corporation must not improperly use information	*	#	No	Duty
Ch 2D, Pt 2D.1	183(2)	Officer Duties - A person involved in a contravention of 183(1)	*	#	No	Duty
Ch 2D, Pt 2D.1	188(1)	Responsibilities of secretaries etc for corporate contraventions	*	#	No	Duty
Ch 2D, Pt 2D.1	188(2)	Responsibilities of secretaries etc for corporate contraventions	*	#	No	Duty
Ch 2E, Pt 2E.1	209(2)	related parties rules	*	#	No	Corp. info
Ch 2H, Pt 2H.2	254L(2)	Redemption of preference shares	*	#	254L(3)	Duty
Ch 2J, Pt 2J.1	256D(3)	Reductions in share capital	*	#	256D(4)	Duty
Ch 2J, Pt 2J.2	259F(2)	Consequences of failing to comply with ss 259A or 259B	*	#	259F(3)	Duty
Ch 2J, Pt 2J.3	260D(2)	Requirements before issuing etc. margin lending facility - Requirement to make assessment of unsuitability	*	#	260D(3)	Corp. info
Ch 2M, Pt 2M.7	344(1)	Requirements for financial reports	*	#	344(2)	Duty
Ch 2M, Pt 2M.7	344(1A)	Requirements for financial reports	*	#	344(2)	Duty

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 5	588G(2)	Insolvent Trading	*	#	588G(3)	Duty
Ch 5	588GAB(2)	preventing creditor-defeating dispositions	*	#	588GAB(1)	
Ch 5	588GAC(2)	procuring creditor-defeating dispositions	*	#	588GAC(1)	
Ch 5	596AC(1)	When margin lending facility must be assessed as unsuitable - Requirement to assess the margin lending facility as unsuitable	*	#	No	Corp. info
Ch 5	596AC(2)	Making issue of margin lending facility conditional on retail client agreeing to receive communications through agent	*	#	No	Corp. info
Ch 5	596AC(3)	Issuing or increasing limit of margin lending facility if unsuitable	*	#	No	Corp. info
Ch 5	596AC(4)	Member approval for financial benefit to related party	*	#	No	Corp. info
Ch 5C	601ED(8)	Financial assistance by a company for acquiring shares in the company or a holding company	*	#	601ED(5)	Corp. info
Ch 5C	601FC(5)	Duties of responsible entities	*	#	No	Duty
Ch 5C	601FD(3)	Duties of officers of responsible entities	*	#	601FD(4)	Duty
Ch 5C	601FE(3)	Duties of employees of responsible entities	*	#	601FE(4)	Duty
Ch 5C	601FG(2)	Acquisition of interest in scheme by responsible entity	*	#	601FG(3)	Duty
Ch 5C	601FD(3)	Duties of members	*	#	No	Duty
Ch 5C	601JD(3)	Directly acquiring own shares	*	#	No	Corp. info
Ch 5D	601UAA(2)	Duties of officers if licensed trustee company	*	#	601UAA(1)	Duty
Ch 5D	601UAB(2)	Duties of employees of responsible entity	*	#	601UAB(1)	Duty
Ch 6A	670A(4)	misstatements in, or omissions from, takeover and compulsory acquisition and buy-out documents	*	#	670A(3)	Corp. info
Ch 6CA	674(2)	continuous disclosure	*	#	674(2)	Con. Dis.
Ch 6CA	674(2A)	Continuous Disclosure	*	#	No	Con. Dis.
Ch 6CA	675(2)	continuous disclosure	*	#	675(2)	Con. Dis.
Ch 6CA	675(2A)	Continuous Disclosure	*	#	No	Con. Dis.

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 6D	727(6)	Offering securities without a disclosure document	*	#	727	Con. Dis.
Ch 6D	728(4)	Misstatements in, or omission from, disclosure document	*	#	728(3)	Dis./FMD
Ch 7	791A(3)	Need for a licence	*	#	791A(1)	Unlicensed
Ch 7	792A(2)	General obligations of market licensee	*	#	No	Duty
Ch 7	792B(7)	Obligation to notify ASIC of certain matters	*	#	792B	ASIC info
Ch 7	798H(1)	Complying with market integrity rules	*	#	No	Distortion
Ch 7	820A(3)	Need for a licence	*	#	820A(1)	Unlicensed
Ch 7	821A(2)	General obligations of CS facility licensee	*	#	No	Duty
Ch 7	821B(6)	Obligation to notify ASIC of certain matters	*	#	821B	ASIC info
Ch 7	853F(3)	Obligations on disqualified individuals	*	#	853F(2)	Duty
Ch 7	901E	Complying with derivative transaction rules	*	#	No	Distortion
Ch 7	903D	Complying with derivative trade repository rules	*	#	No	Distortion
Ch 7	904A(2)	General obligations of licenced derivative trade repositories	*	#	No	Duty
Ch 7	904C(1A)	Obligation to notify ASIC of certain matters	*	#	904C(1)	ASIC info
Ch 7	905A(3)	Requirement for derivative trade repositories to be licensed	*	#	905A(2)	Unlicensed
Ch 7	908CF(1)	Obligation to comply with each set of rules	*	#	No	Other
Ch 7	908DA(1)	Manipulation of financial benchmarks	*	#	No	Duty
Ch 7	908DA(2)	Manipulation of financial benchmarks	*	#	No	Duty
Ch 7	908DB(1)	False or misleading statements or information that could affect financial benchmark	*	#	No	Dis./FMD
Ch 7	908DB(2)	False or misleading statements or information that could affect financial benchmark	*	#	No	Dis./FMD
Ch 7	911A(5B)	Need for an Australian financial services licence	*	#	911A(1)	Unlicensed

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 7	911B(4)	Providing financial services on behalf of a person who carries on a financial services business	*	#	911B(1)	Unlicensed
Ch 7	912A(5A)	General obligations of financial services licensees	*	#	No	Duty
Ch 7	912D(3)	Obligation to notify ASIC of certain matters	*	#	912D(1B) and (2)	ASIC info
Ch 7	920C(4)	Effect of banning orders	*	#	920C(3)	Order
Ch 7	922M(5)	Failing to comply with obligation to notify ASIC	*	#	922M(3)	ASIC info
Ch 7	941A(3)	Obligation on financial services licensee to give a Financial Services Guide if financial service provided to person as a retail client	*	#	No	Con. Dis.
Ch 7	941B(4)	Obligation on authorised representative to give a Financial Services Guide if financial service provided to person as a retail client	*	#	No	Con. Dis.
Ch 7	946A(4)	Obligation to give client a Statement of Advice	*	#	No	Con. Dis.
Ch 7	952E(9)	Giving a defective disclosure document or statement (whether or not known to be defective)	*	#	952E	Dis./FMD
Ch 7	952H(3)	Financial services licensee failing to ensure authorised representative gives disclosure documents or statements as required	*	#	952H	Con. Dis.
Ch 7	961K(1)	Financial services licensee responsible for breach of certain best interest duties	*	#	No	Duty
Ch 7	961K(2)	Financial services licensee responsible for breach of certain best interest duties	*	#	No	Duty
Ch 7	961L	Financial services licensee to ensure compliance with certain best interest duties	*	#	No	Duty
Ch 7	961Q(1)	Responsibilities of authorised representatives under this Division - Civil penalty provision — sections 961B, 961G, 961H and 961J	*	#	No	Duty
Ch 7	962P	Civil penalty provision — charging ongoing fees after arrangement terminated	*	#	No	CMO
Ch 7	962S(1)	Fee recipient must give fee disclosure statement	*	#	No	Con. Dis.
Ch 7	963E(1)	Licensee must not accept conflicted remuneration	*	#	No	Duty
Ch 7	963E(2)	Licensee must not accept conflicted remuneration	*	#	No	Duty
Ch 7	963F	Licensee must ensure compliance	*	#	No	Duty

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 7	963G(1)	Authorised representative must not accept conflicted remuneration	*	#	No	Duty
Ch 7	963J	Employer must not give employees conflicted remuneration	*	#	No	Duty
Ch 7	963K	Product issuer or seller must not give conflicted remuneration	*	#	No	Duty
Ch 7	964A(1)	Platform operator must not accept volume-based shelf-space fees	*	#	No	CMO
Ch 7	964D(1)	Financial services licensees must not charge asset-based fees on borrowed amounts	*	#	No	CMO
Ch 7	964D(2)	Financial services licensees must not charge asset-based fees on borrowed amounts	*	#	No	CMO
Ch 7	964E(1)	Authorised representatives must not charge asset-based fees on borrowed amounts	*	#	No	CMO
Ch 7	965	Anti-avoidance	*	#	No	Duty
Ch 7	981B(3)	Obligation to pay money into account	*	#	No	CMO
Ch 7	981C(2)	Regulations may deal with various matters relating to accounts maintained for the purposes of section 981B	*	#	No	CMO
Ch 7	981M(1)	Complying with client money reporting rules	*	#	No	CMO
Ch 7	985E(1)	Requirements before issuing etc margin lending facility	*	#	No	Duty
Ch 7	985H(1)	When margin lending facility must be assessed as unsuitable	*	#	No	Duty
Ch 7	985J(1)	Failure to give assessment to retail client if requested before issue of facility or increase in limit	*	#	985J(1)	Con. Dis.
Ch 7	985J(2)	Failure to give assessment to retail client if requested before issue of facility or increase in limit	*	#	985J(2)	Con. Dis.
Ch 7	985J(4)	Demanding payment to give assessment to retail client	*	#	985J(4)	Con. Dis.
Ch 7	985K(1)	Unsuitable margin lending facilities	*	#	985K(1)	Duty
Ch 7	985L	Issue of margin lending facility must not be conditional on agreement to receive communications through agent	*	#	No	Duty
Ch 7	985M(1)	Notification of margin calls	*	#	No	Con. Dis.
Ch 7	985M(2)	Failure to notify of margin call where there is an agent	*	#	No	Con. Dis.

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 7	993D(4)	Failing to pay loan money into an account as required	*	#	993D	CMO
Ch 7	1012A(5)	Obligation to give Product Disclosure Statement--personal advice recommending particular financial product	*	#	No	Con. Dis.
Ch 7	1012B(6)	Obligation to give Product Disclosure Statement--situations related to issue of financial products	*	#	No	Con. Dis.
Ch 7	1012C(11)	Obligation to give Product Disclosure Statement--offers related to sale of financial products	*	#	No	Con. Dis.
Ch 7	1017BA(4B)	Trustees of regulated superannuation funds--obligation to make product dashboard publicly available	*	#	No	Con. Dis.
Ch 7	1017BB(5AA)	Trustees of registrable superannuation entities--obligation to make information relating to investment of assets publicly available	*	#	No	Con. Dis.
Ch 7	1020A(5)	Offers etc. relating to certain managed investment schemes not to be made in certain circumstances	*	#	1020A	Duty
Ch 7	1021E(8)	Preparer of defective disclosure document or statement giving the document or statement (whether or not known to be defective)	*	#	1021E	Dis./FMD
Ch 7	1021G(3)	Financial services licensee failing to ensure authorised representative gives etc. disclosure documents or statements as required	*	#	1021G	Con. Dis.
Ch 7	1023P(1)	Enforcement of product intervention orders	*	#	1023P(1)	Order
Ch 7	1023P(2)	Enforcement of product intervention orders	*	#	1023P(2)	Order
Ch 7	1023P(4)	Enforcement of product intervention orders	*	#	1023P(4)	Order
Ch 7	1041A	Market Manipulation	*	#	1041A	Distortion
Ch 7	1041B(1)	False trading and market rigging - creating a false or misleading appearance of active trading	*	#	1041B(1)	Distortion
Ch 7	1041C(1)	False trading and market rigging - artificially maintaining etc market price	*	#	1041C(1)	Distortion
Ch 7	1041D	Dissemination of information about illegal transactions	*	#	1041D	Distortion
Ch 7	1043A(1)	Insider Trading	*	#	1043A(1)	Distortion
Ch 7	1043A(2)	Insider Trading	*	#	1043A(2)	Distortion
Ch 8A	1211B(1)	Compliance with the Passport Rules	*	#	No	Other

Chapter & Part	Section	Description	Pecuniary penalty - individual	Pecuniary penalty - corporations	Equivalent offence	Misconduct
Ch 8A	1211B(2)	Compliance with the Passport Rules	*	#	No	Other
Ch 9	1308(4)	False or misleading documents	*	#	1308	Dis./FMD
Ch 9	1308(5)	False or misleading documents	*	#	1308	Dis./FMD
Ch 9	1309(12)	False information	*	#	1309	Dis./FMD
Ch 9	1317AAE(1)	Confidentiality of whistleblower's identity	*	#	1317AAE(1)	Duty
Ch 9	1317AC(1)	Victimisation of whistleblower prohibited	*	#	1317AC(1)	Duty
Ch 9	1317AC(2)	Victimisation of whistleblower prohibited	*	#	1317AC(2)	Duty
Ch 9	1317AC(3)	Victimisation of whistleblower prohibited	*	#	1317AC(3)	Duty
Sch 4	cl 29(6)	Disclosure for proposed demutualisation	*	#	cl 29(7)	Corp. info

Note: current to compilation No. 96 (compiled 18 February 2020 and including amendments up to Act No. 6, 2020).

Note: the applicable penalties identified in this table are either expressly provided for in the relevant provision or calculated according to the formula in s 1317G of the *Corporations Act 2001* ('Cth').

Pecuniary Penalty Key:

*	Greater of 5,000 PU; and, 3 x benefit derived and detriment avoided because of the contravention (if the Court can determine) (see s 1317G(3))
#	Greater of 50,000 PU; 3 x benefit derived and detriment avoided because of the contravention (if the Court can determine); and either 10% of annual turnover or if that is greater than 2.5 million PU — 2.5 million PU (see s 1317G(4)).

Misconduct Key:

Duty	Breach of duty/ conduct obligation	ASIC info	Providing ASIC with information
CMO	Client money obligations	Other info	Providing auditors/liquidators/administrators with information
Dis./FMD	Defective disclosure/ false, misleading or deceptive conduct	Con. Dis.	Providing information/disclosure to consumers
Dishonesty	Dishonest conduct	Corp. info	Providing members/directors/company with information
Distortion	Financial market distortion/misconduct	Records	Record keeping
Order	Non-compliance with ASIC/court requirement	Lending	Responsible lending
Other	Other compliance requirement	Unlicensed	Unlicensed conduct

Table 16: Legislative Review — *Criminal Code* (contained in Schedule of the *Criminal Code Act 1995* (Cth))

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 4 div 70	70.2	Bribing a foreign official	No	No	10	O	10,000	100,000*	No
Ch 4 div 71	71.2	Murder of a UN or associated person	I	No	Life	O	2,000	10,000	No
Ch 4 div 71	71.3	Manslaughter of a UN or associated person	I	No	25	O	1,500	7,500	No
Ch 4 div 71	71.4	Intentionally causing serious harm to a UN or associated person	I	No	20	O	1,200	6,000	No
Ch 4 div 71	71.5	Recklessly causing serious harm to a UN or associated person	I	No	15	O	900	4,500	No
Ch 4 div 71	71.6	Intentionally causing harm to a UN or associated person	I	No	10	O	600	3,000	No
Ch 4 div 71	71.7	Recklessly causing harm to a UN or associated person	I	No	7	O	420	2,100	No
Ch 4 div 71	71.8	Unlawful sexual penetration	I	No	15	O	900	4,500	No
Ch 4 div 71	71.9	Kidnapping a UN or associated person	I	No	15	O	900	4,500	No
Ch 4 div 71	71.10	Unlawful detention of UN or associated person	I	No	5	O	300	1,500	No
Ch 4 div 71	71.11	Intentionally causing damage to UN or associated person's property etc.	I	No	10	O	600	3,000	No
Ch 4 div 71	71.12	Threatening to commit other offences	No	No	Depends on offence threatened.	O	Depends on offence threatened.	Depends on offence threatened.	No
Ch 4 div 72	72.3(1)	Use of explosives with intention to cause death or serious harm	I	No	Life	O	2,000	10,000	No
Ch 4 div 72	72.3(2)	Use of explosives with intention to cause destruction	I	No	Life	O	2,000	10,000	No
Ch 4 div 72	72.12	Trafficking in unmarked plastic explosives etc.	I	No	10	B	600	3,000	No
Ch 4 div 72	72.13	Importing or exporting unmarked plastic explosives etc.	I	No	10	B	600	3,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 4 div 72	72.14	Manufacturing unmarked plastic explosives etc.	I	No	10	B	600	3,000	No
Ch 4 div 72	72.15	Possessing unmarked plastic explosives etc.	I	No	2	B	120	600	No
Ch 4 div 72	72.17	Non-compliance with packaging requirements for plastic explosives	No	No	2	B	120	600	No
Ch 4 div 72	72.38(1)	Doing acts with a cluster munition	No	No	10	B	600	3,000	No
Ch 4 div 72	72.38(2)	Promoting acts with a cluster munition	No	No	10	B	600	3,000	No
Ch 4 div 73	73.1	Offence of people smuggling	No	I	10	O	600	3,000	No
Ch 4 div 73	73.2(1)	Aggravated offence of people smuggling (danger of death or serious harm etc.)	No	No	20	O	1,200	6,000	No
Ch 4 div 73	73.3(1)	Aggravated offence of people smuggling (at least 5 people)	No	I	20	O	1,200	6,000	No
Ch 4 div 73	73.3A	Supporting the offence of people smuggling	No	No	10	O	600	3,000	No
Ch 4 div 73	73.8	Making, providing or possessing a false travel or identity document	No	No	10	B	600	3,000	No
Ch 4 div 73	73.9(1)	Providing or possessing a travel or identity document issued or altered dishonestly or as a result of threats	No	No	10	B	600	3,000	No
Ch 4 div 73	73.10	Providing or possessing a travel or identity document to be used by a person who is not the rightful user	No	No	10	B	600	3,000	No
Ch 4 div 73	73.11	Taking possession of or destroying another person's travel or identity document	No	No	10	B	600	3,000	No
Ch 5 pt 5.1	80.1(1)	Treason (harming Sovereign, GG or PM)	No	No	Life	D	2,000	10,000	No
Ch 5 pt 5.1	80.1(2)	Treason (assisting treason)	No	No	Life	D	2,000	10,000	No
Ch 5 pt 5.1	80.1AA	Treason (assisting enemy to engage in armed conflict)	I	I	Life	D	2,000	10,000	No
Ch 5 pt 5.1	80.1AC	Treachery	No	No	Life	B	2,000	10,000	No
Ch 5 pt 5.1	80.2(1)	Urging the overthrow of the Constitution or Government by force or violence	No	No	7	D	420	2,100	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 5 pt 5.1	80.2(3)	Urging interference in Parliamentary elections or constitutional referenda by force or violence	No	No	7	D	420	2,100	No
Ch 5 pt 5.1	80.2A(1)	Urging violence against groups (threatens the peace, order and good government of the Cth)	No	No	7	D	420	2,100	No
Ch 5 pt 5.1	80.2A(2)	Urging violence against groups	No	No	5	B	300	1,500	No
Ch 5 pt 5.1	80.2B(1)	Urging violence against members of groups (such as to threaten peace, order and good gov)	No	No	7	D	420	2,100	No
Ch 5 pt 5.1	80.2B(2)	Urging violence against members of groups	No	No	5	B	300	1,500	No
Ch 5 pt 5.1	80.2C(1)	Advocating terrorism	No	No	5	B	300	1,500	No
Ch 5 pt 5.1	80.2D	Advocating genocide	No	No	7	D	420	2,100	No
Ch 5 pt 5.1 div 82	82.3(1)	Offence of sabotage involving foreign principal with intention as to national security	No	No	25	D	1,500	7,500	No
Ch 5 pt 5.1 div 82	82.4(1)	Offence of sabotage involving foreign principal reckless as to national security	No	No	20	D	1,200	6,000	No
Ch 5 pt 5.1 div 82	82.5(1)	Offence of sabotage with intention as to national security	No	No	20	D	1,200	6,000	No
Ch 5 pt 5.1 div 82	82.6(1)	Offence of sabotage reckless as to national security	No	No	15	D	900	4,500	No
Ch 5 pt 5.1 div 82	82.7	Offence of introducing vulnerability with intention as to national security	No	No	15	D	900	4,500	No
Ch 5 pt 5.1 div 82	82.8	Offence of introducing vulnerability reckless as to national security	No	No	10	D	600	3,000	No
Ch 5 pt 5.1 div 82	82.9(1)	Preparing for or planning sabotage offence	No	No	7	D	420	2,100	No
Ch 5 Pt 5.1 div 83	83.1	Advocating mutiny	I	No	7	D	420	2,100	No
Ch 5 Pt 5.1 div 83	83.2	Assisting prisoners of war to escape	No	I	15	D	900	4,500	No
Ch 5 Pt 5.1 div 83	83.3	Military-style training involving foreign government principal etc. (military-style training)	No	No	20	B	1,200	6,000	No
Ch 5 Pt 5.1 div 83	83.4(1)	Interference with political rights and duties	No	I	3	Std	180	900	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 5 Pt 5.2	91.1(1)	Espionage — dealing with information etc. concerning national security which is or will be communicated or made available to foreign principal (intention as to national security)	No	No	Life	D	2,000	10,000	No
Ch 5 Pt 5.2	91.1(2)	Espionage — dealing with information etc. concerning national security which is or will be communicated or made available to foreign principal (reckless as to national security)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.2	91.2(1)	Espionage — dealing with information etc. which is or will be communicated or made available to foreign principal (intention as to national security)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.2	91.2(2)	Espionage — dealing with information etc. which is or will be communicated or made available to foreign principal (reckless as to national security)	No	No	20	D	1,200	6,000	No
Ch 5 Pt 5.2	91.3(1)	Espionage — security classified information etc.	I	No	20	D	1,200	6,000	No
Ch 5 Pt 5.2	91.6(1)	Aggravated espionage offence	No	No	Depends on underlying offence.	D	Depends on underlying offence.	Depends on underlying offence.	No
Ch 5 Pt 5.2	91.8(1)	Espionage on behalf of foreign principal (intention as to national security)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.2	91.8(2)	Espionage on behalf of foreign principal (reckless as to national security)	No	No	20	D	1,200	6,000	No
Ch 5 Pt 5.2	91.8(3)	Espionage on behalf of foreign principal (conduct on behalf of foreign principal)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.2	91.11(1)	Offence of soliciting or procuring an espionage offence or making it easier to do so	No	No	15	D	900	4,500	No
Ch 5 Pt 5.2	91.12(1)	Offence of preparing for an espionage offence	No	No	15	D	900	4,500	No
Ch 5 Pt 5.2 div 92	92.2	Offence of intentional foreign interference (Interference generally)	No	No	20	B	1,200	6,000	No
Ch 5 Pt 5.2 div 92	92.2(2)	Offence of intentional foreign interference (interference involving targeted person)	No	No	20	B	1,200	6,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 5 Pt 5.2 div 92	92.3(1)	Offence of reckless foreign interference (interference generally)	No	No	15	B	900	4,500	No
Ch 5 Pt 5.2 div 92	92.3(2)	Offence of reckless foreign interference (interference involving targeted person)	No	No	15	B	900	4,500	No
Ch 5 Pt 5.2 div 92	92.4(1)	Offence of preparing for a foreign interference offence	No	No	10	B	600	3,000	No
Ch 5 Pt 5.2 div 92	92.7	Knowingly supporting foreign intelligence agency	No	No	15	Std	900	4,500	No
Ch 5 Pt 5.2 div 92	92.8	Recklessly supporting foreign intelligence agency	No	No	10	Std	600	3,000	No
Ch 5 Pt 5.2 div 92	92.9	Knowingly funding or being funded by foreign intelligence agency	No	No	15	Std	900	4,500	No
Ch 5 Pt 5.2 div 92	92.10	Recklessly funding or being funded by foreign intelligence agency	No	No	10	Std	600	3,000	No
Ch 5 Pt 5.2 div 92A	92A.1(1)	Theft of trade secrets involving foreign government principal	No	No	15	B	900	4,500	No
Ch 5 Pt 5.2 div 93	93.2(3)	Contravention of order made or direction given relating to hearing in camera etc.	No	No	5	Std	300	1,500	No
Ch 5 Pt 5.3 div 101	101.1(1)	Terrorist acts	No	No	Life	D	2,000	10,000	No
Ch 5 Pt 5.3 div 101	101.2(1)	Providing or receiving training connected with terrorist acts (knowledge)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.3 div 101	101.2(2)	Providing or receiving training connected with terrorist acts (recklessness)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.3 div 101	101.4(1)	Possessing things connected with terrorist acts (with knowledge)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.3 div 101	101.4(2)	Possessing things connected with terrorist acts (with recklessness)	No	No	10	D	600	3,000	No
Ch 5 Pt 5.3 div 101	101.5(1)	Collecting or making documents likely to facilitate terrorist acts (with knowledge)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.3 div 101	101.5(2)	Collecting or making documents likely to facilitate terrorist acts (recklessness)	No	No	10	D	600	3,000	No
Ch 5 Pt 5.3 div 101	101.6(1)	Other acts done in preparation for, or planning, terrorist acts	No	No	Life	D	2,000	10,000	No
Ch 5 Pt 5.3 div 102	102.2(1)	Directing the activities of a terrorist organisation (with knowledge)	No	No	25	D	1,500	7,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 5 Pt 5.3 div 102	102.2(2)	Directing the activities of a terrorist organisation (recklessly)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.3 div 102	102.3(1)	Membership of a terrorist organisation	No	No	10	D	600	3,000	No
Ch 5 Pt 5.3 div 102	102.4(1)	Recruiting for a terrorist organisation (with knowledge the organisation is a terrorist organisation)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.3 div 102	102.4(2)	Recruiting for a terrorist organisation (reckless as to the organisation being a terrorist organisation)	No	No	15	D	900	4,500	No
Ch 5 Pt 5.3 div 102	102.5(1)	Training involving a terrorist organisation (reckless as to whether the organisation is a terrorist organisation)	No	No	25	D	1,500	7,500	No
Ch 5 Pt 5.3 div 102	102.5(2)	Training involving a terrorist organisation (organisation a listed terrorist organisation)	I	No	25	D	1,500	7,500	No
Ch 5 pt 5.3 div 102	102.6(1)	Getting funds to, from or for a terrorist organisation (knowledge)	No	No	25	D	1,500	7,500	No
Ch 5 pt 5.3 div 102	102.6(2)	Getting funds to, from or for a terrorist organisation (recklessness)	No	No	15	D	900	4,500	No
Ch 5 pt 5.3 div 102	102.7(1)	Providing support to a terrorist organisation (knowledge)	No	No	25	D	1,500	7,500	No
Ch 5 pt 5.3 div 102	102.7(2)	Providing support to a terrorist organisation (recklessness)	No	No	15	D	900	4,500	No
Ch 5 pt 5.3 div 102	102.8(1)	Associating with terrorist organisations	I	No	3	D	180	900	No
Ch 5 pt 5.3 div 102	102.8(2)	Associating with terrorist organisation after previously being convicted of association with terrorist organisations	I	No	3	D	180	900	No
Ch 5 pt 5.3 div 103	103.1(1)	Financing terrorism	No	No	Life	D	2,000	10,000	No
Ch 5 pt 5.3 div 103	103.2(1)	Financing a terrorist	No	No	Life	D	2,000	10,000	No
Ch 5 pt 5.3 div 104	104.22(1)	Use of photographs and impressions of fingerprints for purpose other than compliance with relevant control order	No	No	2	Std	120	600	No
Ch 5 pt 5.3 div 104	104.27	Offence for contravening a control order	No	No	5	Std	300	1,500	No
Ch 5 pt 5.3 div 104	104.27A(1)	Interference etc. with tracking devices	No	No	5	Std	300	1,500	No
Ch 5 pt 5.3 div 104	104.27A(2)	Reckless interference etc. with tracking device	No	No	5	Std	300	1,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 5 pt 5.3 div 105	105.41(6)	Passing on improperly disclosed information	No	No	5	O	300	1,500	No
Ch 5 pt 5.4 div 115	115.1(1)	Murder of an Australian citizen or a resident of Australia	No	I	Life	O	2,000	10,000	No
Ch 5 pt 5.4 div 115	115.2(1)	Manslaughter of an Australian citizen or a resident of Australia	No	I	Life	O	2,000	10,000	No
Ch 5 pt 5.4 div 115	115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	No	I	20	O	1,200	6,000	No
Ch 5 pt 5.4 div 115	115.4(1)	Recklessly causing serious harm to an Australian citizen or a resident of Australia	No	I	15	O	900	4,500	No
Ch 5 pt 5.5 div 119	119.1(1)	Entering foreign countries with the intention of engaging in hostile activities	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.1(2)	Engaging in a hostile activity in a foreign country	No	I	Life	D	2,000	10000	No
Ch 5 pt 5.5 div 119	119.2(1)	Entering, or remaining in, declared areas	No	I	10	D	600	3000	No
Ch 5 pt 5.5 div 119	119.4(1)	Preparatory acts for incursions into foreign countries for purpose of engaging in hostile activities	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.4(2)	Accumulating weapons etc. for incursions into foreign countries for purpose of engaging in hostile activities	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.4(3)	Providing or participating in training for incursions into foreign countries for purpose of engaging in hostile activities	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.4(4)	Allowing presence at or provision of military training to self for incursion into foreign countries for purpose of engaging in hostile activities	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.4(5)	Giving or receiving goods and services to promote the commission of an offence under s 119.1	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.5(1)	Allowing use of buildings to commit offence against s 119.4	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.5(2)	Allowing use of vessels or aircraft to commit offence against s 119.4	No	I	Life	D	2000	10000	No
Ch 5 pt 5.5 div 119	119.6	Recruiting persons to join organisations engaged in hostile activities against foreign governments	No	No	25	D	1500	7500	No
Ch 5 pt 5.5 div 119	119.7(1)	Recruiting others to serve with foreign armed forces	No	No	10	D	600	3000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 5 pt 5.5 div 119	119.7(2)	Publishing recruitment advertisements (reckless)	No	No	10	D	600	3000	No
Ch 5 pt 5.5 div 119	119.7(3)	Publishing recruitment advertisements	No	No	10	D	600	3000	No
Ch 5 pt 5.5 div 119	119.7(4)	Facilitating recruitment	No	No	10	D	600	3000	No
Ch 5 pt 5.6 div 122	122.1(1)	Communication of inherently harmful information	No	No	7	D	420	2100	No
Ch 5 pt 5.6 div 122	122.1(2)	Other dealings with inherently harmful information	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.1(3)	Information removed from, or held outside, proper place of custody	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.1(4)	Failure to comply with direction regarding information	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.2(1)	Communication by current and former Cth officers etc causing harm to Australia's interests	No	No	7	D	420	2100	No
Ch 5 pt 5.6 div 122	122.2(2)	Other conduct causing harm to Australia's interests	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.2(3)	Information removed from, or held outside, proper place of custody	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.2(4)	Failure to comply with direction regarding information	No	No	3	D	180	900	No
Ch 5 pt 5.6 div 122	122.3(1)	Aggravated offence against ss 122.1 or 122.2	No	No	5 or 7 years depending on underlying offence	D	Depends on underlying offence.	Depends on underlying offence.	No
Ch 5 pt 5.6 div 122	122.4(1)	Unauthorised disclosure of information by current and former Commonwealth officers etc.	No	I	2	D	120	600	No
Ch 5 pt 5.6 div 122	122.4A(1)	Communicating and dealing with information by non-Commonwealth officers etc.	No	No	5	D	300	1500	No
Ch 5 pt 5.6 div 122	122.4A(2)	Other dealings with information	No	No	2	D	120	600	No
Ch 7 pt 7.2 div 131	131.1(1)	Theft	No	I	10	D	600	3000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 7 pt 7.2 div 132	132.1(1)	Receiving stolen property	No	No	10	D	600	3000	No
Ch 7 pt 7.2 div 132	132.2(1)	Robbery	No	No	15	D	900	4500	No
Ch 7 pt 7.2 div 132	132.3(1)	Aggravated robbery	No	No	20	D	1200	6000	No
Ch 7 pt 7.2 div 132	132.4(1)	Burglary (intent to commit theft)	No	No	13	D	780	3900	No
Ch 7 pt 7.2 div 132	132.4(3)	Burglary (intent to commit offence against law of Commonwealth)	No	No	13	D	780	3900	No
Ch 7 pt 7.2 div 132	132.4(6)	Burglary (with intent to commit offence against law of Commonwealth, State or Territory)	No	I	13	D	780	3900	No
Ch 7 pt 7.2 div 132	132.5(1)	Aggravated burglary	No	No	17	D	1020	5100	No
Ch 7 pt 7.2 div 132	132.6(1)	Making off without payment	No	I	2	D	120	600	No
Ch 7 pt 7.2 div 132	132.7(1)	Going equipped for theft or a property offence	No	No	3	D	180	900	No
Ch 7 pt 7.2 div 132	132.8(1)	Dishonest taking of property	No	No	2	D	120	600	No
Ch 7 pt 7.2 div 132	132.8(2)	Dishonest retention of property	No	No	2	D	120	600	No
Ch 7 pt 7.2 div 132	132.8A	Damaging Commonwealth property	No	I	10	D	600	3000	No
Ch 7 pt 7.3 div 134	134.1(1)	Obtaining property by deception	No	I	10	D	600	3000	No
Ch 7 pt 7.3 div 134	134.2(1)	Obtaining a financial advantage by deception	No	I	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.1(1)	Obtaining a gain (general dishonesty)	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.1(3)	Causing a loss (general dishonesty)	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.1(5)	Causing a loss (dishonestly with knowledge or belief)	No	I	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.1(7)	Influencing a Commonwealth public official	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.2(1)	Obtaining a financial advantage (for self)	No	I	1	D	60	300	No
Ch 7 pt 7.3 div 135	135.2(2)	Obtaining a financial advantage (for another)	No	I	1	D	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 7 pt 7.3 div 135	135.4(1)	Conspiracy to defraud (obtaining a gain)	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.4(3)	Conspiracy to defraud (causing a loss)	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.4(5)	Conspiracy to defraud (with knowledge or belief of loss occurring)	No	No	10	D	600	3000	No
Ch 7 pt 7.3 div 135	135.4(7)	Conspiracy to defraud (influencing a Commonwealth public official)	No	No	10	D	600	3000	No
Ch 7 pt 7.4 div 136	136.1(1)	False or misleading statements in applications (knowledge)	No	I	1	D	60	300	No
Ch 7 pt 7.4 div 137	137.1(1)	False or misleading information	No	I	1	D	60	300	No
Ch 7 pt 7.4 div 137	137.1A(1)	Aggravated offence for giving false or misleading information	No	Those in the underlying offence	5	D	300	1500	No
Ch 7 pt 7.4 div 137	137.2(1)	False or misleading documents	No	No	1	D	60	300	No
Ch 7 pt 7.4 div 139	139.1	Unwarranted demands of a Commonwealth public official	No	No	12	C	720	3600	No
Ch 7 pt 7.6 div 140	141.1(1)	Giving a bribe to Commonwealth public official	No	No	10	D	10000	100000*	No
Ch 7 pt 7.6 div 142	142.1(1)	Giving a corrupting benefit to a Commonwealth official	No	No	5	D	300	1500	No
Ch 7 pt 7.7 div 144	144.1(1)	Forgery (intention to dishonestly induce public official)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 144	144.1(3)	Forgery (intention to dishonestly cause electronic device to respond to doc as genuine in connection with operations of Cth entity)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 144	144.1(5)	Forgery (intention to dishonestly induce third person with false Commonwealth document)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 144	144.1(7)	Forgery (intention to dishonestly cause electronic device to respond to doc as genuine with false Commonwealth document)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.1(1)	Using forged document (inducing Commonwealth public official)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.1(3)	Using forged document (in connection with operations of a Commonwealth entity)	No	No	10	D	600	3000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 7 pt 7.7 div 145	145.1(5)	Using forged document (false Commonwealth document)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.1(7)	Using forged document (false Commonwealth document used on computer etc)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.2(1)	Possession of forged document (on Commonwealth public official)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.2(3)	Possession of forged document (in connection with operations of a Commonwealth entity)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.2(5)	Possession of forged document (false Commonwealth document)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.2(7)	Possession of forged document (false Commonwealth document used on computer etc)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.3(1)	Possession of devices etc. for making forgeries (with knowledge of nature of device and intention to use for offence in s 144.1)	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.3(2)	Making or adapting a device, material or thing for making of false documents with intention to use for offence in s 144.1	No	No	10	D	600	3000	No
Ch 7 pt 7.7 div 145	145.3(3)	Possession of devices etc. for making forgeries (with knowledge of nature of device and lack of reasonable excuse)	No	No	2	D	120	600	No
Ch 7 pt 7.7 div 145	145.3(4)	Making or adapting a device, material or thing with knowledge of forgery purpose	No	No	2	D	120	600	No
Ch 7 pt 7.7 div 145	145.4(1)	Falsification of documents etc. (Commonwealth-related document)	No	I	7	D	420	2100	No
Ch 7 pt 7.7 div 145	145.1(2)	Falsification of documents etc. (intention to obtain gain or cause loss to Commonwealth entity)	No	No	7	D	420	2100	No
Ch 7 pt 7.7 div 145	145.5(1)	Giving information derived from false or misleading documents (Commonwealth-related document)	No	I	7	D	420	2100	No
Ch 7 pt 7.7 div 145	145.5(2)	Giving information derived from false or misleading documents (intention to obtain gain or cause loss to Commonwealth entity)	No	No	7	D	420	2100	No
Ch 7 pt 7.8 div 147	147.1(1)	Causing harm to a Commonwealth public official	No	I	10 [#]	C	600	3000	No
Ch 7 pt 7.8 div 147	147.1(2)	Causing harm to a former Governor-General, former Minister or former Parliamentary Secretary	No	No	10	C	600	3000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 7 pt 7.8 div 147	147.2(1)	Threatening to cause serious harm to a Commonwealth public official	No	I	7	C	420 [#]	2100	No
Ch 7 pt 7.8 div 147	147.2(2)	Threatening to cause harm	No	I	2	C	120	600	No
Ch 7 pt 7.8 div 147	147.2(3)	Threatening to cause serious harm to a former Governor-General, former Minister or former Parliamentary Secretary	No	I	7	C	420	2100	No
Ch 7 pt 7.8 div 149	149.1(1)	Obstruction of Commonwealth public official	No	No	2	C	120	600	No
Ch 7 pt 7.8 div 150	150.1(1)	False representations in relation to a Commonwealth body	No	No	2	C	120	600	No
Ch 7 pt 7.8 div 150	150.1(2)	False representation in relation to Commonwealth body (intention to obtain gain or cause loss or influence)	No	No	5	C	300	1500	No
Ch 8 div 268	268.3	Genocide by killing	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.4	Genocide by causing serious bodily harm or mental harm	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.5	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.6	Genocide by imposing measures intended to prevent births	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.7	Genocide by forcibly transferring children	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.8	Crime against humanity - murder	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.9	Crime against humanity - extermination	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.10(1)	Crime against humanity - enslavement	No	No	25	D	1500	7500	No
Ch 8 div 268	268.11	Crime against humanity - deportation or forcible transfer of population	I	No	17	D	1020	5100	No
Ch 8 div 268	268.12	Crime against humanity - imprisonment or other severe deprivation of physical liberty	I	No	17	D	1020	5100	No
Ch 8 div 268	268.13	Crime against humanity - torture	No	No	25	D	1500	7500	No
Ch 8 div 268	268.14(1)	Crime against humanity - rape	No	No	25	D	1500	7500	No
Ch 8 div 268	268.14(2)	Crime against humanity - rape (causes another to sexually penetrate another without consent)	No	No	25	D	1500	7500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 268	268.15(1)	Crime against humanity - sexual slavery	No	No	25	D	1500	7500	No
Ch 8 div 268	268.16	Crime against humanity - enforced prostitution	No	No	25	D	1500	7500	No
Ch 8 div 268	268.17	Crime against humanity - forced pregnancy	No	No	25	D	1500	7500	No
Ch 8 div 268	268.18	Crime against humanity - enforced sterilisation	No	No	25	D	1500	7500	No
Ch 8 div 268	268.19	Crime against humanity - sexual violence	I	No	25	D	1500	7500	No
Ch 8 div 268	268.20(1)	Crime against humanity - persecution	I	No	17	D	1020	5100	No
Ch 8 div 268	268.21(1)	Crime against humanity - enforced disappearance of persons (arresting, detaining and abducts)	No	No	17	D	1020	5100	No
Ch 8 div 268	268.21(2)	Crime against humanity - enforced disappearance of persons (refusing to acknowledge deprivation of liberty)	No	No	17	D	1020	5100	No
Ch 8 div 268	268.22	Crime against humanity - apartheid	No	No	17	D	1020	5100	No
Ch 8 div 268	268.23	Crime against humanity - other inhumane act	No	No	25	D	1500	7500	No
Ch 8 div 268	268.24	War crime - wilful killing	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.25	War crime - torture	I	No	25	D	1500	7500	No
Ch 8 div 268	268.26	War crime - inhumane treatment	I	No	25	D	1500	7500	No
Ch 8 div 268	268.27	War crime - biological experiments	I	No	25	D	1500	7500	No
Ch 8 div 268	268.28	War crime - wilfully causing great suffering	I	No	25	D	1500	7500	No
Ch 8 div 268	268.29	War crime - destruction and appropriation of property	I	No	15	D	900	4500	No
Ch 8 div 268	268.30(1)	War crime - compelling services in hostile forces	I	No	10	D	600	3000	No
Ch 8 div 268	268.31	War crime - denying a fair trial	I	No	10	D	600	3000	No
Ch 8 div 268	268.32	War crime - unlawful deportation or transfer	I	No	17	D	1020	5100	No
Ch 8 div 268	268.33	War crime - unlawful confinement	I	No	17	D	1020	5100	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 268	268.34	War crime - taking hostages	I	No	17	D	1020	5100	No
Ch 8 div 268	268.35	War crime - attacking civilians	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.36	War crime - attacking civilian objects	No	No	15	D	900	4500	No
Ch 8 div 268	268.37(1)	War crime - attacking personnel involved in a humanitarian assistance or peacekeeping mission	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.37(2)	War crime - attacking objects involved in a humanitarian assistance or peacekeeping mission	I	No	20	D	1200	6000	No
Ch 8 div 268	268.38(1)	War crime - excessive incidental death or injury to civilians	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.38(2)	War crime - excessive damage to civilian objects or natural environment	No	No	20	D	1200	6000	No
Ch 8 div 268	268.39	War crime - attacking undefended places	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.40(1)	War crime - killing a person who is hors de combat	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.40(2)	War crime - injuring a person who is hors de combat	No	No	25	D	1500	7500	No
Ch 8 div 268	268.41	War crime - improper use of a flag of truce	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.42	War crime - improper use of a flag, insignia or uniform of the adverse party	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.43	War crime - improper use of a flag, insignia or uniform of the United Nations	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.44	War crime - improper use of the distinctive emblems of the Geneva Conventions	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.45	War crime - transfer of population	No	No	17	D	1020	5100	No
Ch 8 div 268	268.46(1)	War crime - attacking protected objects	No	No	20	D	1200	6000	No
Ch 8 div 268	268.47(1)	War crime - mutilation (resulting in death)	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.47(2)	War crime - mutilation (seriously endangering physical or mental health or integrity)	No	No	25	D	1500	7500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 268	268.48(1)	War crime - medical or scientific experiments (resulting in death)	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.48(2)	War crime - medical or scientific experiments (seriously endangers the physical or mental health or integrity)	No	No	25	D	1500	7500	No
Ch 8 div 268	268.49(1)	War crime - treacherously killing	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.49(2)	War crime - treacherously injuring	No	No	25	D	1500	7500	No
Ch 8 div 268	268.50	War crime - denying quarter	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.51	War crime - destroying or seizing the enemy's property	I	No	15	D	900	4500	No
Ch 8 div 268	268.52	War crime - depriving nationals of the adverse power of rights or actions	No	No	10	D	600	3000	No
Ch 8 div 268	268.53	War crime - compelling participation in military operations	No	No	10	D	600	3000	No
Ch 8 div 268	268.54	War crime - pillaging	No	No	15	D	900	4500	No
Ch 8 div 268	268.55	War crime - employing poison or poisoned weapons	No	No	25	D	1500	7500	No
Ch 8 div 268	268.56	War crime - employing prohibited gases, liquids, materials or devices	No	No	25	D	1500	7500	No
Ch 8 div 268	268.57	War crime - employing prohibited bullets	I	No	25	D	1500	7500	No
Ch 8 div 268	268.58(1)	War crime - outrages upon personal dignity of persons	No	No	17	D	1020	5100	No
Ch 8 div 268	268.58(2)	War crime - outrages upon personal dignity of bodies of dead persons	No	No	17	D	1020	5100	No
Ch 8 div 268	268.59(1)	War crime - rape	No	No	25	D	1500	7500	No
Ch 8 div 268	268.59(2)	War crime - causing another to sexually perpetrate	No	No	25	D	1500	7500	No
Ch 8 div 268	268.60(1)	War crime - sexual slavery	No	No	25	D	1500	7500	No
Ch 8 div 268	268.61(1)	War crime - enforced prostitution	No	No	25	D	1500	7500	No
Ch 8 div 268	268.62	War crime - forced pregnancy	No	No	25	D	1500	7500	No
Ch 8 div 268	268.63	War crime - enforced sterilisation	No	No	25	D	1500	7500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 8 div 268	268.64	War crime - sexual violence	I	No	25	D	1500	7500	No
Ch 8 div 268	268.65	War crime - using protected persons as shields	No	No	Life (if causing death); otherwise 17	D	2000	10000	No
Ch 8 div 268	268.66(1)	War crime - attacking persons using the distinctive emblems of the Geneva Conventions	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.66(2)	War crime - attacking objects using the distinctive emblems of the Geneva Conventions	I	No	20	D	1200	6000	No
Ch 8 div 268	268.67(1)	War crime - starvation as a method of warfare	I	No	25	D	1500	7500	No
Ch 8 div 268	268.68(1)	War crime - using children in national armed forces	No	No	17	D	1020	5100	No
Ch 8 div 268	268.68(2)	War crime - conscripting children in national armed forces	No	No	15	D	900	4500	No
Ch 8 div 268	268.68(3)	War crime - enlisting children in national armed forces	No	No	10	D	600	3000	No
Ch 8 div 268	268.68(4)	War crime - using children in other armed forces and groups	No	No	17	D	1020	5100	No
Ch 8 div 268	268.68(5)	War crime - conscripting children in other armed forces and groups	No	No	15	D	900	4500	No
Ch 8 div 268	268.68(6)	War crimes - enlisting children in other armed forces and groups	No	No	10	D	600	3000	No
Ch 8 div 268	268.70(1)	War crime (non-international armed conflict) - murder	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.71(1)	War crime (non-international armed conflict) - mutilation causing death	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.71(2)	War crime (non-international armed conflict) - mutilation seriously endangering physical or mental health or integrity	No	No	25	D	1500	7500	No
Ch 8 div 268	268.72(1)	War crime (non-international armed conflict) - cruel treatment	No	No	25	D	1500	7500	No
Ch 8 div 268	268.73(1)	War crime (non-international armed conflict) - torture	No	No	25	D	1500	7500	No
Ch 8 div 268	268.74(1)	War crime (non-international armed conflict) - outrages upon personal dignity	No	No	17	D	1020	5100	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 8 div 268	268.75	War crime (non-international armed conflict) - taking hostages	No	No	17	D	1020	5100	No
Ch 8 div 268	268.76(1)	War crime (non-international armed conflict) - sentencing without due process	I	No	10	D	600	3000	No
Ch 8 div 268	268.76(2)	War crime (non-international armed conflict) - execution without due process	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.77	War crime (non-international armed conflict) - attacking civilians	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.78(1)	War crime (non-international armed conflict) - attacking persons using the distinctive emblems of the Geneva Conventions	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.78(2)	War crime (non-international armed conflict) - attacking objects using the distinctive emblems of the Geneva Conventions	I	No	20	D	1200	6000	No
Ch 8 div 268	268.79(1)	War crime (non-international armed conflict) - attacking personnel involved in a humanitarian assistance or peacekeeping mission	I	No	Life	D	2000	10000	No
Ch 8 div 268	268.79(2)	War crime (non-international armed conflict) - attacking objects involved in a humanitarian assistance or peacekeeping mission	I	No	20	D	1200	6000	No
Ch 8 div 268	268.80(1)	War crime (non-international armed conflict) - attacking protected objects	No	No	20	D	1200	6000	No
Ch 8 div 268	268.81	War crime (non-international armed conflict) - pillaging	No	No	20	D	1200	6000	No
Ch 8 div 268	268.82(1)	War crime (non-international armed conflict) - rape	No	No	25	D	1500	7500	No
Ch 8 div 268	268.82(2)	War crime (non-international armed conflict) - rape (causing another to sexually penetrate)	No	No	25	D	1500	7500	No
Ch 8 div 268	268.83(1)	War crime (non-international armed conflict) - sexual slavery	No	No	25	D	1500	7500	No
Ch 8 div 268	268.84(1)	War crime (non-international armed conflict) - enforced prostitution	No	No	25	D	1500	7500	No
Ch 8 div 268	268.85(1)	War crime (non-international armed conflict) - forced pregnancy	No	No	25	D	1500	7500	No
Ch 8 div 268	268.86	War crime (non-international armed conflict) - enforced sterilisation	No	No	25	D	1500	7500	No
Ch 8 div 268	268.87	War crime (non-international armed conflict) - sexual violence	I	No	25	D	1500	7500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 268	268.88(1)	War crime (non-international armed conflict) - using children in national armed forces	No	No	17	D	1020	5100	No
Ch 8 div 268	268.88(2)	War crime (non-international armed conflict) - conscripting children into national armed forces	No	No	15	D	900	4500	No
Ch 8 div 268	268.88(3)	War crime (non-international armed conflict) - enlisting children into national armed forces	No	No	10	D	600	3000	No
Ch 8 div 268	268.88(4)	War crime (non-international armed conflict) - using children in other armed forces and groups	No	No	17	D	1020	5100	No
Ch 8 div 268	268.88(5)	War crime (non-international armed conflict) - conscripting children into other armed forces and groups	No	No	15	D	900	4500	No
Ch 8 div 268	268.88(6)	War crime (non-international armed conflict) - enlisting children into other armed forces or groups	No	No	10	D	600	3000	No
Ch 8 div 268	268.89	War crime (non-international armed conflict) - displacing civilians	No	No	17	D	1020	5100	No
Ch 8 div 268	268.90(1)	War crime (non-international armed conflict) - treacherously killing	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.90(2)	War crime (non-international armed conflict) - treacherously injuring	No	No	25	D	1500	7500	No
Ch 8 div 268	268.91	War crime (non-international armed conflict) - denying quarter	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.92(1)	War crime (non-international armed conflict) - mutilation causing death	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.92(2)	War crime (non-international armed conflict) - mutilation seriously endangering physical or mental health or integrity	No	No	25	D	1500	7500	No
Ch 8 div 268	268.93(1)	War crime (non-international armed conflict) - medical or scientific experiments causing death	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.93(2)	War crime (non-international armed conflict) - medical or scientific experiments seriously endangering physical or mental health or integrity	No	No	25	D	1500	7500	No
Ch 8 div 268	268.94(1)	War crime (non-international armed conflict) - destroying or seizing an adversary's property	I	No	15	D	900	4500	No
Ch 8 div 268	268.95	War crime - medical procedure	No	No	25	D	1500	7500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 268	268.96	War crime - removal of blood, tissue or organs for transplantation	No	No	25	D	1500	7500	No
Ch 8 div 268	268.97	War crime - attack against works or installations containing dangerous forces resulting in excessive loss of life or injury to civilians	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.98	War crime - attacking undefended places or demilitarized zones	No	No	Life	D	2000	10000	No
Ch 8 div 268	268.99	War crime - unjustifiable delay in the repatriation of prisoners of war or civilians	I	No	10	D	600	3000	No
Ch 8 div 268	268.100	War crime - apartheid	No	No	17	D	1020	5100	No
Ch 8 div 268	268.101	War crime - attacking protected objects	No	No	20	D	1200	6000	No
Ch 8 div 268	268.102	Perjury (ICC) - false statement	No	No	10	C	600	3000	No
Ch 8 div 268	268.102(2)	Perjury (ICC) - false or misleading interpretation	No	No	10	C	600	3000	No
Ch 8 div 268	268.103(1)	Falsifying evidence (ICC) - false evidence with intention to influence decision	No	No	7	C	420	2100	No
Ch 8 div 268	268.103(2)	Falsifying evidence (ICC) - known false evidence + reckless regarding influence	No	No	7	C	420	2100	No
Ch 8 div 268	268.104(1)	Destroying or falsifying evidence (ICC)	No	No	7	C	420	2100	No
Ch 8 div 268	268.105	Deceiving witnesses (ICC)	No	No	5	C	300	1500	No
Ch 8 div 268	268.106(1)	Corrupting witnesses (ICC) - providing or offering or promising benefit	No	No	5	C	300	1500	No
Ch 8 div 268	268.106(2)	Corrupting witnesses (ICC) - asking for, receiving or agreeing to receive benefit	No	No	5	C	300	1500	No
Ch 8 div 268	268.106(3)	Corrupting interpreters (ICC) - providing, offering or promising to provide benefit	No	No	5	C	300	1500	No
Ch 8 div 268	268.107(1)	Threatening witnesses (ICC)	No	No	7	C	420	2100	No
Ch 8 div 268	268.107(2)	Threatening interpreters (ICC)	No	No	7	C	420	2100	No
Ch 8 div 268	268.108(1)	Preventing witnesses or interpreters (ICC)	No	No	5	C	300	1500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 8 div 268	268.109	Preventing production of things in evidence (ICC)	No	No	5	C	300	1500	No
Ch 8 div 268	268.110	Reprisals against witnesses (ICC)	No	No	5	C	300	1500	No
Ch 8 div 268	268.111(1)	Reprisals against officials of the ICC	No	No	5	C	300	1500	No
Ch 8 div 268	268.111(2)	Reprisal against officials of the ICC - due to third party	No	No	5	C	300	1500	No
Ch 8 div 268	268.112	Perverting the course of justice (ICC)	No	No	5	C	300	1500	No
Ch 8 div 268	268.113(1)	Receipt of a corrupting benefit by an official of the ICC	No	No	10	C	600	3000	No
Ch 8 div 268	268.119	Offences related to exercise of jurisdiction of ICC	No	No	2	Std	120	600	No
Ch 8 div 270	270.3(1)	Slavery (intentional)	No	No	25	D	1500	7500	No
Ch 8 div 270	270.3(2)	Slavery	No	No	17	D	1020	5100	No
Ch 8 div 270	270.5(1)	Causing a person to enter into or remain in servitude	No	No	15	B	900	4500	No
Ch 8 div 270	270.5(2)	Conducting a business involving servitude	No	No	15	B	900	4500	No
Ch 8 div 270	270.6A(1)	Causing a person to enter into or remain in forced labour	No	No	9	B	540	2700	No
Ch 8 div 270	270.6A(2)	Conducting a business involving forced labour	No	No	9	B	540	2700	No
Ch 8 div 270	270.7	Deceptive recruiting for labour or services	No	No	7	B	420	2100	No
Ch 8 div 270	270.7B(1)	Causing a person to enter into a forced marriage	No	No	7	B	420	2100	No
Ch 8 div 270	270.7B(2)	Being a party to a forced marriage	I	No	7	B	420	2100	No
Ch 8 div 270	270.7C	Debt bondage	No	No	4	B	240	1200	No
Ch 8 div 270	270.8	Slavery-like offences - aggravated offences	No	No	Depends	B	Depends	Depends	No
Ch 8 div 271	271.2(1)	Offence of trafficking in persons (entry of persons into Australia)	No	I	12	B	720	3600	No
Ch 8 div 271	271.2(1A)	Offence of trafficking in persons (exit of persons from Australia)	No	I	12	B	720	3600	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 8 div 271	271.2(1B)	Offence of trafficking in persons (entry into Australia, reckless as to exploitation)	No	No	12	B	720	3600	No
Ch 8 div 271	271.2(1C)	Offence of trafficking in persons (exit of persons from Australia, reckless as to exploitation)	No	No	12	B	720	3600	No
Ch 8 div 271	271.2(2)	Offence of trafficking in persons (entry into Australia, deceit as to arrangements of stay)	No	No	12	B	720	3600	No
Ch 8 div 271	271.2(2A)	Offence of trafficking in persons (exit from Australia, deceit as to arrangements)	No	No	12	B	720	3600	No
Ch 8 div 271	271.2(2B)	Offence of trafficking in persons (sex trafficking into Australia)	No	No	12	B	720	3600	No
Ch 8 div 271	271.2(2C)	Offence of trafficking in persons (sex trafficking out of Australia)	No	No	12	B	720	3600	No
Ch 8 div 271	271.3(1)	Trafficking in persons - aggravated offence	No	No	20	B	1200	6000	No
Ch 8 div 271	271.4(1)	Offence of trafficking in children (entry into Australia)	No	No	25	B	1500	7500	No
Ch 8 div 271	271.4(2)	Offence of trafficking in children (out of Australia)	No	No	25	B	1500	7500	No
Ch 8 div 271	271.5(1)	Offence of domestic trafficking in persons (coercion, threat or deception)	No	I	12	O	720	3600	No
Ch 8 div 271	271.5(2)	Offence of domestic trafficking in persons (reckless as to exploitation)	No	No	12	O	720	3600	No
Ch 8 div 271	271.5(2A)	Offence of domestic trafficking in persons (deceit as to arrangements)	No	No	12	O	720	3600	No
Ch 8 div 271	271.5(2B)	Offence of domestic trafficking in persons (sex trafficking)	No	No	12	O	720	3600	No
Ch 8 div 271	271.6(1)	Domestic trafficking in persons - aggravated offence	No	No	20	O	1200	6000	No
Ch 8 div 271	271.7	Offence of domestic trafficking in children	No	No	25	O	1500	7500	No
Ch 8 div 271	271.7B(1)	Offence of organ trafficking (entry into Australia)	No	No	12	B	720	3600	No
Ch 8 div 271	271.7B(2)	Offence of organ trafficking (exit from Australia)	No	No	12	B	720	3600	No
Ch 8 div 271	271.7C	Organ trafficking - aggravated offence	No	No	Depends	B	Depends	Depends	No
Ch 8 div 271	271.7D	Offence of domestic organ trafficking	No	No	12	O	720	3600	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 271	271.7E	Domestic organ trafficking - aggravated offence	No	No	25^^	O	1500^^	7500^^	No
Ch 8 div 271	271.7F	Harbouring a victim	No	I	4	B	240	1200	No
Ch 8 div 271	271.7G	Harbouring a victim - aggravated offence	No	No	7	B	420	2100	No
Ch 8 div 271A	271A.1	Restrictions on overseas travel by certain registered offenders	No	I	5	Std	300	1500	No
Ch 8 div 272	272.8(1)	Engaging in sexual intercourse with child outside Australia	No	I	20	O	1200	6000	No
Ch 8 div 272	272.8(2)	Causing child outside Australia to engage in sexual intercourse in presence of defendant	No	I	20	O	1200	6000	No
Ch 8 div 272	272.9(1)	Engaging in sexual activity with child outside Australia	No	I	15	O	900	4500	No
Ch 8 div 272	272.9(2)	Causing child outside Australia to engage in sexual activity in presence of defendant	No	I	15	O	900	4500	No
Ch 8 div 272	272.10	Aggravated offence - child with mental impairment or under care, supervision or authority of defendant	I	I	25	O	1500	7500	No
Ch 8 div 272	272.11	Persistent sexual abuse of child outside Australia	No	No	25	O	1500	7500	No
Ch 8 div 272	272.12(1)	Engaging in sexual intercourse with young person outside Australia - defendant in position of trust or authority	I	I	10	O	600	3000	No
Ch 8 div 272	272.12(2)	Causing young person outside Australia to engage in sexual intercourse in presence of defendant - defendant in position of trust or authority	I	I	10	O	600	3000	No
Ch 8 div 272	272.13(1)	Engaging in sexual activity (other than sexual intercourse) with young person outside Australia - defendant in position of trust or authority	I	I	7	O	420	2100	No
Ch 8 div 272	272.13(2)	Causing young person outside Australia to engage in sexual intercourse (other than sexual intercourse) in presence of defendant - defendant in position of trust or authority	I	I	7	O	420	2100	No
Ch 8 div 272	272.14(1)	Procuring child to engage in sexual activity outside Australia	No	I	15	O	900	4500	No
Ch 8 div 272	272.15(1)	“Grooming” child to engage in sexual activity outside Australia	No	I	12	O	720	3600	No
Ch 8 div 272	272.18(1)	Benefiting from sexual offences against children outside Australia	No	I	20	O	1200	6000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 8 div 272	272.19(1)	Encouraging sexual offences against children outside Australia	No	I	20	O	1200	6000	No
Ch 8 div 272	272.20(1)	Preparing for or planning offence involving sexual intercourse or other sexual activity with child, and benefiting offence	No	No	10	O	600	3000	No
Ch 8 div 272	272.20(2)	Preparing for or planning offence involving sexual intercourse or other sexual activity with young person	No	No	5	O	300	1500	No
Ch 8 div 273	273.5(1)	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia	No	I	15	O	900	4500	No
Ch 8 div 273	273.6(1)	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	No	I	15	O	900	4500	No
Ch 8 div 273	273.7(1)	Aggravated offence - offence involving conduct on 3 or more occasions and 2 or more people	No	No	25	O	1500	7500	No
Ch 8 div 274	274.2(1)	Torture	No	I	20	D	1200	6000	No
Ch 8 div 274	274.2(2)	Torture for reason based on discrimination	No	I	20	D	1200	6000	No
Ch 9 Pt 9.1 div 302	302.2(1)	Trafficking commercial quantities of controlled drugs	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 302	302.3(1)	Trafficking marketable quantities of controlled drugs	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 302	302.4(1)	Trafficking controlled drugs	No	No	10	B	2,000	10000	No
Ch 9 Pt 9.1 div 303	303.4(1)	Cultivating commercial quantities of controlled plants	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 303	303.5(1)	Cultivating marketable quantities of controlled plants	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 303	303.6(1)	Cultivating controlled plants	No	No	10	B	2,000	10000	No
Ch 9 Pt 9.1 div 304	304.1(1)	Selling commercial quantities of controlled plants	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 304	304.2(1)	Selling marketable quantities of controlled plants	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 304	304.3(1)	Selling controlled plants	No	No	10	B	2,000	10000	No
Ch 9 Pt 9.1 div 305	305.3(1)	Manufacturing commercial quantities of controlled drugs	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 305	305.4(1)	Manufacturing marketable quantities of controlled drugs	No	I	25	B	5,000	25000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical Jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 9 Pt 9.1 div 305	305.5(1)	Manufacturing controlled drugs	No	No	10	B	2,000	10000	No
Ch 9 Pt 9.1 div 306	306.2(1)	Pre-trafficking commercial quantities of controlled precursors	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 306	306.3(1)	Pre-trafficking marketable quantities of controlled precursors	No	I	15	B	3,000	15000	No
Ch 9 Pt 9.1 div 306	306.4(1)	Pre-trafficking controlled precursors	No	No	7	B	1,400	7000	No
Ch 9 Pt 9.1 div 307	307.1(1)	Importing and exporting commercial quantities of border controlled drugs or border controlled plants	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 307	307.2(1)	Importing and exporting marketable quantities of border controlled drugs or border controlled plants	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 307	307.3(1)	Importing and exporting border controlled drugs or border controlled plants	No	No	10	B	2,000	10000	No
Ch 9 Pt 9.1 div 307	307.4(1)	Importing and exporting border controlled drugs or border controlled plants - no defence relating to lack of commercial intent	No	No	2	B	400	2000	No
Ch 9 Pt 9.1 div 307	307.5(1)	Possessing commercial quantities of unlawfully imported border controlled drugs or border controlled plants	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 307	307.6(1)	Possessing marketable quantities of unlawfully imported border controlled drugs or border controlled plants	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 307	307.7(1)	Possessing unlawfully imported border controlled drugs or border controlled plants	No	I	2	B	400	2000	No
Ch 9 Pt 9.1 div 307	307.8(1)	Possessing commercial quantities of border controlled drugs or border controlled plants reasonably suspected of having been unlawfully imported	No	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 307	307.9(1)	Possessing marketable quantities of border controlled drugs or border controlled plants reasonably suspected of having been unlawfully imported	No	I	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 307	307.10(1)	Possessing border controlled drugs or border controlled plants reasonably suspected of having been unlawfully imported	No	I	2	B	400	2000	No
Ch 9 Pt 9.1 div 307	307.11(1)	Importing and exporting commercial quantities of border controlled precursors	No	I	25	B	5,000	25000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 9 Pt 9.1 div 307	307.12(1)	Importing and exporting marketable quantities of border controlled precursors	No	I	15	B	3,000	15000	No
Ch 9 Pt 9.1 div 307	307.13(1)	Importing and exporting border controlled precursors	No	No	7	B	1,400	7000	No
Ch 9 Pt 9.1 div 308	308.1(1)	Possessing controlled drugs	No	No	2	B	400	2000	No
Ch 9 Pt 9.1 div 308	308.2(1)	Possessing controlled precursors	No	No	2	B	400	2000	No
Ch 9 Pt 9.1 div 308	308.2(1)	Possessing controlled precursors	No	No	2	B	400	2000	No
Ch 9 Pt 9.1 div 308	308.3	Possessing plant material, equipment or instructions for commercial cultivation of controlled plants	No	No	7	B	1,400	7000	No
Ch 9 Pt 9.1 div 308	308.4(1)	Possessing substance, equipment or instructions for commercial manufacture of controlled drugs	No	No	7	B	1,400	7000	No
Ch 9 Pt 9.1 div 309	309.2	Supplying controlled drugs to children	I	No	15	B	3,000	15000	No
Ch 9 Pt 9.1 div 309	309.3(1)	Supplying marketable quantities of controlled drugs to children for trafficking	I	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 309	309.4(1)	Supplying controlled drugs to children for trafficking	I	No	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 309	309.7(1)	Procuring children for trafficking marketable quantities of controlled drugs	I	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 309	309.8(1)	Procuring children for trafficking controlled drugs	I	No	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 309	309.10(1)	Procuring children for pre-trafficking marketable quantities of controlled precursors	I	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 309	309.11(1)	Procuring children for pre-trafficking controlled precursors	I	No	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 309	309.12(1)	Procuring children for importing or exporting marketable quantities of border controlled drugs or border controlled plants	I	I	Life	B	7,500	37500	No
Ch 9 Pt 9.1 div 309	309.13(1)	Procuring children for importing or exporting border controlled drugs or border controlled plants	I	No	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 309	309.14(1)	Procuring children for importing or exporting marketable quantities of border controlled precursors	I	I	Life	B	7,500	37500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 9 Pt 9.1 div 309	309.15(1)	Procuring children for importing or exporting border controlled precursors	I	No	25	B	5,000	25000	No
Ch 9 Pt 9.1 div 310	310.2(1)	Danger from exposure to unlawful manufacturing	I	No	9	B	1,800	9000	No
Ch 9 Pt 9.1 div 310	310.3(1)	Harm from exposure to unlawful manufacturing	I	No	9	B	1,800	9000	No
Ch 9 Pt 9.1 div 310	310.4	Aggravated offences - manufacturing controlled drugs and controlled precursors	I	No	Depends	B	Depends	Depends	No
Ch 9 Pt 9.2 div 320	320.2	Importing psychoactive substances	No	No	5	Std	300	1500	No
Ch 9 Pt 9.2 div 320	320.3	Importing substances represented to be serious drug alternatives	No	No	2	Std	120	600	No
Ch 9 Pt 9.4 div 360	360.2(1)	Cross-border offence of disposal or acquisition of a firearm or firearm part	No	I	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 360	360.3(1)	Taking or sending a firearm or firearm part across borders	No	No	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 361	361.2(1)	Trafficking firearms prohibited under Customs Act absolutely into Australia	No	I	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 361	361.2(2)	Trafficking firearms prohibited under Customs Act into Australia	I	I	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 361	361.3(1)	Trafficking firearms prohibited under Customs Act absolutely out of Australia	No	I	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 361	361.3(3)	Trafficking firearms prohibited under Customs Act out of Australia	No	No	10	Std	2,500	12500	No
Ch 9 Pt 9.4 div 361	361.3(4)	Trafficking firearms (failure to meet requirements of Customs Act)	I	I	10	Std	600	3000	No
Ch 9 Pt 9.5 div 372	372.1(1)	Dealing in identification information	No	I	5	A	300	1500	No
Ch 9 Pt 9.5 div 372	372.1A(1)	Dealing in identification information using a carriage service	No	I	5	A	300	1500	No
Ch 9 Pt 9.5 div 372	372.1A(3)	Dealing in identification information obtained using a carriage service	No	I	5	A	300	1500	No
Ch 9 Pt 9.5 div 372	372.2(1)	Possession of identification information	No	I	3	A	180	900	No
Ch 9 Pt 9.5 div 372	372.3(1)	Possession of equipment used to make identification documentation	No	I	3	A	180	900	No
Ch 9 Pt 9.5 div 376	376.2(1)	False identification information - at constitutional airports	No	I	1	D	60	300	No
Ch 9 Pt 9.5 div 376	376.3(1)	False identification information - using information to obtain an air passenger ticket	No	I	1	D	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 9 Pt 9.5 div 376	376.3(2)	False identification information - taking a flight using an air passenger ticket	No	I	1	D	60	300	No
Ch 9 Pt 9.5 div 376	376.4(1)	False identification information - using information to obtain air passenger ticket for constitutional flight	No	I	1	D	60	300	No
Ch 9 Pt 9.5 div 376	376.4(2)	False identification information - taking a constitutional flight using an air passenger ticket	No	I	1	D	60	300	No
Ch 9 Pt 9.5 div 380	380.2(1)	Contaminating goods - implied nationhood power offences	No	No	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.2(1A)	Contaminating goods - implied nationhood power offences, reckless	No	No	10	D	600	3000	No
Ch 9 Pt 9.5 div 380	380.2(2)	Contaminating goods - based on other constitutional powers	No	I	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.2(2A)	Contaminating goods - based on other constitutional powers, reckless	No	I	10	D	600	3000	No
Ch 9 Pt 9.5 div 380	380.3(1)	Threatening to contaminate goods (implied nationhood power)	No	No	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.3(1A)	Threatening to contaminate goods (implied nationhood power), reckless	No	No	10	D	600	3000	No
Ch 9 Pt 9.5 div 380	380.3(2)	Threatening to contaminate goods (other constitutional power)	No	I	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.3(2A)	Threatening to contaminate goods (other constitutional power), reckless	No	I	10	D	600	3000	No
Ch 9 Pt 9.5 div 380	380.4(1)	Making false statements about contamination of goods (implied nationhood power)	No	No	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.4(1A)	Making false statements about contamination of goods (implied nationhood power, recklessness)	No	No	10	D	600	3000	No
Ch 9 Pt 9.5 div 380	380.4(2)	Making false statements about contamination of goods (other constitutional powers)	No	I	15	D	900	4500	No
Ch 9 Pt 9.5 div 380	380.4(2A)	Making false statements about contamination of goods (other constitutional powers, recklessness)	No	I	10	D	600	3000	No
Ch 9 Pt 9.9 div 390	390.3(1)	Associating in support of serious organised criminal activity	No	I	3	C	180	900	No
Ch 9 Pt 9.9 div 390	390.3(2)	Repeat Offence	No	I	3	C	180	900	No
Ch 9 Pt 9.9 div 390	390.4(1)	Supporting a criminal organisation	No	I	5	C	300	1500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 9 Pt 9.9 div 390	390.5(1)	Committing an offence for the benefit of a criminal organisation	No	I	7	C	420	2100	No
Ch 9 Pt 9.9 div 390	390.5(2)	Committing an offence at the direction of a criminal organisation	No	I	7	C	420	2100	No
Ch 9 Pt 9.9 div 390	390.6(1)	Directing activities of a criminal organisation (aiding offence)	No	I	10	C	600	3000	No
Ch 9 Pt 9.9 div 390	390.6(2)	Directing activities of a criminal organisation (committing offence)	No	I	15	C	900	4500	No
Ch 10 Pt 10.2 div 400	400.3(1)	Dealing in proceeds of crime etc (intention). - money or property worth \$1,000,000 or more	No	I	25	O	1,500	7500	No
Ch 10 Pt 10.2 div 400	400.3(2)	Dealing in proceeds of crime etc (recklessness). - money or property worth \$1,000,000 or more	No	I	12	O	720	3600	No
Ch 10 Pt 10.2 div 400	400.3(3)	Dealing in proceeds of crime etc (negligence). - money or property worth \$1,000,000 or more	No	I	5	O	300	1500	No
Ch 10 Pt 10.2 div 400	400.4(1)	Dealing in proceeds of crime etc (intention). - money or property worth \$100,000 or more	No	I	20	O	1,200	6000	No
Ch 10 Pt 10.2 div 400	400.4(2)	Dealing in proceeds of crime etc (recklessness). - money or property worth \$100,000 or more	No	I	10	O	600	3000	No
Ch 10 Pt 10.2 div 400	400.4(3)	Dealing in proceeds of crime etc (negligence). - money or property worth \$100,000 or more	No	I	4	O	240	1200	No
Ch 10 Pt 10.2 div 400	400.5(1)	Dealing in proceeds of crime etc (intention). - money or property worth \$50,000 or more	No	I	15	O	900	4500	No
Ch 10 Pt 10.2 div 400	400.5(2)	Dealing in proceeds of crime etc (recklessness). - money or property worth \$50,000 or more	No	I	7	O	420	2100	No
Ch 10 Pt 10.2 div 400	400.5(3)	Dealing in proceeds of crime etc (negligence). - money or property worth \$50,000 or more	No	I	3	O	180	900	No
Ch 10 Pt 10.2 div 400	400.6(1)	Dealing in proceeds of crime etc (intention). - money or property worth \$10,000 or more	No	I	10	O	600	3000	No
Ch 10 Pt 10.2 div 400	400.6(2)	Dealing in proceeds of crime etc (recklessness). - money or property worth \$10,000 or more	No	I	5	O	300	1500	No
Ch 10 Pt 10.2 div 400	400.6(3)	Dealing in proceeds of crime etc (negligence). - money or property worth \$10,000 or more	No	I	2	O	120	600	No
Ch 10 Pt 10.2 div 400	400.7(1)	Dealing in proceeds of crime etc (intention). - money or property worth \$1,000 or more	No	I	5	O	300	1500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 10 Pt 10.2 div 400	400.7(2)	Dealing in proceeds of crime etc (recklessness). - money or property worth \$1,000 or more	No	I	2	O	120	600	No
Ch 10 Pt 10.2 div 400	400.7(3)	Dealing in proceeds of crime etc (negligence). - money or property worth \$1,000 or more	No	I	1	O	60	300	No
Ch 10 Pt 10.2 div 400	400.8(1)	Dealing in proceeds of crime etc (intention). - money or property of any value	No	No	1	O	60	300	No
Ch 10 Pt 10.2 div 400	400.9(1)	Dealing with property reasonably suspected of being proceeds of crime etc (\$100,000 or more)	No	I	3	O	180	900	No
Ch 10 Pt 10.2 div 400	400.9(2)	Dealing with property reasonably suspected of being proceeds of crime etc (less than \$100,000)	No	I	2	O	120	600	No
Ch 10 Pt 10.5 div 471	471.1(1)	Theft of mail-receptacles, articles or postal messages	No	No	10	C	600	3000	No
Ch 10 Pt 10.5 div 471	471.2(1)	Receiving stolen mail-receptacles, article or postal messages	No	No	10	C	600	3000	No
Ch 10 Pt 10.5 div 471	471.3	Taking or concealing of mail-receptacles, articles or postal messages	No	No	5	C	300	1500	No
Ch 10 Pt 10.5 div 471	471.4	Dishonest removal of postage stamps or postmarks	No	No	1	C	60	300	No
Ch 10 Pt 10.5 div 471	471.5(1)	Dishonest use of previously used, defaced or obliterated stamps	No	No	1	C	60	300	No
Ch 10 Pt 10.5 div 471	471.6	Damaging or destroying mail-receptacles, articles or postal messages	No	No	10	C	600	3000	No
Ch 10 Pt 10.5 div 471	471.7(1)	Tampering with mail-receptacles	No	No	5	C	300	1500	No
Ch 10 Pt 10.5 div 471	471.7(2)	Intentionally opening a mail-receptacle without authorisation	No	No	2	C	120	600	No
Ch 10 Pt 10.5 div 471	471.8	Dishonestly obtaining delivery of articles	No	No	5	C	300	1500	No
Ch 10 Pt 10.5 div 471	471.10(1)	Hoaxes-explosives and dangerous substances	No	No	10	A	600	3000	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 10 Pt 10.5 div 471	471.11(1)	Using a postal or similar service to make a threat to kill	No	No	10	A	600	3000	No
Ch 10 Pt 10.5 div 471	471.11(2)	Using a postal or similar service to make a threat to cause serious harm	No	No	7	A	420	2100	No
Ch 10 Pt 10.5 div 471	471.12	Using a postal or similar service to menace, harass or cause offence	No	No	2	A	120	600	No
Ch 10 Pt 10.5 div 471	471.13(1)	Causing a dangerous article to be carried by a postal or similar service	No	No	10	A	600	3000	No
Ch 10 Pt 10.5 div 471	471.15(1)	Causing an explosive, or a dangerous or harmful substance, to be carried by post	No	No	10	C	600	3000	No
Ch 10 Pt 10.5 div 471	471.16(1)	Causing child pornography to be carried by a postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.16(2)	Requesting child pornography to be carried by postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.17	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.19(1)	Causing child abuse material to be carried by a postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.19(2)	Requesting child abuse material to be carried by postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.20(1)	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service	No	No	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.22(1)	Aggravated offence - offence involving conduct on 3 or more occasions and 2 or more people	No	No	25	A	1500	7500	No
Ch 10 Pt 10.5 div 471	471.24(1)	Using a postal or similar service to procure persons under 16 (to engage with sender)	No	I	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.24(2)	Using a postal or similar service to procure persons under 16 (to engage with another)	No	I	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.24(3)	Using a postal or similar service to procure persons under 16 (to engage with another in presence of sender)	No	I	15	A	900	4500	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 10 Pt 10.5 div 471	471.25(1)	Using a postal or similar service to “groom” persons under 16 (with sender)	No	No	12	A	720	3600	No
Ch 10 Pt 10.5 div 471	471.25(2)	Using a postal or similar service to “groom” persons under 16 (with another)	No	I	12	A	720	3600	No
Ch 10 Pt 10.5 div 471	471.25(3)	Using a postal or similar service to “groom” persons under 16 (with another with presence of sender)	No	I	15	A	900	4500	No
Ch 10 Pt 10.5 div 471	471.26(1)	Using a postal or similar service to send indecent material to person under 16	No	I	7	A	420	2100	No
Ch 10 Pt 10.6 div 474	474.2(1)	General dishonesty with respect to a carriage service provider (obtaining a gain)	No	No	5	A	300	1500	No
Ch 10 Pt 10.6 div 474	474.2(2)	General dishonesty with respect to a carriage service provider (causing a loss)	No	No	5	A	300	1500	No
Ch 10 Pt 10.6 div 474	474.2(3)	General dishonesty with respect to a carriage service provider (knowingly causing loss)	No	No	5	A	300	1500	No
Ch 10 Pt 10.6 div 474	474.4(1)	Manufacturing, advertising, selling etc interception devices	No	No	5	A	300	1500	No
Ch 10 Pt 10.6 div 474	474.5(1)	Wrongful delivery of communications	No	No	1	A	60	300	No
Ch 10 Pt 10.6 div 474	474.6(1)	Inteference with facilities of carrier etc	No	I	1	A	60	300	No
Ch 10 Pt 10.6 div 474	474.6(3)	Interference with facilities of carrier (results in hindering of service)	No	I	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.6(5)	Using device to interfere with facilities	No	I	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.7(1)	Modification etc. of a telecommunications device identifier	No	No	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.9(1)	Producing, supplying or obtaining data or a device with intent to modify a telecommunications device identifier	No	No	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.10(1)	Copying subscription-specific secure data from an existing account identifier	No	No	2	A	120	600	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 10 Pt 10.6 div 474	474.10(2)	Copying subscription-specific secure data onto a new account identifier	No	No	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.11(1)	Possession or control of data or a device with intent to copy an account identifier	No	No	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.12(1)	Producing, supplying or obtaining data or a device with intent to copy an account identifier	No	No	2	A	120	600	No
Ch 10 Pt 10.6 div 474	474.14(1)	Connecting equipment to telecommunications network with intention to commit serious offence	No	I	Depends on main offence	A	Depends on underlying offence.	Depends on underlying offence.	No
Ch 10 Pt 10.6 div 474	474.14(2)	Using equipment connected to telecommunication network to commit serious offence	No	I	Depends on main offence	A	Depends on underlying offence.	Depends on underlying offence.	No
Ch 10 Pt 10.6 div 474	474.15(1)	Using a carriage service to make a threat to kill	No	I	10	A	600	3000	No
Ch 10 Pt 10.6 div 474	474.15(2)	Using a carriage service to make a threat to cause serious harm	No	I	7	A	420	2100	No
Ch 10 Pt 10.6 div 474	474.16	Using a carriage service for a hoax threat	No	I	10	A	600	3000	No
Ch 10 Pt 10.6 div 474	474.17(1)	Using a carriage service to menace, harass or cause offence	No	I	3	A	180	900	No
Ch 10 Pt 10.6 div 474	474.17A(1)	Standard aggravated offence involving private sexual material - using carriage service to menace, harass or cause offence	No	I	5	A	300	1500	No
Ch 10 Pt 10.6 div 474	474.17A(4)	Special aggravated offence involving private sexual material - using carriage service to menace, harass or cause offence	No	I	7	A	420	2100	No
Ch 10 Pt 10.6 div 474	474.18(1)	Calling emergency service number with intention to induce false belief of emergency	No	No	3	A	180	900	No
Ch 10 Pt 10.6 div 474	474.18(2)	Calling emergency service for vexatious purpose	No	No	3	A	180	900	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PC)	Pecuniary penalty - corporations (max PC)	Equivalent CPP
Ch 10 Pt 10.6 div 474	474.19(1)	Using a carriage service for child pornography material	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.20(1)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service	No	No	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.22	Using a carriage service for child abuse material	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service	No	No	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.24A	Aggravated offence - offence involving conduct on 3 or more occasions and 2 or more people	No	No	25	A	1500	7500	No
Ch 10 Pt 10.6 div 474	474.25	Obligations of internet service providers and internet content hosts	No	No	0	A	800	4000	No
Ch 10 Pt 10.6 div 474	474.25A(1)	Engaging in sexual activity with child using a carriage service	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.25A(2)	Causing child to engage in sexual activity with another person	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.25B	Aggravated offence - child with mental impairment or under care, supervision or authority of defendant	No	No	25	A	1500	7500	No
Ch 10 Pt 10.6 div 474	474.25C	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16	No	I	10	A	600	3000	No
Ch 10 Pt 10.6 div 474	474.26(1)	Using a carriage service to procure persons under 16 years of age (for sender)	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.26(2)	Using a carriage service to procure persons under 16 years of age (for another)	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.26(3)	Using a carriage service to procure persons under 16 years of age (in presence)	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.27(1)	Using a carriage service to “groom” person under 16 years of age (for sender)	No	I	12	A	720	3600	No
Ch 10 Pt 10.6 div 474	474.27(2)	Using a carriage service to “groom” person under 16 years of age (for another)	No	I	12	A	720	3600	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 10 Pt 10.6 div 474	474.27(3)	Using a carriage service to “groom” person under 16 years of age (in presence of)	No	I	15	A	900	4500	No
Ch 10 Pt 10.6 div 474	474.27A(1)	Using a carriage service to transmit indecent communication to person under 16 years of age	No	I	7	A	420	2100	No
Ch 10 Pt 10.6 div 474	474.29A(1)	Using a carriage service to counsel etc suicide	No	No	0	A	1,000	5000	No
Ch 10 Pt 10.6 div 474	474.29A(2)	Using a carriage service to promote or instruct particular method of suicide	No	No	0	A	1,000	5000	No
Ch 10 Pt 10.6 div 474	474.29B	Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service	No	No	0	A	1,000	5000	No
Ch 10 Pt 10.6 div 474	474.33(1)	Notification obligations of internet service providers, content service providers and hosting service providers	No	No	0	O	800	4000	No
Ch 10 Pt 10.6 div 474	474.34(1)	Removing, or ceasing to host, abhorrent violent material (content service)	No	No	3	O	10000	50000**	No
Ch 10 Pt 10.6 div 474	474.34(5)	Removing, or ceasing to host, abhorrent violent material (host service)	No	No	3	O	10000	50000**	No
Ch 10 Pt 10.7 div 476	477.1(1)	Unauthorised access, modification or impairment with intention to commit serious Cth State or Territory offence	No	No	0	A	Depends	Depends	No
Ch 10 Pt 10.7 div 476	477.2	Unauthorised modification of data to cause impairment	No	No	10	A	600	3000	No
Ch 10 Pt 10.7 div 476	477.3	Unauthorised impairment of electronic communication	No	No	10	A	600	3000	No
Ch 10 Pt 10.7 div 476	478.1	Unauthorised access to, or modification of, restricted data	No	No	2	A	120	600	No
Ch 10 Pt 10.7 div 476	478.2	Unauthorised impairment of data held on a computer disk etc.	No	No	2	A	120	600	No
Ch 10 Pt 10.7 div 476	478.3	Possession or control of data with intent to commit a computer offence	No	No	3	A	180	900	No
Ch 10 Pt 10.7 div 476	478.4	Producing, supplying or obtaining data with intent to commit a computer offence	No	No	3	A	180	900	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Geographical jurisdiction	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Ch 10 Pt 10.8	480.4	Dishonestly obtaining or dealing in personal financial information	No	No	5	Std	300	1500	No
Ch 10 Pt 10.8	480.5	Possession or control of thing with intent to dishonestly obtain or deal in personal financial information	No	No	3	Std	180	900	No
Ch 10 Pt 10.8	480.6	Importation of thing with intent to dishonestly obtain or deal in personal financial information	No	No	3	Std	180	900	No
Ch 10 Pt 10.9 div 490	490.1	Intentional false dealing with accounting documents	No	I	10	Std	10000	100000*	No
Ch 10 Pt 10.9 div 490	490.2	Reckless false dealing with accounting documents	No	I	5	Std	5000	50000***	No

Note: terms of imprisonment noted are those provided for for ordinary offences. Increased imprisonment penalties for aggravated offences are not included in this table.

Strict and Absolute Liability Key:

I Identified elements only

Geographical Jurisdiction Key:

Std	Standard geographical jurisdiction (s 14.1)	D	Category D extended geographical jurisdiction (s 15.4)
A	Category A extended geographical jurisdiction (s 15.1)	O	Other specification of jurisdiction
B	Category B extended geographical jurisdiction (s 15.2)		

Special Penalty Calculation Key:

*	Greatest of 100,000PU, 3 x value of benefit derived, or 10% annual turnover
**	Greater of 50,000, or 10% annual turnover
***	Greater of 50,000, 1.5 x value of benefit or 5% annual turnover
#	13 years for Commonwealth judicial officer or Commonwealth law enforcement officer; special options for summary jurisdiction
##	9 years for Commonwealth judicial officer or Commonwealth law enforcement officer

Table 17: Legislative Review — *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 2 Pt 3 Div 1	15A(1)	Action affecting world heritage values of a World Heritage property	I	No	7	420	2,100	12(1)
Ch 2 Pt 3 Div 1	15A(2)	Action likely to affect world heritage values of a World Heritage property	I	No	7	420	2,100	12(1)
Ch 2 Pt 3 Div 1	15C(1)	Action by constitutional corporation or Cth agency affecting National Heritage values of a National Heritage place	I	No	7	420	2,100	15B(1)
Ch 2 Pt 3 Div 1	15C(2)	Action by constitutional corporation or Cth agency that is likely to affect National Heritage values of a National Heritage place	I	No	7	420	2,100	15B(1)
Ch 2 Pt 3 Div 1	15C(3)	Action for certain trade or commerce affecting National Heritage values of National Heritage place	I	No	7	420	2,100	15B(2)
Ch 2 Pt 3 Div 1	15C(4)	Action for certain trade or commerce that is likely to affect National Heritage values of National Heritage place	I	No	7	420	2,100	15B(2)
Ch 2 Pt 3 Div 1	15C(5)	Action in a Commonwealth or Territory area affecting National Heritage values of a National Heritage place	I	No	7	420	2,100	15B(3)
Ch 2 Pt 3 Div 1	15C(6)	Action in a Commonwealth or Territory area that is likely to affect National Heritage values of a National Heritage place	I	No	7	420	2,100	15B(3)
Ch 2 Pt 3 Div 1	15C(7)	Action affecting indigenous heritage values of National Heritage place	I	No	7	420	2,100	15B(4)
Ch 2 Pt 3 Div 1	15C(8)	Action that is likely to affect indigenous heritage values of National Heritage place	I	No	7	420	2,100	15B(4)
Ch 2 Pt 3 Div 1	15C(9)	Action affecting the National Heritage values of a National Heritage place that is in a Biodiversity Convention area	I	No	7	420	2,100	15B(5)
Ch 2 Pt 3 Div 1	15C(10)	Action that is likely to affect National Heritage values of a National Heritage place that is in a Biodiversity Convention area	I	No	7	420	2,100	15B(5)
Ch 2 Pt 3 Div 1	17B(1)	Action affecting ecological character of a declared Ramsar wetland	I	No	7	420	2,100	16(1)
Ch 2 Pt 3 Div 1	17B(2)	Action that is likely to affect ecological character of a declared Ramsar wetland	I	No	7	420	2,100	16(1)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 2 Pt 3 Div 1	s 18A(1)	Action affecting a listed threatened species or listed threatened ecological community	I	No	7	420	2,100	18
Ch 2 Pt 3 Div 1	18A(2)	Action that is likely to affect a listed threatened species or listed threatened ecological community	I	No	7	420	2,100	18
Ch 2 Pt 3 Div 1	20A(1)	Action affecting a listed migratory species	I	No	7	420	2,100	20
Ch 2 Pt 3 Div 1	20A(2)	Action likely to affect a listed migratory species	I	No	7	420	2,100	20
Ch 2 Pt 3 Div 1	22A(1)	Nuclear action by a constitutional corporation, or a Commonwealth agency affecting the environment	No	No	7	420	2,100	21(1)
Ch 2 Pt 3 Div 1	22A(2)	Nuclear action by a constitutional corporation, or a Commonwealth agency that is likely to affect the environment	No	No	7	420	2,100	21(1)
Ch 2 Pt 3 Div 1	22A(3)	Taking a nuclear action for certain trade or commerce affecting the environment	No	No	7	420	2,100	21(2)
Ch 2 Pt 3 Div 1	22A(4)	Taking a nuclear action for certain trade or commerce that is likely affect the environment	No	No	7	420	2,100	21(2)
Ch 2 Pt 3 Div 1	22A(5)	Taking a nuclear action in a Territory affecting the environment.	No	No	7	420	2,100	21(3)
Ch 2 Pt 3 Div 1	22A(6)	Taking a nuclear action in a Territory that is likely to affect the environment	No	No	7	420	2,100	21(3)
Ch 2 Pt 3 Div 1	24A(1)	Actions in Commonwealth marine areas affecting the environment	I	No	7	420	2,100	23(1)
Ch 2 Pt 3 Div 1	24A(2)	Actions in Commonwealth marine areas likely to affect the environment	I	No	7	420	2,100	23(1)
Ch 2 Pt 3 Div 1	24A(3)	Actions outside Commonwealth marine areas affecting a Commonwealth marine area	I	No	7	420	2,100	23(2)
Ch 2 Pt 3 Div 1	24A(4)	Actions outside Commonwealth marine area likely to affect environment in Commonwealth marine area	I	No	7	420	2,100	23(2)
Ch 2 Pt 3 Div 1	24A(5)	Fishing with impact in State or Territory waters managed by Commonwealth	I	No	7	420	2,100	23(3)
Ch 2 Pt 3 Div 1	24A(6)	Fishing with likely impact in State or Territory waters managed by Commonwealth	I	No	7	420	2,100	23(3)
Ch 2 Pt 3 Div 1	24C(1)	Actions in Great Barrier Reef Marine Park affecting the environment	I	No	7	420	2,100	24B(1)
Ch 2 Pt 3 Div 1	24C(3)	Actions in Great Barrier Reef Marine Park likely to affect the environment	I	No	7	420	2,100	24B(1)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 2 Pt 3 Div 1	24C(5)	Actions outside Great Barrier Reef Marine Park affecting environment in the Marine Park	I	No	7	420	2,100	24B(2)
Ch 2 Pt 3 Div 1	24C(7)	Actions outside Great Barrier Reef Marine Park likely to affect environment in the Marine Park	I	No	7	420	2,100	24B(2)
Ch 2 Pt 3 Div 1	24E(1)	Action by a constitutional corporation or Commonwealth agency involving coal seam gas development or large coal mining development that affects or is likely to affect a water resource	No	No	7	420	2,100	24D(1)
Ch 2 Pt 3 Div 1	24E(2)	Action involving coal seam gas development or large coal mining development for certain trade or commerce that affects or is likely to affect a water resource	No	No	7	420	2,100	24D(2)
Ch 2 Pt 3 Div 1	24E(3)	Action involving coal seam gas development or large coal mining development taken in a Commonwealth area or a Territory that affects or is likely to affect a water resource	No	No	7	420	2,100	24D(3)
Ch 2 Pt 3 Div 2	27A(1)	Action taken on Commonwealth land affecting the environment	I	No	2	120	600	26(1)
Ch 2 Pt 3 Div 2	27A(2)	Action on Commonwealth land likely to affect the environment	I	No	2	120	600	26(1)
Ch 2 Pt 3 Div 2	27A(3)	Action outside Commonwealth land but in the Australian jurisdiction affecting environment in Commonwealth land	I	No	2	120	600	26(2)
Ch 2 Pt 3 Div 2	27A(4)	Action outside Commonwealth land but in the Australian jurisdiction likely to affect environment in Commonwealth land	I	No	2	120	600	26(2)
Ch 2 Pt 3 Div 2	27C(1)	Action outside the Australian jurisdiction affecting a Commonwealth Heritage place overseas	I	No	2	120	600	27B(1)
Ch 2 Pt 3 Div 2	27C(2)	Action outside the Australian jurisdiction likely to affect a Commonwealth heritage place overseas	I	No	2	120	600	27B(1)
Ch 4 pt 7 div 1	74AA(1)	Taking action in relation to referral made while decision making process still going on	No	No	0	500	2,500	No
Ch 4 pt 7 div 1	74AA(3)	Taking action in relation to referral requested before the requested referral is made	No	No	0	500	2,500	No
Ch 4 Pt 8 Div 7	111(3)	Failure to attend	No	No	0.5	30	150	No
Ch 4 Pt 8 Div 7	112(3)	Failure to answer/produce	No	No	0.5	30	150	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 4 Pt 8 Div 7	114(3)	Obstructing/hindering inspector	No	No	0.5	30	150	No
Ch 4 Pt 8 Div 7	119(1)	Contempt - towards commissioner	No	No	0	30	150	No
Ch 4 Pt 8 Div 7	119(2)	Contempt - commission holding inquiry	No	No	0	30	150	No
Ch 4 Pt 8 Div 7	119(3)	Contempt - commission	No	No	0	30	150	No
Ch 4 Pt 8 Div 7	120(3)	Interfering with witness	No	No	0.5	30	150	No
Ch 4 Pt 8 Div 7	120(4)	Interference with a witness' employment	No	No	0.5	30	150	No
Ch 4 Pt 8 Div 7	120(5)	Interference with an employee who proposes to give evidence	No	No	0.5	30	150	No
Ch 4 Pt 9 Div 2	142B(1)	Strict liability offence for breach of approval condition	Yes	No	0	60	300	142(1)
Ch 4 Pt 9 Div 2	142A(3)	Action or omission in contravention of a condition attached to an approval under Pt 9 likely to affect a matter protected by a provision of Pt 3	No	No	2	120	600	142(1)
Ch 4 Pt 9 Div 2	142A(1)	Action or omission in contravention of a condition attached to an approval under Pt 9 affecting a matter protected by a provision of Pt 3	I	No	2	120	600	142(1)
Ch 5 Pt 13 Div 1	196A	Strict liability offence for killing or injuring member of listed threatened species or community	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 1	196C	Strict liability offence for taking etc. member of listed threatened species or community	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 1	196E	Strict liability offence for trading etc. member of listed threatened species or community taken in Commonwealth area	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 1	199(5)	Failure to notify taking of listed threatened species or listed ecological community	No	No	0	100	500	No
Ch 5 Pt 13 Div 1	203	Contravening conditions of a permit	No	No	0	300	1,500	No
Ch 5 Pt 13 Div 1	196	Killing or injuring member of listed threatened species or community	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 1	196B	Taking etc. member of listed threatened species or community	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 1	196D	Trading etc. member of listed threatened species or community in Commonwealth area	I	No	2	1,000	5,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 5 Pt 13 Div 1	207B	Knowingly damaging critical habitat	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 2	211A	Strict liability offence for killing or injuring member of listed migratory species	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 2	211C	Strict liability offence for taking etc. member of listed migratory species	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 2	211E	Strict liability offence for trading etc. member of listed migratory species taken in Commonwealth area	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 2	214	Failing to notify taking etc. of listed migratory species	No	No	0	100	500	No
Ch 5 Pt 13 Div 2	218	Contravening conditions of a permit	No	No	0	300	1,500	No
Ch 5 Pt 13 Div 2	211	Killing or injuring member of listed migratory species	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 2	211B	Taking etc. member of listed migratory species	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 2	211D	Trading etc. member of listed migratory species taken in Commonwealth area	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 3	229A(1)	Strict liability offence for killing or injuring a cetacean	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 3	229C(1)	Strict liability offence for taking etc. a cetacean	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 3	232	Failure to notify of action resulting in killing etc. of cetaceans	No	No	0	100	500	No
Ch 5 Pt 13 Div 3	229D(1)	Treating cetaceans unlawfully killed or taken	No	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 3	s 229D(2A)	Treating cetaceans unlawfully imported	No	No	5	1,000	5,000	No
Ch 5 Pt 13 Div 3	230(1)	Possession of unlawfully killed cetaceans	No	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 3	230(3)	Possession of unlawfully imported cetaceans	No	No	5	1,000	5,000	No
Ch 5 Pt 13 Div 3	229(1)	Killing or injuring a cetacean	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 3	229B(1)	Intentionally taking etc. a cetacean	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 3	236(1)	Offences relating to foreign whaling vessels	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 3	240	Contravening conditions of a permit	No	No	0	300	1,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 5 Pt 13 Div 4	254A(1)	Strict liability offence for killing or injuring member of listed marine species	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 4	254C(1)	Strict liability offence for taking etc. member of listed marine species	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 4	254E(1)	Strict liability offence for trading etc. member of listed marine species taken in Commonwealth area	Yes	No	0	500	2,500	No
Ch 5 Pt 13 Div 4	256(5)	Failing to notify taking etc. of listed marine wildlife	No	No	0	100	500	No
Ch 5 Pt 13 Div 4	260	Contravening conditions of a permit	No	No	0	300	1,500	No
Ch 5 Pt 13 Div 4	254(1)	Killing or injuring member of listed marine species	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 4	254B(1)	Taking etc. member of listed marine species	I	No	2	1,000	5,000	No
Ch 5 Pt 13 Div 4	254D(1)	Trading etc. member of listed marine species taken in Commonwealth area	I	No	2	1,000	5,000	No
Ch 5 Pt 13A Div 2	303CC(1)	Exports of CITES specimens	No	No	10	1,000	5,000	No
Ch 5 Pt 13A Div 2	303CD(1)	Import of CITES specimens	No	No	10	1,000	5,000	No
Ch 5 Pt 13A Div 3	303DD(1)	Exports of regulated native specimens	No	No	10	1,000	5,000	No
Ch 5 Pt 13A Div 4	303EK	Imports of regulated live specimens	No	No	10	1,000	5,000	No
Ch 5 Pt 13A Div 4	303EV(3)	Non-compliance with s 303EV(1) or (2)	I	No	0	120	600	No
Ch 5 Pt 13A Div 6	303GN(2)	Possession of illegally imported specimens	No	No	5	1,000	5,000	No
Ch 5 Pt 13A Div 6	303GN(6)	Possession of listed regulated live specimens	No	No	5	1,000	5,000	No
Ch 5 Pt 13A Div 6	303GP(1)	Cruelty — export or import of a CITES specimen animal	No	No	2	120	600	No
Ch 5 Pt 13A Div 6	303GP(2)	Cruelty — export or import of a regulated native specimen animal	No	No	2	120	600	No
Ch 5 Pt 13A Div 6	303GP(3)	Cruelty — export or import of a regulated live specimen animal	No	No	2	120	600	No
Ch 5 Pt 13A Div 6	303GQ	Imports of specimens contrary to the laws of a foreign country	No	No	5	300	1500	No
Ch 5 Pt 13A Div 6	303GF(2)	Contravening conditions of a permit	I	No	0	300	1,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 5 Pt 13A Div 6	303GF(3)	Contravening conditions of a permit relating to certain live wildlife	I	No	0	600	3,000	No
Ch 5 Pt 15 Div 4	354A(1)	Causing death etc. to native species or damage to heritage	I	No	2	1,000	5,000	354
Ch 5 Pt 15 Div 4	354A(3)	Erection of buildings etc.	I	No	2	1,000	5,000	354
Ch 5 Pt 15 Div 4	354A(5)	Actions taken for commercial purposes	I	No	2	1,000	5,000	354
Ch 5 Pt 15 Div 4	355A(1)	Offence of carrying on mining operations	I	No	2	1,000	5,000	355
Ch 5B Pt 15B Div 1	390SB(1)	Declared commercial fishing activities	I	No	7	420	2,100	390SA
Ch 6 Pt 17 Div 1	402(3)	Interfering with an authorised officer or ranger	No	No	2	120	600	No
Ch 6 Pt 17 Div 1	402	Offences against authorised officers and rangers	No	No	7	420	2,100	No
Ch 6 Pt 17 Div 2	403(5A)	Failure to comply with boarding requirement	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 3	412A	Powers when on premises under monitoring warrant	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 8A	443A(4)	Authorised officer may ask questions about nature or origin of specimens	I	No	0	10	50	No
Ch 6 Pt 17 Div 10	449BA(2)	Release of seized items to owner etc.	No	I	1	60	300	No
Ch 6 Pt 17 Div 2	460(1)	Nature of directed environmental audit	No	No	0	30	150	No
Ch 6 Pt 17 Div 2	460(2)	Nature of directed environmental audit	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 2	461(3)	Audit reports	No	No	0	50	250	No
Ch 6 Pt 17 Div 2	461(4)	Audit reports	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 10	470	Contravening conservation orders	No	No	0	500	2,500	No
Ch 6 Pt 17 Div 10	455	Rescuing things	No	No	2	120	600	No
Ch 6 Pt 17 Div 10	456	Breaking or destroying things or documents to prevent seizure etc.	No	No	2	120	600	No
Ch 6 Pt 17 Div 17	491(1)	Providing false or misleading information to authorised officer etc.	No	No	1	60	300	No
Ch 6 Pt 17 Div 15A	486F(3)	Failure to provide required information	No	No	0.5	30	150	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Ch 6 Pt 17 Div 15A	486G(3)	Failure to appear as required	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 15A	486G(4)	Failure to appear/produce as required	No	No	0.5	30	150	No
Ch 6 Pt 17 Div 17	489(1)	Recklessly providing false or misleading information to obtain approval or permit	No	No	2	120	600	No
Ch 6 Pt 17 Div 17	489(2A)	Providing information in response to requirement and negligent as to false or misleading	No	No	0	30	150	No
Ch 6 Pt 17 Div 17	490(1)	Recklessly providing false or misleading information in response to a condition on an approval or permit	No	No	2	120	600	No
Ch 6 Pt 17 Div 18	495(1)	Failure of executive officer to take all reasonable steps to prevent body corporate contravention of ss 489, 490 or 491 [false or misleading information]	No	No	2	120	600	No
Ch 6 Pt 17 Div 18	495(2)	Failure of executive officer to take all reasonable steps to prevent body corporate contravention of certain environmental offences	No	No	Depends.	Depends	Depends	No
Ch 6 Pt 17 Div 18A	496C(1)	Failure of landholder to take all reasonable steps to prevent body corporate contravention of certain environmental offences	No	No	Depends.	Depends	Depends	No
Ch 6 Pt 17 Div 7	436	Offence of making false statements in warrants	No	No	2	120	600	No
Ch 6 Pt 17 Div 7	437	Offences relating to telephone warrants	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	cl 14(1)	Accessing video recordings	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	cl 40(1)	Accessing video recording without authorisation	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	Cl 42(1)	Providing video recordings	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	Cl 43	Unauthorised modification of video recordings	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	Cl 44	Unauthorised impairment of video recordings	No	No	2	120	600	No
Schedule 1 Pt 2 Div 6	Cl 46	Destroying video recordings	No	No	2	120	600	No
Schedule 1 Pt 5 Div 4	Cl 51(1)	Accessing identifying information	No	No	2	120	600	No
Schedule 1 Pt 5 Div 4	Cl 53(1)	Disclosing identifying information	No	No	2	120	600	No
Schedule 1 Pt 5 Div 4	Cl 55	Unauthorised modification of identifying information	No	No	2	120	600	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision
Schedule 1 Pt 5 Div 4	Cl 56	Unauthorised impairment of identifying information	No	No	2	120	600	No

Note: current to Compilation No. 53 (including amendments up to Act No. 57, 2019).

Strict and Absolute Liability Key:

I Identified elements only

Geographical Jurisdiction Key:

Std Standard geographical jurisdiction (s 14.1)
 A Category A extended geographical jurisdiction (s 15.1)
 B Category B extended geographical jurisdiction (s 15.2)

D Category D extended geographical jurisdiction (s 15.4)
 O Other specification of jurisdiction

Table 18: Legislative Review — *Excise Act 1901* (Cth)

Section	Description	Strict Liability	Absolute Liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision (if any)
25(1)	Manufacturing excisable goods without a licence	No	No	2	500*	2500	NA
25(2)	Manufacturing excisable goods without a licence	Yes	No	0	100	500	NA
26(1)	Manufacturing against Act and licence	No	No	2	500	2500	NA
26(2)	Manufacturing excisable goods in contravention of the Act or a licence	Yes	No	0	100	500	NA
27(1)	Licensed manufacturers to manufacture only at licensed premises	No	No	2	500*	2500	NA
27(2)	Manufacturing excisable goods at a premises not specified in the licence	Yes	No	0	100	500	NA
28(1)	Only licensed producers to produce tobacco leaf etc.	No	No	2	500**	2500	NA
28(2)	Producing tobacco without a producer licence	Yes	No	0	100	500	NA
29(1)	Licensed producers to produce in accordance with Act and licence	No	No	2	500	2500	NA
29(2)	Licensed producers to produce in accordance with Act and licence	Yes	No	0	100	500	NA
30(1)	Licensed producers to store tobacco leaf etc. at licensed premises	No	No	2	500**	2500	NA
30(2)	Keeping or storing tobacco at a premises not specified in the licence	Yes	No	0	100	500	NA
31(1)	Licensed producers to produce tobacco leaf etc. at licensed premises	No	No	2	500**	2500	NA
31(2)	Producing tobacco at premises not specified by licence	Yes	No	0	100	500	NA
33(1)	Only licensed producers to deal in tobacco leaf etc.	No	No	2	500**	2500	NA
33(2)	Dealing in tobacco materials without a licence	Yes	No	0	100	500	NA
34(1)	Licensed dealers to deal in accordance with Act and licence	No	No	2	500	2500	NA
34(2)	Dealing in tobacco in contravention of the Act or a licence	Yes	No	0	100	500	NA
35(1)	Licensed dealers to store tobacco leaf etc. at licensed premises	No	No	2	500**	2500	NA
35(2)	Keeping or storing tobacco at a premises not specified in the licence	Yes	No	0	100	500	NA
36(1)	Licensed dealers to deal in tobacco leaf etc. at licensed premises	No	No	2	500	2500	NA

Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision (if any)
36(2)	Carrying on a business that deals tobacco at premises not permitted by licence	Yes	No	0	100	500	NA
39K(1)	Activities prohibited during suspension	No	No	2	500*	2500	NA
39K(2)	Activities prohibited during suspension	No	No	2	500**	2500	NA
39K(3)	Activities prohibited during suspension	No	No	2	500**	2500	NA
39K(4)	Manufacturing and storing excisable goods without a licence or producing, dealing and storing tobacco without a licence	Yes	No	0	100	500	NA
39L(7)	Failure to surrender licence	Yes	No	0	1	5	NA
39M(1)	Removal of goods on cancellation etc. of licence	No	No	2	500*	2500	NA
39M(3)	Removal of goods on cancellation etc. of licence	Yes	No	0	100	500	NA
44(4)	Permission to move tobacco seed, tobacco plant and tobacco leaf	No	No	2	500*	2500	NA
44(5)	Failing to comply with a condition of s44(2) or s44(3)	Yes	No	0	100	500	NA
44(8)	Permission to move tobacco seed, tobacco plant and tobacco leaf	No	No	2	500*	2500	NA
49	Facilities to officers	No	No	0	10	50	NA
50(1)	Improper record keeping	Yes	No	0	30	150	NA
51(1)	Not complying with Collector directions	Yes	No	0	10	50	NA
52	Not providing correct weights	No	No	0	10	50	NA
61(2)	Control of excisable goods	No	No	2	500*	2500	NA
61(3)	Control of excisable goods	Yes	No	0	100	500	NA
61A(4)	Removing excisable goods in contravention of permission	No	No	2	500*	2500	NA
61A(6)	Failing to comply with a condition of permission	Yes	No	0	100	500	NA
61C(4)	Failing to comply with a requirement of permission	No	No	2	500*	2500	NA
61C(4B)	Failing to comply with a requirement of permission	Yes	No	0	100	500	NA
61D(11)	Failing to comply with a requirement of permission	Yes	No	0	50	250	NA

Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision (if any)
61E(10)	Failing to comply with a requirement of permission	Yes	No	0	50	250	NA
76(1)	Exceeding moisture limits for tobacco	Yes	No	0	10	50	NA
77E	Removing beer when a licence ceases to be in force	No	No	0	50	250	NA
77FJ(1)	Abstracting the denaturing substances from spirits	No	No	0	50	250	NA
77FK(1)	Unlawful stills	No	No	0	50	250	NA
77FL(1)	Misrepresenting the age of a spirit	No	I	0	10	50	NA
77L(5)	Failing to give notice	No	No	0	1	5	NA
92	Breaking locks or seals without authority	No	No	0	50	250	NA
107(1)	Refusing to deliver samples	No	No	0	10	50	NA
107DI	Making a false statement in warrants	No	No	2	120	600	NA
107DJ	Offences relating to telephone warrants	No	No	2	120	600	NA
107FN	Destruction or concealment of evidence or forfeited goods	No	No	2	120	600	NA
117(1)	Unlawful possession of excisable goods	No	No	2	500*	2500	NA
117(2)	Unlawful possession of excisable goods	Yes	No	0	100	500	NA
117A(1)	Unlawfully moving excisable goods	No	No	2	500*	2500	NA
117A(2)	Unlawfully moving excisable goods	Yes	No	0	100	500	NA
117B(1)	Unlawfully selling excisable goods	No	No	2	500*	2500	NA
117B(2)	Unlawfully selling excisable goods	Yes	No	0	100	500	NA
117BA	Unlawfully selling propane or propane mixtures that has an excisable use	No	No	2	500*	2500	NA
117D(1)	Unlawfully moving tobacco	No	No	2	500*	2500	NA
117D(2)	Unlawfully moving tobacco	Yes	No	0	100	500	NA
117I(1)	Making counterfeit tobacco labels	No	No	0	500	2500	NA
117I(2)	Using counterfeit tobacco labels	No	No	0	500	2500	NA

Section	Description	Strict Liability	Absolute liability	Imprisonment	Penalty max - individual (PU)	Penalty max - corporations (PU)	Equivalent civil provision (if any)
117I(3)	Using counterfeit tobacco	Yes	No	0	100	500	NA
118	Illegally preventing seizures	No	No	2	50	250	NA
120(1)(i)	Selling excisable goods unlawfully removed from a factory	No	No	0	10	50	NA
120(1)(iia)	Selling or offering for sale goods consisting of beer not properly manufactured per section	No	No	0	10	50	NA
120(1)(iv)	Evading payment of a duty payable	No	No	0	500***	2500	NA
120(1)(vi)	Certain false or misleading statements/omissions	No	No	0	50	250	NA
120(1)(ix)	Selling or offering goods for sale upon pretence that goods excisable goods upon which Excise duty has not been paid	No	No	0	10	50	NA
124(1)(c)	Collusive seizures penalties - rescuing goods	No	No	2	50	250	NA
124(1)(d)	Collusive seizures penalties - persons assaulting or obstructing officers	No	No	0.5	10	50	NA

Note: the ALRC was assisted by the Australian Tax Office in collecting the data included in this table.

Strict and Absolute Liability Key:

I Identified elements only

Special Penalty Calculation Key:

* Greater of 500PU or 5x duty payable
 ** Greater of 500PU or 5x duty payable; depends on plant
 *** Formula in s 120(2)(b)

Table 19: Legislative Review — *Export Control Act 1982 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Geographical jurisdiction	Maximum pecuniary penalty - individual (PU)	Maximum pecuniary penalty - corporations (PU)	Equivalent CPP
Pt III	11P	Authorised officer may require information or documents	Yes	No	0	Std	30	150	NA
Pt IIA	9J	Contravening requirement about allowing accredited veterinarian etc. to accompany eligible live animals overseas	Yes	No	0	B	50	250	NA
Pt IIA	9K	Obstructing or hindering accredited veterinarian etc undertaking approved export program	Yes	No	0	B	50	250	NA
Pt IIA	9L	Contravening requirement to provide reasonable facilities and assistance to accredited veterinarian etc	Yes	No	0	B	50	250	NA
Pt II	9	Contravention of licence conditions etc	Yes	No	0	Std	500	2,500	NA
Pt III	13	Persons to assist authorised officers	No	No	0.5	Std	30	150	NA
Pt IIA	9I	Offence of not ensuring that an accredited veterinarian is engaged to undertake relevant activities in approved export program	No	No	1	B	60	300	NA
Pt III	11Q	Secretary may require information or documents	No	No	1	Std	60	300	NA
Pt V	24(1)	Supply of goods or services to authorised officers	No	No	1	Std	60	300	NA
Pt V	24(1A)	Supply of goods or services to authorised officers	No	No	1	Std	60	300	NA
Pt II	8A(2)	Preparation of prescribed goods for export (export to a particular place)	No	No	5	Std	300	1,500	NA
Pt II	6	Notice of intention to export prescribed goods	I	No	1	Std	60	300	NA
Pt II	8B(1)	Preparation of prescribed goods for export (strict liability offence) (export to any place)	I	No	0	Std	60	300	NA
Pt II	8B(2)	Preparation of prescribed goods for export (strict liability offence) (export to particular place)	I	No	0	Std	60	300	NA
Pt II	7A(1)	Entering for export of certain prescribed goods	I	No	5	Std	300	1,500	NA
Pt II	7A(2)	Entering for export of certain prescribed goods	I	No	5	Std	300	1,500	NA
Pt II	8(1)	Export of prescribed goods	I	No	5	Std	300	1,500	NA
Pt II	8(2)	Export of prescribed goods	I	No	5	Std	300	1,500	NA

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Geographical jurisdiction	Maximum pecuniary penalty - individual (PU)	Maximum pecuniary penalty - corporations (PU)	Equivalent CPP
Pt II	8A(1)	Preparation of prescribed goods for export (export to any place)	I	No	5	Std	300	1,500	NA
Pt IV	14	Contravention of regulations relating to official marks	I	No	5	Std	300	1,500	NA
Pt IV	15	False trade descriptions	I	No	5	Std	300	1,500	NA
Pt IV	15(1A)	False trade descriptions	I	No	5	Std	300	1,500	NA

Note: current to Compilation No. 29 (compiled on 21 October 2016 and including amendments up to Act No 61, 2016).

Note: no offences in this statute were identified as requiring a 'special calculation' to determine the applicable penalty.

Strict and Absolute Liability Key:

I	Identified elements only
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Geographical jurisdiction key:

Std	Standard geographical jurisdiction (s 14.1)
A	Category A extended geographical jurisdiction (s 15.1)
B	Category B extended geographical jurisdiction (s 15.2)
C	Category C extended geographical jurisdiction (s 15.3)
D	Category D extended geographical jurisdiction (s 15.4)
O	Other specification of jurisdiction

Table 20: Legislative Review — *Fair Work Act 2009* (Cth)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Ch 3 Pt 3-7	536D(1)	Giving a corrupt benefit	No	No	10	5,000	25,000	No
Ch 3 Pt 3-7	536D(2)	Receiving or soliciting a corrupting benefit	No	No	10	5,000	25,000	No
Ch 3 Pt 3-7	536F(1)	Giving a cash or in kind benefit	No	No	2	500	2,500	No
Ch 3 Pt 3-7	536G(1)	Receiving or soliciting a cash or in kind payment	No	No	2	500	2,500	No
Ch 5 Pt 5-1	674(1)	Insulting or disturbing an FWC Member	No	No	1	60	300	No
Ch 5 Pt 5-1	674(2)	Using insulting language	No	No	1	60	300	No
Ch 5 Pt 5-1	674(3)	Interrupting matters before the FWC	No	No	1	60	300	No
Ch 5 Pt 5-1	674(4)	Creating or continuing a disturbance	No	No	1	60	300	No
Ch 5 Pt 5-1	674(5)	Improper influence of FWC Members etc	No	No	1	60	300	No
Ch 5 Pt 5-1	674(7)	Adversely affecting public confidence in the FWC	No	No	1	60	300	No
Ch 5 Pt 5-1	675	Contravening an FWC order	I	No	1	60	300	No
Ch 5 Pt 5-1	676	Intimidation etc.	No	No	1	60	300	Yes
Ch 5 Pt 5-1	677(1)	Offences in relation to attending before the FWC	No	No	0.5	30	150	No
Ch 5 Pt 5-1	677(2)	Offences in relation to attending before the FWC	No	No	0.5	30	150	No
Ch 5 Pt 5-1	677(3)	Offences in relation to attending before the FWC	No	No	0.5	30	150	No
Ch 5 Pt 5-1	678(1)	Giving false or misleading evidence	No	No	1	60	300	No
Ch 5 Pt 5-1	678(2)	Inducing or coercing another person to give false or misleading evidence	No	No	1	60	300	No

Note: current to Compilation No. 36 (compiled on 30 August 2019 and including amendments up to Act No. 57, 2019).

Note: no offences in this statute were identified as requiring a ‘special calculation’ to determine the applicable penalty.

Table 21: Legislative Review — *Fisheries Management Act 1991 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 2	13(1)	Driftnet fishing prohibition	I	No	0	500	2,500	No
Pt 3	13(2)	Driftnet fishing prohibition for Australians	I	No	0	500	2,500	No
Pt 4	13(3)	Driftnet fishing prohibition for corporates	I	No	0	0	2,500	No
Pt 5	13(4)	Driftnet fishing prohibition for Australian boats	I	No	0	500	2,500	No
Pt 2	15(1)	Prohibition against certain fishing	Yes	No	0	125	625	No
Pt 2	15(2)	Prohibition against certain fishing	Yes	No	0	125	625	No
Pt 2	15A	Prohibition against taking marlin	Yes	No	0	125	625	No
Pt 4	57	Lodging false document with AFMA	No	No	2	120	600	No
Pt 4	57F	Lodging false document with AFMA	No	No	2	120	600	No
Pt 4	57L	Lodging false document with AFMA	No	No	2	120	600	No
Pt 6 div 1	89A(6)	Defensive equipment	Yes	No	0	2	10	No
Pt 6 div 2	93(1)	Offences in relation to returns etc.	Yes	No	0.5	30	150	No
Pt 6 div 4	95(1)(a)	unauthorised commercial fishing	Yes	No	0	500*	2,500	No
Pt 6 div 4	95(1)(b)	charge of Treaty boat without Treaty licence	Yes	No	0	500*	2,500	No
Pt 6 div 4	95(1)(c)	possession of unauthorised fish	Yes	No	0	250	1,250	No
Pt 6 div 4	95(1)(d)	contravention of fishing permit	Yes	No	0	250	1,250	No
Pt 6 div 4	95(1)(e)	cause another to contravene fishing permit	Yes	No	0	250	1,250	No
Pt 6 div 4	95(1)(f)	acting on behalf of another and contravene fishing permit	Yes	No	0	250	1,250	No
Pt 6 div 4	95(1)(g)	keeping false or misleading logbook	Yes	No	0	250	1,250	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 6 div 4	96	Removing fishing from traps etc.	No	No	0	125	625	No
Pt 6 div 4	97	Persons not to receive fish in certain circumstances	No	No	0	125	625	No
Pt 6 div 4	97A(1)	e-monitoring equipment offence	No	No	2	250	1,250	No
Pt 6 div 4	97A(2)	e-monitoring data offence	No	No	2	250	1,250	No
Pt 6 div 4	98(2)	contravention of court orders	No	No	1	60	300	No
Pt 6 div 5	99	using foreign boat for recreational fishing	Yes	No	0	250	1,250	No
Pt 6 div 5	100	Using foreign boat for fishing in AFZ	Yes	No	0	2,500	12,500	No
Pt 6 div 5	100A	Offence of using foreign boat for fishing in AFZ	No	No	0	7,500**	37,500	No
Pt 6 div 5	100B	Using foreign boat for fishing in territorial sea within AFZ	I	No	0	7,500**	37,500	No
Pt 6 div 5	101	Having foreign boat equipped for fishing	Yes	No	0	2,500	12,500	No
Pt 6 div 5	101A	Offence of having foreign boat equipped for fishing	No	No	0	5,000	25,000	No
Pt 6 div 5	101AA	Having foreign boat equipped for fishing in territorial sea within AFZ	I	No	2	5,000	25,000	No
Pt 6 div 5	101B	Using boat outside AFZ to support illegal foreign fishing in AFZ	No	No	0	5,000	25,000	No
Pt 6 div 5	102(1)	Certain foreign boats not to enter Australian ports	Yes	No	0	500	2,500	No
Pt 6 div 5	102(2)	Certain foreign boats not to enter Australian ports	Yes	No	0	500	2,500	No
Pt 6 div 5	103	Foreign boats not to land fish in Australia	Yes	No	0	500	2,500	No
Pt 6 div 5	104(1)	Foreign boats not to contravene condition of Treaty licence	Yes	No	0	500	2,500	No
Pt 6 div 5	104(7)	Contravention of order	No	No	0	50	250	No
Pt 6 div 5A	105A	Australian-flagged boat with fish on high seas	No	No	0	500	2,500	No
Pt 6 div 5A	105AA	Person fishing for conserved fish stock on high seas without a concession - strict liability	Yes	No	0	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt 6 div 5A	105AB	Person fishing for conserved fish stock on high seas without a concession	No	No	0	500	2,500	No
Pt 6 div 5A	105B	Australian-flagged boat on high seas equipped for fishing	No	No	0	500	2,500	No
Pt 6 div 5A	105C	Australian-flagged boat fishing in foreign waters	No	No	0	500	2,500	No
Pt 6 div 5A	105E	contravention on high seas strict liability	Yes	No	0	60	300	No
Pt 6 div 5A	105EA	Contravention on high seas	I	No	0	500	2,500	No
Pt 6 div 5A	105F	Australian national on foreign boat in foreign waters strict liability	Yes	No	0	60	300	No
Pt 6 div 5A	105FA	Australian national on foreign boat in foreign waters	I	No	0	500	2,500	No
Pt 6 div 5A	105H	Unauthorised fishing strict liability	Yes	No	0	60	300	No
Pt 6 div 5A	105I	Unauthorised fishing	No	No	0	500	2,500	No
Pt 8 div 3	153(1)	Refusal to be sworn or to answer questions	I	No	0	30	150	No
Pt 8 div 3	153(2)	Refusal to produce document	I	No	0	30	150	No
Pt 8 div 3	153(3)	Intentionally false or misleading evidence	No	No	0.5	30	150	No
Pt 8 div 3	155(2)	Contravention of direction not to publish	No	No	0.5	30	150	No
Pt 8 div 3	156(1)	Failure of witness	Yes	No	0	30	150	No
Pt 8 div 3	159	Person must not obstruct etc.	No	No	0.5	30	150	No
Schedule 1	40	Accessing video recordings	No	No	2	120	600	No
Schedule 1	42	Providing video recordings	No	No	2	120	600	No
Schedule 1	43	Unauthorised modification of video recordings	No	No	2	120	600	No
Schedule 1	44	Unauthorised impairment of video recordings	No	No	2	120	600	No
Schedule 1	46	Destroying video recordings	No	No	2	120	600	No
Schedule 1	51	Accessing identifying information	No	No	2	120	600	No

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Schedule 1	53	Disclosing identifying information	No	No	2	120	600	No
Schedule 1	55	Unauthorised modification of identifying information	No	No	2	120	600	No
Schedule 1	56	Unauthorised impairment of identifying information	No	No	2	120	600	No

Note: current to Compilation No. 60 (compiled 7 November 2017 and including amendments up to Act No. 123, 2017).

Strict and Absolute Liability Key:

I Identified elements only

Special Penalty Calculation Key:

* Depends on court dealing with offence see s 95(4); see also s 95(5)

** Depends on the length of the boat involved see s 100A(2)

Table 22: Legislative Review — *Income Tax Assessment Act 1936 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Pt VIII	252(3)	Company does not have a duly appointed public officer	Yes	No	0	NA	1	No
Pt VIII	252A(1)	Public officer of trust estate	Yes	No	0	1	5	No
Pt X div 11	462	Failing to keep records	Yes	No	0	30	150	No
Pt X div 11	462A	Failing to keep records	Yes	No	0	30	150	No
Pt X div 11	464A	Failing to keep records	Yes	No	0	30	150	No

Note: The ALRC was assisted by the Australian Tax Office in collecting the underlying data for this table.

Table 23: Legislative Review — *Income Tax Assessment Act 1997 (Cth)*

Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
126-260	Transfer of assets between certain trusts - beneficiaries must be given particulars of the roll-over	Yes	No	0	30	150	No

Note: The ALRC was assisted by the Australian Tax Office in preparing the underlying data for this table.

Table 24: Legislative Review — *National Consumer Credit Protection Act 2009 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 2, Pt 2.1	29(2)	Prohibition on engaging in credit activities without a licence	No	No	2	240	2400	Yes
Ch 2, Pt 2.1	30(3)	Prohibitions on holding out and advertising etc.	No	No	1	120	1200	Yes
Ch 2, Pt 2.1	31(2)	Prohibition on conducting business with unlicensed persons	No	No	2	240	2400	Yes
Ch 2, Pt 2.1	32(2)	Prohibition on charging a fee etc.	No	No	1	120	1200	Yes
Ch 2, Pt 2.2	49(7)	Obligation to provide a statement or obtain an audit report if directed by ASIC - Requirement to comply with notice - Criminal	No	No	0.5	60	600	Yes
Ch 2, Pt 2.2	49(8)	Obligation to provide a statement or obtain an audit report if directed by ASIC - Requirement to comply with notice - Strict liability	Yes	No	0	20	200	Yes
Ch 2, Pt 2.2	50(3)	Obligation to give ASIC information required by the regulations	No	No	0.5	60	600	Yes
Ch 2, Pt 2.2	50(4)	Obligation to give ASIC information required by the regulations	Yes	No	0	20	200	Yes
Ch 2, Pt 2.2	51(3)	Obligation to provide ASIC with assistance if reasonably requested	No	No	0.5	60	600	Yes
Ch 2, Pt 2.2	52(3)	Obligation to cite Australian credit licence number	Yes	No	0	20	200	Yes
Ch 2, Pt 2.2	53(5)	Obligation to lodge annual compliance certificate - Requirement to lodge annual compliance certificate	Yes	No	0	60	600	Yes
Ch 2, Pt 2.2	53A(2)	Obligation to notify ASIC of change in control	Yes	No	0	30	300	No
Ch 2, Pt 2.2	53B(2)	Obligation to notify ASIC if licensee does not engage in activities	Yes	No	0	30	300	No
Ch 2, Pt 2.3	69(2)	Obligation not to give authorisation that has no effect	No	No	2	240	2400	Yes
Ch 2, Pt 2.3	70(2)	Obligation to vary or revoke authorisation that ceases to have effect	No	No	2	240	2400	Yes
Ch 2, Pt 2.3	71(6)	Obligation to notify ASIC etc. about credit representatives	Yes	No	0	60	600	Yes
Ch 2, Pt 2.3	73(6)	ASIC may give licensee information about representatives	No	No	1	120	1200	Yes

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 2, Pt 2.4	82(2)	Effect of banning orders	No	No	5	600	6000	Yes
Ch 2, Pt 2.5	88(3)	Obligation to keep financial records	No	No	5	600	6000	Yes
Ch 2, Pt 2.5	95(4)	Obligation to retain financial records for 7 years	No	No	0.5	60	600	Yes
Ch 2, Pt 2.5	98(4)	Obligation for credit service licensees to maintain trust account	No	No	0.5	60	600	Yes
Ch 2, Pt 2.5	99(4)	Obligations in relation to trust account money	No	No	0.5	60	600	Yes
Ch 2, Pt 2.5	100(5)	Obligation to lodge trust account statement and trust account audit report	No	No	5	600	6000	Yes
Ch 2, Pt 2.5	102(4)	Auditor's right of access to records, information etc.	No	No	2	240	2400	Yes
Ch 2, Pt 2.5	104(3)	Auditor to report on certain matters	No	No	1	120	1200	Yes
Ch 3, Pt 3.1	113(5)	Credit guide of credit assistance providers	Yes	No	0	50	500	No
Ch 3, Pt 3.1	120(4)	Providing the consumer with the preliminary assessment	Yes	No	0	50	500	Yes
Ch 3, Pt 3.1	122(2)	No profiting from fees etc. paid to third parties	No	No	0.5	60	600	Yes
Ch 3, Pt 3.1	123(6)	Prohibition on suggesting or assisting consumers to enter, or increase the credit limit under, unsuitable credit contracts	No	No	2	240	2400	Yes
Ch 3, Pt 3.1	124(6)	Prohibition on suggesting to consumers to remain in unsuitable credit contracts	No	No	2	240	2400	Yes
Ch 3, Pt 3.1	124A(2)	Prohibition on providing credit assistance in relation to short-term credit contracts	No	No	0	50	500	Yes
Ch 3, Pt 3.1	124B(2)	Licensee who makes representations about credit assistance in relation to small amount credit contracts must display information etc.	No	No	0	50	500	Yes
Ch 3, Pt 3.2	126(5)	Credit guide of credit providers	Yes	No	0	50	500	Yes
Ch 3, Pt 3.2	127(5)	Credit guide of credit providers who are assignees	Yes	No	0	50	500	Yes
Ch 3, Pt 3.2	132(5)	Giving the consumer the assessment	Yes	No	0	50	500	Yes
Ch 3, Pt 3.2	133(6)	Prohibition on entering, or increasing the credit limit of, unsuitable credit contracts	No	No	2	240	2400	Yes
Ch 3, Pt 3.2A	133AC(3)	Credit provider's website to provide capacity to generate Key Facts Sheet	No	No	0	50	500	Yes
Ch 3, Pt 3.2A	133AD(3)	Credit provider to provide Key Facts Sheet in other situations	No	No	0	50	500	Yes
Ch 3, Pt 3.2A	133AE(3)	What if more information is needed from the consumer?	No	No	0	50	500	Yes

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 3, Pt 3.2B	133BC(2)	Application form for credit card contract to include uptodate Key Facts Sheet	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BD(2)	Credit provider not to enter into credit card contract unless Key Facts Sheet has been provided etc.	No	No	0	100	1000	Yes
Ch 3, Pt 3.2B	133BE(2)	Credit provider not to offer etc. to increase credit limit of credit card contract	No	No	0	100	1000	Yes
Ch 3, Pt 3.2B	133BE(3)	Credit provider not to offer etc. to increase credit limit of credit card contract	Yes	No	0	20	200	Yes
Ch 3, Pt 3.2B	133BF(2)	Credit provider not to enter into credit contract unless it allows credit limit to be reduced	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BFB(3)	Credit provider not to suggest the consumer not reduce the credit limit	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BFC(3)	Credit provider to give effect to request to reduce credit limit	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BH(4)	Credit provider to notify consumer of use of credit card in excess of credit limit	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BJ(2)	Records of consents and withdrawals to be kept	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BO(3)	Credit provider to apply payments in accordance with this Division	No	No	0	100	1000	Yes
Ch 3, Pt 3.2B	133BO(4)	Credit provider to apply payments in accordance with this Division	Yes	No	0	20	200	Yes
Ch 3, Pt 3.2B	133BS(2)	Credit provider not to impose retrospective interest charges	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BT(2)	Credit provider not to enter into credit card contract unless it allows for termination of contracts	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BV(3)	Credit provider not to suggest the consumer not terminate the credit card contract	No	No	0	50	500	Yes
Ch 3, Pt 3.2B	133BW(3)	Credit provider to give effect to request to terminate credit card contract	No	No	0	50	500	Yes
Ch 3, Pt 3.2C	133CA(2)	Prohibition on entering, or increasing the credit limit of, short-term credit contracts	No	No	0	50	500	Yes
Ch 3, Pt 3.2C	133CB(2)	Licensee who makes representations about small amount credit contracts must display information etc.	No	No	0	50	500	Yes
Ch 3, Pt 3.2C	133CC(2)	Licensee must not enter into a small amount credit contract if the repayments do not meet the prescribed requirements	No	No	0	50	500	Yes
Ch 3, Pt 3.2D	133DB(2)	Giving projections of equity before providing credit assistance or entering credit contract	No	No	0	50	500	Yes

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 3, Pt 3.2D	133DC(3)	Making reverse mortgage information statement available on website of credit provider or credit assistance provider	No	No	0	50	500	Yes
Ch 3, Pt 3.2D	133DD(3)	Making reverse mortgage information statement available in other situations	No	No	0	50	500	Yes
Ch 3, Pt 3.3	136(5)	Credit guide of credit assistance providers	Yes	No	0	50	500	No
Ch 3, Pt 3.3	143(4)	Providing the consumer with the preliminary assessment	Yes	No	0	50	500	Yes
Ch 3, Pt 3.3	145(2)	No profiting from fees etc. paid to third parties	No	No	0.5	60	600	Yes
Ch 3, Pt 3.3	146(6)	Prohibition on suggesting, or assisting with, unsuitable consumer leases	No	No	2	240	2400	Yes
Ch 3, Pt 3.3	147(6)	Prohibition on suggesting to consumers to remain in unsuitable consumer leases	No	No	2	240	2400	Yes
Ch 3, Pt 3.5	149(5)	Credit guide of lessors	Yes	No	0	50	500	Yes
Ch 3, Pt 3.7	150(5)	Credit guide of lessors who are assignees	Yes	No	0	50	500	Yes
Ch 3, Pt 3.14	155(5)	Giving the consumer the assessment	Yes	No	0	50	500	Yes
Ch 3, Pt 3.16	156(6)	Prohibition on entering unsuitable consumer leases	No	No	2	240	2400	Yes
Ch 3, Pt 3.6	158(5)	Credit guide of credit representatives - Requirement to give credit guide	Yes	No	0	50	500	Yes
Ch 3, Pt 3.8	160(6)	Credit guide of debt collectors - Requirement to give credit guide	Yes	No	0	50	500	Yes
Ch 3, Pt 3.6A	160D(2)	Prohibition on giving misleading information etc.	No	No	5	600	6000	Yes
Ch 4, Pt 4.3	207(2)	Conferral of criminal jurisdiction - Certain persons to assist in prosecutions	Yes	No	0	20	200	No
Ch 5, Pt 5.2	218(6)	ASIC may refuse to receive document etc. - Requirement to comply with notice	Yes	No	0	120	1200	Yes
Ch 5, Pt 5.2	220(4)	ASIC may require person to give information for document registers - Requirement to comply with notice	Yes	No	0	120	1200	Yes
Ch 5, Pt 5.2	225(1)	False or misleading documents	No	No	5	600	6000	Yes
Ch 5, Pt 5.2	225(2)	Failure to take reasonable steps to ensure documents not false or misleading	Yes	No	0	20	200	Yes
Ch 5, Pt 5.3	227(2)	Concealing etc. of credit books	No	No	0.5	60	600	Yes
Ch 5, Pt 5.3	228(2)	Falsification of credit books	No	No	0.5	60	600	Yes
Ch 5, Pt 5.3	229(2)	Precautions against falsification of credit books	No	No	0.5	60	600	Yes

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 5, Pt 5.6	240(2)	Obstructing or hindering ASIC etc.	No	No	2	240	2400	Yes
Ch 6, Pt 6.2	253(2)	Examination of persons - Notice requiring appearance for examination	No	No	2	240	2400	No
Ch 6, Pt 6.2	255(1)	Examination of persons - Requirements made of examinee	Yes	No	0	30	300	No
Ch 6, Pt 6.2	255(4)	Examination of persons - Requirements made of examinee	No	No	2	240	2400	No
Ch 6, Pt 6.2	256(2)	Examination of persons - Examination to take place in private	Yes	No	0	30	300	No
Ch 6, Pt 6.2	257(2)	Examination of persons - Examinee's lawyer may attend	Yes	No	0	20	200	No
Ch 6, Pt 6.2	258(2)(a)	Examination of persons - Record of examination	Yes	No	0	30	300	No
Ch 6, Pt 6.2	259(2)	Examination of persons - Giving to other persons copies of record	Yes	No	0	30	300	No
Ch 6, Pt 6.2	260(1)	Examination of persons - Record to accompany report	Yes	No	0	30	300	No
Ch 6, Pt 6.3	264(2)	Inspection of books and audit information-gathering powers - ASIC may inspect books without charge	Yes	No	0	30	300	No
Ch 6, Pt 6.3	265(1)	Inspection of books and audit information-gathering powers - Notice to auditors concerning information and books	No	No	2	240	2400	No
Ch 6, Pt 6.3	266	Inspection of books and audit information-gathering powers - Notice to produce books about credit activities	No	No	2	240	2400	No
Ch 6, Pt 6.3	267	Inspection of books and audit information-gathering powers - Notice to produce documents in person's possession	No	No	2	240	2400	No
Ch 6, Pt 6.3	268(1)	Inspection of books and audit information-gathering powers - ASIC may authorise persons to require production of books, giving of information etc.	No	No	2	240	2400	No
Ch 6, Pt 6.3	271(9)	Inspection of books and audit information-gathering powers - Powers if books produced or seized	No	No	2	240	2400	No
Ch 6, Pt 6.3	272	Inspection of books and audit information-gathering powers - Powers if books not produced	No	No	2	240	2400	No
Ch 6, Pt 6.4	274(4)	Proceedings after an investigation - ASIC may prosecute	Yes	No	0	30	300	No
Ch 6, Pt 6.5	281(1)	ASIC may restrict publication of certain material	Yes	No	0	120	1200	No
Ch 6, Pt 6.5	282(3)	Hearings - Who may be present when hearing takes place in private	Yes	No	0	30	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
Ch 6, Pt 6.5	284(1)	Hearings - Power to summon witnesses and take evidence	Yes	No	0	30	300	No
Ch 6, Pt 6.5	284(2)	Hearings - Power to summon witnesses and take evidence	Yes	No	0	30	300	No
Ch 6, Pt 6.5	284(4)	Hearings - Power to summon witnesses and take evidence	Yes	No	0	30	300	No
Ch 6, Pt 6.6	291(1)	Offences - False information	No	No	5	600	6000	No
Ch 6, Pt 6.6	291(2)	Offences - False information	No	No	2	240	2400	No
Ch 6, Pt 6.6	293(1)	Offences - Disrupting hearings	No	No	1	120	1200	No
Ch 6, Pt 6.6	294(1)	Offences - Concealing books relevant to investigation	No	No	5	600	6000	No
Ch 6, Pt 6.6	296(3)	Offences - Legal professional privilege	No	No	0.25	30	300	No
Ch 6, Pt 6.7	301(4)	ASIC's powers in relation to contraventions of this Chapter - Orders under this Part	Yes	No	0	60	600	No
Ch 6, Pt 6.9	319(3)	Miscellaneous provisions relating to compliance and enforcement - Recovery of expenses of investigation	Yes	No	0	120	1200	No
Ch 7, Pt 7.1	334(3)	Contracting out etc	Yes	No	0	100	1000	No
NCC, Pt 1	13(6)	Conduct that induces a debtor to make a declaration under this section that is false or misleading	I	No	2	240	2400	No
NCC, Pt 2, Div 1	18B(2)	Disclosure if credit contract for reverse mortgage does not protect tenancy of person other than debtor	Yes	No	0	50	500	No
NCC, Pt 2, Div 1	18B(4)	Disclosure if credit contract for reverse mortgage does not protect tenancy of person other than debtor	Yes	No	0	50	500	No
NCC, Pt 2, Div 1	22(1)	Offence for non-compliance	Yes	No	0	100	1000	No
NCC, Pt 2, Div 2	24(2)	Offences related to prohibited monetary obligations — credit providers	Yes	No	0	100	1000	Yes
NCC, Pt 2, Div 2	24A(1)	Offences related to prohibited monetary obligations — credit assistance providers	No	No	0	50	500	No
NCC, Pt 2, Div 2	25(1)	Loan to be in money or equivalent	Yes	No	0	100	1000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 2, Div 2	26(1)	Early payments and crediting of payments	Yes	No	0	100	1000	No
NCC, Pt 2, Div 2	26(2)	Early payments and crediting of payments	Yes	No	0	100	1000	No
NCC, Pt 2, Div 4	31B(1)	Credit provider or prescribed person must not require or accept payment of a fee or charge in relation to a small amount credit contract etc.	No	No	0	100	1000	No
NCC, Pt 2, Div 4A	32A(1)	Prohibitions relating to credit contracts if the annual cost rate exceeds 48% - Entering into a credit contract	No	No	0	50	500	No
NCC, Pt 2, Div 4A	32A(2)	Prohibitions relating to credit contracts if the annual cost rate exceeds 48% - Provision of credit assistance	No	No	0	50	500	No
NCC, Pt 2, Div 4A	32AA(2)	Prohibition relating to the annual cost rate of credit contracts — later increases of the annual percentage rate etc.	No	No	0	50	500	No
NCC, Pt 2, Div 5	33(1)	Credit provider's obligation to account - Statements of account	Yes	No	0	100	1000	No
NCC, Pt 2, Div 5	36(1)	Statement of amount owing and other matters	Yes	No	0	100	1000	No
NCC, Pt 2, Div 5	38(6)	Disputed accounts	Yes	No	0	50	500	No
NCC, Pt 2, Div 5	38(8)	Disputed accounts	Yes	No	0	50	500	No
NCC, Pt 2, Div 5A	39C(1)	Credit provider must do prescribed things if a default in payment by direct debit occurs	No	No	0	50	500	No
NCC, Pt 3, Div 1	51(1)	Assignment or disposal of mortgaged property by mortgagor	Yes	No	0	50	500	No
NCC, Pt 3, Div 1	53(1)	Offence for non-compliance	Yes	No	0	50	500	No
NCC, Pt 3, Div 1	53(2)	Offence for non-compliance	Yes	No	0	50	500	No
NCC, Pt 3, Div 2	62(1)	Offence for non-compliance - credit provider must not contravene a requirement under this division	Yes	No	0	50	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 3, Div 3	62(2)	Offence for non-compliance - must not enter void/unenforceable guarantee	Yes	No	0	50	500	No
NCC, Pt 4, Div 1	64(1)	Interest rate changes - Notification of interest rate changes	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	64(2)	Interest rate changes - Notification by publication	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	64(4)	Interest rate changes - Notification of other interest changes	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	65(1)	Repayment changes - Notification of repayment changes	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	65(2)	Repayment changes - Repayment reductions	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	66(1)	Credit fees and charges changes - Notification of credit fees and charges changes	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	66(2)	Credit fees and charges changes - Notification by publication	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	66(3)	Credit fees and charges changes - Credit fee or charge reductions	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	67(2)	Changes to credit limits etc. in continuing credit contracts	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	68(1)	Other unilateral changes by credit provider	Yes	No	0	100	1000	No
NCC, Pt 4, Div 1	68(2)	Other unilateral changes by credit provider	Yes	No	0	100	1000	No
NCC, Pt 4, Div 2	71(1)	Changes by agreement	Yes	No	0	100	1000	No
NCC, Pt 4, Div 2	71(3)	Changes by agreement	Yes	No	0	100	1000	No
NCC, Pt 4, Div 3	73(1)	Notice of change	Yes	No	0	50	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 5, Div 1	83(3)	Ending of credit contract by debtor etc. - Paying out contract etc. - Statement of pay out figure	Yes	No	0	50	500	No
NCC, Pt 5, Div 1	85(10)	Surrender of mortgaged goods and goods subject to sale by instalments	Yes	No	0	50	500	No
NCC, Pt 5, Div 1	87(2)	One-off notice to be given the first time a direct debit default occurs	Yes	No	0	50	500	No
NCC, Pt 5, Div 2	88(1)	Requirements to be met before credit provider can enforce credit contract or mortgage against defaulting debtor or mortgagor - Enforcement of credit contract	Yes	No	0	50	500	No
NCC, Pt 5, Div 2	88(2)	Requirements to be met before credit provider can enforce credit contract or mortgage against defaulting debtor or mortgagor - Enforcement of mortgage	Yes	No	0	50	500	No
NCC, Pt 5, Div 2	89A(2)	Effect of hardship notices on enforcement	Yes	No	0	50	500	No
NCC, Pt 5, Div 2	90(1)	Requirements to be met before credit provider can enforce guarantee against guarantor	Yes	No	0	50	500	No
NCC, Pt 5, Div 2	91(1)	Requirements to be met before credit provider can repossess mortgaged goods	Yes	No	0	100	1000	No
NCC, Pt 5, Div 2	93A(2)	Extra requirements for enforcing reverse mortgage if debtor's liability exceeded value of reverse mortgaged property	No	No	0	50	500	No
NCC, Pt 5, Div 3	94(2)	Postponement of exercise of rights - Credit provider's notice about postponement	Yes	No	0	30	300	No
NCC, Pt 5, Div 3	94(3)	Postponement of exercise of rights - Enforcement proceedings	Yes	No	0	50	500	No
NCC, Pt 5, Div 3	95(3)	Effect of negotiated postponement	Yes	No	0	100	1000	No
NCC, Pt 5, Div 4	98(2)	Information as to location of mortgaged goods	Yes	No	0	50	500	No
NCC, Pt 5, Div 4	99(3)	Entry to residential property to take possession of goods	Yes	No	0	50	500	No
NCC, Pt 5, Div 4	101(3)	Order for possession	Yes	No	0	30	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 5, Div 4	102(5)	Procedures to be followed by credit provider after taking possession of goods	Yes	No	0	50	500	No
NCC, Pt 5, Div 4	103(2)	Mortgagor may nominate purchaser of goods taken by credit provider	Yes	No	0	50	500	No
NCC, Pt 5, Div 4	104(4)	Sale of goods by credit provider	Yes	No	0	50	500	No
NCC, Pt 5, Div 6	108(3)	Mortgagor may apply to regain possession of mortgaged goods	Yes	No	0	30	300	No
Pt 5, Div 7	109(4)	Order for possession for mortgagor	Yes	No	0	30	300	No
NCC, Pt 7, Div 4	135(6)	Termination of (or recredit under) tied credit contract if sale contract terminated	No	No	0	50	500	No
NCC, Pt 7, Div 4	136(2)	Termination of linked maintenance services contract if credit contract terminated	Yes	No	0	50	500	No
NCC, Pt 7, Div 5	140(1)	Requirement as to source of credit for goods or services	Yes	No	0	100	1000	No
NCC, Pt 7, Div 5	141(1)	Prohibition on payment for goods or services by postdated bills of exchange or notes which exceed cash price of goods or services	Yes	No	0	100	1000	No
NCC, Pt 8	143(1)	Requirement to take out insurance or to insure with particular insurer or on particular terms	Yes	No	0	100	1000	No
NCC, Pt 8	143(2)	Requirement to take out insurance or to insure with particular insurer or on particular terms	Yes	No	0	100	1000	No
NCC, Pt 8	144(1)	Financing of insurance premiums over mortgaged property	Yes	No	0	100	1000	No
NCC, Pt 8	144(2)	Financing of insurance premiums over mortgaged property	Yes	No	0	100	1000	No
NCC, Pt 8	145(3)	Commission for consumer credit insurance	Yes	No	0	100	1000	No
NCC, Pt 8	146(1)	Supply of copy of credit-related insurance contract by insurer	Yes	No	0	100	1000	No
NCC, Pt 8	146(2)	Supply of copy of credit-related insurance contract by insurer	Yes	No	0	100	1000	No
NCC, Pt 8	147(2)	Rejection of debtor's proposal for insurance	Yes	No	0	100	1000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 8	149(2)	Termination of insurance contract over mortgaged property if credit contract terminated	Yes	No	0	50	500	No
NCC, Pt 9	150(1)	Advertising	No	No	0	100	1000	No
NCC, Pt 9	153(1)	Interest rates which may be disclosed	Yes	No	0	100	1000	No
NCC, Pt 9	154(1A)	False or misleading representations	No	No	0	50	500	Yes
NCC, Pt 9	155(2)	Harassment	No	No	0	100	1000	Yes
NCC, Pt 9	156(1A)	Canvassing of credit at home	No	No	0	100	1000	Yes
NCC, Pt 11, Div 1	172(6)	Presumptions relating to application of this Part	I	No	2	240	2400	No
NCC, Pt 11, Div 2	173(3)	Form of consumer lease	Yes	No	0	100	1000	No
NCC, Pt 11, Div 2	174(4)	Disclosures in consumer leases	Yes	No	0	100	1000	Yes
NCC, Pt 11, Div 2	175(1)	Copy of lease etc. for lessee	Yes	No	0	50	500	No
NCC, Pt 11, Div 5	175C(1)	Lessor's obligation to account - Statements of account	Yes	No	0	100	1000	No
NCC, Pt 11, Div 5	175E(1)	Statement of amount owing and other matters	Yes	No	0	100	1000	No
NCC, Pt 11, Div 5	175G(5)	Disputed accounts	Yes	No	0	50	500	No
NCC, Pt 11, Div 5	175G(7)	Disputed accounts	Yes	No	0	50	500	No
NCC, Pt 11, Div 5	175H(1)	End of lease statement	Yes	No	0	100	1000	No
NCC, Pt 11, Div 7	177A(1)	Changes by agreement	Yes	No	0	100	1000	No
NCC, Pt 11, Div 7	177C(1)	Notice of change	Yes	No	0	50	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 11, Div 8	178(1)	Repossession, termination and enforcement of consumer leases - Notice of repossession	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179A(3)	Statement of amount payable on termination	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179C(2)	One-off notice to be given the first time a direct debit default occurs	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179D(1)	Requirements to be met before lessor can enforce consumer lease against defaulting lessee - Enforcement of consumer lease	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179F(2)	Effect of hardship notices on enforcement	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179H(2)	Postponement of exercise of rights - Lessor's notice about postponement	Yes	No	0	30	300	No
NCC, Pt 11, Div 8	179H(3)	Postponement of exercise of rights - Enforcement proceedings	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179J(2)	Effect of negotiated postponement	Yes	No	0	100	1000	No
NCC, Pt 11, Div 8	179M(2)	Information as to location of goods hired under a consumer lease	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179N(3)	Entry to residential property to take possession of goods	Yes	No	0	50	500	No
NCC, Pt 11, Div 8	179Q(3)	Order for possession	Yes	No	0	30	300	No
NCC, Pt 11, Div 10	179U(1A)	Conduct relating to consumer leases - False or misleading representations	No	No	0	50	500	Yes
NCC, Pt 11, Div 10	179V(2)	Conduct relating to consumer leases - Harassment	No	No	0	100	1000	Yes
NCC, Pt 12, Div 2	184(4)	Documentary provisions - Legibility and language	No	No	0	100	1000	No
NCC, Pt 12, Div 2	185(1)	Copies of contracts and other documents	Yes	No	0	30	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Civil penalty
NCC, Pt 12, Div 2	185(3)	Copies of contracts and other documents	Yes	No	0	30	300	No
NCC, Pt 12, Div 2	185A(2)	Records of nominations of persons to occupy reverse mortgaged properties	No	No	0	50	500	No
NCC, Pt 12, Div 3	190(2)	Appropriation of payments	Yes	No	0	30	300	No
NCC, Pt 12, Div 3	191(3)	Contracting out	Yes	No	0	100	1000	No
NCC, Pt 12, Div 3	199(3)	Conduct of agents and related matters	No	No	0	50	500	No

Note: current to Compilation No. 21 (compiled 18 February 2020 and containing amendments up to Act No. 3, 2020).

Note: the applicable penalties identified in this table for offences within the Act are either expressly provided for in the relevant provision or calculated in accordance with the formula contained in ss 288C and 288D of the *National Consumer Credit Protection Act 2009* (Cth).

Strict and Absolute Liability Key:

I Identified elements only

Table 25: Legislative Review — *Privacy Act 1988* (Cth)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Maximum pecuniary penalty - individual (PU)	Maximum pecuniary penalty - corporations (PU)	Equivalent CPP
Pt IIIA div 2	20P(1)	False or misleading credit reporting information	No	No	0	200	1,000	20P(2)
Pt IIIA div 3	21R(1)	Credit provider discloses false or misleading credit information	No	No	0	200	1,000	21R(3)
Pt IIIA div 3	21R(2)	Credit provider uses or discloses false or misleading credit eligibility information	No	No	0	200	1,000	21R(4)
Pt IIIA div 6	24(1)	Obtaining credit reporting information from a credit reporting body when non-permitted entity	No	No	0	200	1,000	24(3)
Pt IIIA div 6	24(2)	Obtaining credit reporting information from a credit reporting body by false pretence	No	No	0	200	1,000	24(4)
Pt IIIA div 6	24A(1)	Obtaining credit eligibility information from a credit provider when non-permitted entity	No	No	0	200	1,000	24A(3)
Pt IIIA div 6	24A(2)	Obtaining credit eligibility information from a credit provider by false pretence	No	No	0	200	1,000	24A(4)
Pt VIA div 4	80Q	Disclosure of information	No	No	1	60	300	NA

Note: current to Compilation No. 81 (compiled 13 August 2019 and including amendments up to Act No. 63, 2019).

Table 26: Legislative Review — *Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt II	9	Prohibition of discharge of oil or oily mixtures into sea	Yes	No	0	20,000	100,000	No
Pt II	10	Prohibition of discharge of oil residues into sea	Yes	No	0	20,000	100,000	No
Pt II	10A(1)	Prohibition of carriage or use of heavy grade oil on Australian ships in the Antarctic Area	No	No	0	2,000	10,000	No
Pt II	10A(2)	Prohibition of carriage or use of heavy grade oil on Australian ships in the Antarctic Area	Yes	No	0	500	2,500	No
Pt II	10B(1)	Prohibition of carriage or use of heavy grade oil on foreign ships in the Australian Antarctic Territory	No	No	0	2,000	10,000	No
Pt II	10B(2)	Prohibition of carriage or use of heavy grade oil on foreign ships in the Australian Antarctic Territory	Yes	No	0	500	2,500	No
Pt II	11(1)	Duty to report certain incidents involving oil or oily mixture	No	No	0	500	2,500	No
Pt II	11(3)	Duty to report certain incidents involving oil or oily mixture	Yes	No	0	500	2,500	No
Pt II	11(6)	Duty to report certain incidents involving oil or oily mixture	No	No	0	200	1,000	No
Pt II	11(7)	Duty to report certain incidents involving oil or oily mixture	No	No	0	200	1,000	No
Pt II	11(8)	Duty to report certain incidents involving oil or oily mixture	No	No	0	200	1,000	No
Pt II	11A	Failure to have onboard shipboard oil pollution emergency plan	Yes	No	0	500	2,500	No
Pt II	11B	Transfer of oil cargo between oil tankers - transfer to be in accordance with ship-to-ship operations plan	No	No	0	200	1,000	No
Pt II	11C	Transfer of oil cargo between oil tankers in Australian waters - qualified person to be in control	Yes	No	0	60	300	No
Pt II	11D	Transfer of oil cargo involving an Australian ship - ship-to-ship operations plan to be carried	No	No	0	500	2,500	No
Pt II	11E(1)	Failure to make record of transfer	No	No	0	200	1,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt II	11E(2)	Failure to retain record of transfer	Yes	No	0	60	300	No
Pt II	11F(1)	Transfer of oil cargo between oil tankers in Australian waters - notification of transfer	No	No	0	200	1,000	No
Pt II	11F(2)	Failure to notify change of arrival time	Yes	No	0	60	300	No
Pt II	11G(1)	Transfer of oil cargo between oil tankers outside Australian waters - notification of transfer	No	No	0	200	1,000	No
Pt II	11G(2)	Failure to notify change of arrival time	Yes	No	0	60	300	No
Pt II	12(4)	Failure to carry oil record book	Yes	No	0	200	1,000	No
Pt II	12(5)	Failure of master of ship to cause entries to be made into record book	No	No	0	200	1,000	No
Pt II	12(7)	Failure of master of ship to sign page of record book	No	No	0	200	1,000	No
Pt II	13	False entries in oil record book	No	No	0	200	1,000	No
Pt II	14(2)	Failure to retain record book as required	Yes	No	0	200	1,000	No
Pt II	14(3)	Failure to retain record book as required	No	No	0	200	1,000	No
Pt II	14A	Power to require discharge of oil or oily mixture at a reception facility	No	No	0	500	2,500	No
Pt III	17(1)	Prohibition of carriage of substances that have not been categorized or provisionally assessed	No	No	0	200	1,000	No
Pt III	17(2)	Prohibition of carriage of substances that have not been categorized or provisionally assessed	Yes	No	0	60	300	No
Pt III	21(1)	Prohibition of discharge of substances into the sea	No	No	0	2,000	10,000	No
Pt III	21(1B)	Prohibition of discharge of substances into the sea	Yes	No	0	500	2,500	No
Pt III	21A(1)	Procedures and Arrangements Manual	Yes	No	0	60	300	No
Pt III	21A(2)	Procedures and Arrangements Manual	Yes	No	0	60	300	No
Pt III	22(1)	Duty to report certain incidents involving certain substances	No	No	0	500	2,500	No
Pt III	22(3)	Duty to report certain incidents involving certain substances	Yes	No	0	500	2,500	No
Pt III	22(6)	Duty to report certain incidents involving certain substances	No	No	0	200	1,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt III	22(7)	Duty to report certain incidents involving certain substances	No	No	0	200	1,000	No
Pt III	22A(6)	Failure to keep shipboard marine pollution emergency plan for noxious liquid substances	Yes	No	0	500	2,500	No
Pt III	23(4A)	Failure to carry cargo record book	Yes	No	0	200	1,000	No
Pt III	23(5)	Failure to keep cargo record book	No	No	0	200	1,000	No
Pt III	23(8)	Failure of master of ship to sign cargo record book	No	No	0	200	1,000	No
Pt III	24	False entries in cargo record book	No	No	0	200	1,000	No
Pt III	25(1)	Failure to retain cargo record book	Yes	No	0	200	1,000	No
Pt III	25(4)	Failure to retain cargo record book	No	No	0	200	1,000	No
Pt III	26AA	Power to require discharge of a liquid substance or a mixture containing a liquid substance at a reception facility	No	No	0	500	2,500	No
Pt IIIA	26AB(1)	Prohibition of discharge by jettisoning of harmful substances into the sea	No	No	0	2,000	10,000	No
Pt IIIA	26AB(3)	Prohibition of discharge by jettisoning of harmful substances into the sea	Yes	No	0	500	2,500	No
Pt IIIA	26B(3)	Duty to report certain incidents involving harmful substances	Yes	No	0	500	2,500	No
Pt IIIA	26B(8)	Master of ship's failure to report	No	No	0	200	1,000	No
Pt IIIA	26B(9)	Failure to report	No	No	0	200	1,000	No
Pt IIIA	26B(10)	Failure to report	No	No	0	200	1,000	No
Pt IIIB	26BC(1)	Prohibition of discharge of untreated sewage	Yes	No	0	2,000	10,000	No
Pt IIIB	26BCC(1)	Prohibition of discharge of sewage (fault-based offences)	No	No	0	2,000	10,000	No
Pt IIIB	26BCC(2)	Prohibition of discharge of sewage (strict liability offences)	No	No	0	2,000	10,000	No
Pt IIIB	26BCC(3)	Prohibition of discharge of sewage (fault-based offences)	Yes	No	0	500	2,500	No
Pt IIIB	26BCC(4)	Prohibition of discharge of sewage (fault-based offences)	Yes	No	0	500	2,500	No
Pt IIIB	26D(1)	Prohibition of discharge of sewage into the sea	No	No	0	2,000	10,000	No
Pt IIIB	26D(3)	Prohibition of discharge of sewage into the sea	Yes	No	0	500	2,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt IIIB	26DAA	Power to require discharge of sewage at a reception facility	No	No	0	500	2,500	No
Pt IIIC	26F(1)	Prohibition of discharge of garbage into the sea	No	No	0	2,000	10,000	No
Pt IIIC	26F(3)	Prohibition of discharge of garbage into the sea	Yes	No	0	500	2,500	No
Pt IIIC	26FA(4)	Failure to carry garbage record book	Yes	No	0	50	250	No
Pt IIIC	26FA(6)	Failure to record in garbage record book	No	No	0	200	1,000	No
Pt IIIC	26FA(7)	Failure to sign garbage record book as soon as practicable	No	No	0	50	250	No
Pt IIIC	26FB(2)	Failure to retain garbage record book	Yes	No	0	50	250	No
Pt IIIC	26FB(4)	Not retaining garbage record book in ship or owner's registered office	No	No	0	50	250	No
Pt IIIC	26FC(5)	Failure to have on board a ship a garbage management plan	Yes	No	0	50	250	No
Pt IIIC	26FD(4)	Not displaying required placard	Yes	No	0	50	250	No
Pt IIIC	26FE	Power to require discharge of garbage at a reception facility	No	No	0	500	2,500	No
Pt IIID	26FEG(1)	Using fuel oil with a sulphur content of more than the prescribed limit - ordinary offence	No	No	0	2,000	10,000	No
Pt IIID	26FEG(2)	Using fuel oil with a sulphur content of more than the prescribed limit - strict liability offence	Yes	No	0	500	2,500	No
Pt IIID	26FEH(1)	Australian ship in emission control area - ordinary offence	No	No	0	2,000	10,000	No
Pt IIID	26FEH(2)	Australian ship in emission control area - strict liability offence	Yes	No	0	500	2,500	No
Pt IIID	26FEI(1)	Flushing fuel oil service system	No	No	0	200	1,000	No
Pt IIID	26FEI(2)	Flushing fuel oil service system	No	No	0	200	1,000	No
Pt IIID	26FEJ(1)	Record of prescribed fuel-changeover operation	Yes	No	0	200	1,000	No
Pt IIID	26FEJ(3)	False or misleading record of prescribed fuel-changeover operation	No	No	0	200	1,000	No
Pt IIID	26FEL	Local suppliers must be registered	No	No	0	200	1,000	No
Pt IIID	26FEN(1)	Using fuel oil that does not meet fuel oil quality requirements	Yes	No	0	500	2,500	No
Pt IIID	26FEO(1)	Bunker delivery note and sample must be provided	Yes	No	0	200	1,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent CPP
Pt IIID	26FEO(2)	Bunker delivery note and sample must be provided	Yes	No	0	200	1,000	No
Pt IIID	26FEP	Fuel oil delivered must be in accordance with declaration	Yes	No	0	500	2,500	No
Pt IIID	26FEQ(1)	Bunker delivery note must be retained and available for inspection	Yes	No	0	200	1,000	No
Pt IIID	26FEQ(2)	Bunker delivery note must be retained and available for inspection	Yes	No	0	200	1,000	No
Pt IIID	26FEQ(3)	Bunker delivery note must be retained and available for inspection	Yes	No	0	200	1,000	No
Pt IIID	26FER(1)	Sample must be retained	Yes	No	0	200	1,000	No
Pt IIID	26FES	Notification of sulphur content of gas fuel	Yes	No	0	200	1,000	No
Pt IIID	26FET(4)	Ship to carry ozone depleting substances record book	Yes	No	0	200	1,000	No
Pt IIID	26FET(6)	Recording prescribed operations or prescribed occurrences in ozone depleting substances record book	No	No	0	200	1,000	No
Pt IIID	26FET(7)	Signing of pages of ozone depleting substances record book	No	No	0	200	1,000	No
Pt IIID	26FEU	False or misleading entries in ozone depleting substances record book	No	No	0	200	1,000	No
Pt IIID	26FEV(1)	Retention etc of ozone depleting substances record book in ship	Yes	No	0	200	1,000	No
Pt IIID	26FEV(3)	Retention etc of ozone depleting substances record book in ship or at other places	No	No	0	200	1,000	No
Pt IIID	26FEW(4)	Failure to have on board a ship energy efficiency management plan	Yes	No	0	200	1,000	No
Pt IV	27(2)	Failure to comply with inspector requirement	No	No	0	80	400	No
Pt IV	27(2A)	False or misleading statement to inspector	Yes	No	0	200	1,000	No
Pt IV	27A	Failure to comply with detention requirements	Yes	No	0	2,000	10,000	No
Pt IV	27C(1)	Failure to comply with requirements for information under foreign laws	Yes	No	0	500	2,500	No

Note: current to Compilation No. 39 (compiled 23 May 2018 and including amendments up to Act No 40, 2018).

Table 27: Legislative Review — *Superannuation Industry (Supervision) Act 1993 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 1 Div 2	11B(3)	Improper lodgment of electronic forms	Yes	No	0	50	250	No
Pt 1 Div 2	11B(4)	Improper lodgment of electronic forms	Yes	No	0	50	250	No
Pt 1 Div 2	11C(2)	Improper form lodgment (trustee)	Yes	No	0	50	250	No
Pt 1 Div 2	11C(3)	Failure to retain declaration	Yes	No	0	50	250	No
Pt 1 Div 2	11C(4)	Failure to produce declaration upon request	Yes	No	0	50	250	No
Pt 1 Div 2	18(7V)	Breach of condition	Yes	No	0	30	150	No
Pt 2A Div 9	29J(3)	Being trustee of a registrable superannuation entity while unlicensed	No	No	2	120	600	No
Pt 2A Div 9	29J(4)	Improperly being trustee of registrable superannuation entity etc	No	No	2	120	600	No
Pt 2A Div 9	29JA(2)	Breach of s 29JA(1) as body corporate RSE licensee	Yes	No	0	50	250	No
Pt 2A Div 9	29JCA(1)	False representation about status as RSE licensee	Yes	No	0	60	300	No
Pt 2A Div 9	29JCB(1)	Holding controlling stake in RSE licensee without approval	Yes	No	0	400	2,000	No
Pt 2B Div 5	29P(8)	RSE licensee contravening 29F(1)-(6)	No	No	0	50	250	No
Pt 2B Div 5	29QB(2)	Certain information required to be made publicly available	Yes	No	0	50	250	No
Pt 2B Div 5	29QC(3)	Obligation to give consistent information	Yes	No	0	50	250	No
Pt 2C Div 7	29W(1)	Offering product as a MySuper product when not authorised to do so	Yes	No	0	60	300	No
Pt 2C Div 7	29WB(3)	Contributions by large employer in relation to which no election is made to be paid into large employer MySuper product	Yes	No	0	50	250	No
Pt 2C Div 7	29QA(3)	Contributions in relation to which no election is made are to be paid into MySuper product	Yes	No	0	50	250	No
Pt 3 Div 2	34(2)	Prescribed operating standards must be complied with	No	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 3B Div 2	34M(2)	Compliance requirement - trustees of eligible superannuation entities	Yes	No	0	20	100	No
Pt 3B Div 2	34N(2)	Compliance requirement - employers	Yes	No	0	20	100	No
Pt 3B Div 2	34P(7)	Failure to comply with direction	Yes	No	0	50	250	No
Pt 3B Div 2	34Q(7)	Employer fails to comply with direction	Yes	No	0	50	250	No
Pt 3B Div 4	34Z(2)	Failure to give prescribed information	Yes	No	0	25	125	No
Pt 4 Div 2	35A	Contravention of accounting requirement	Yes	No	0	100	500	No
Pt 4 Div 2	35AB(2)	Auditor requests for documents failure to provide	No	No	2	120	600	No
Pt 4 Div 2	35AB(3)	Auditor requests for documents failure to provide	Yes	No	0	50	250	No
Pt 4 Div 2	35AE(3)	Improper keeping of accounting records	No	No	0	100	500	No
Pt 4 Div 2	35AE(4)	Improper keeping of accounting records	Yes	No	0	50	250	No
Pt 4 Div 2	35B(5)	Improper keeping of accounts	No	No	0	100	500	No
Pt 4 Div 2	35B(6)	Improper keeping of accounts	Yes	No	0	50	250	No
Pt 4 Div 2	35C(3)	Audit of accounts and statements	No	No	2	120	600	No
Pt 4 Div 2	35C(4)	Audit of accounts and statements	Yes	No	0	50	250	No
Pt 4 Div 2	35C(8)	Failure to give report	Yes	No	0	50	250	No
Pt 4 Div 2	35D(4)	Failure to lodge returns	No	No	0	50	250	No
Pt 4 Div 2	35D(5)	Failure to lodge returns	Yes	No	0	25	125	No
Pt 7	63(7)	Contravention of direction	Yes	No	0	100	500	No
Pt 7	63(7B)	Accepting contributions by employer-sponsor as RSE licensee	Yes	No	0	60	300	No
Pt 7	63(10)	Contravention of refund/notification provs	Yes	No	0	50	250	No
Pt 7	64(3)	Superannuation contributions - deductions from salary or wages	No	No	0	100	500	No
Pt 7	64(3A)	Superannuation contributions - deductions from salary or wages	Yes	No	0	50	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 7	66(4)	Acquisitions of certain assets from members of regulated superannuation funds prohibited	No	No	1	60	300	No
Pt 8 Div 1	71EA(5)	Failure to comply with retaining or copying election duty	Yes	No	0	50	250	No
Pt 12	101(2)	Contravention of dispute resolution systems provision	No	No	0	100	500	No
Pt 12	102(4)	Non-compliance with duty to seek information from investment manager	No	No	0	100	500	No
Pt 12	103(3)	Non-compliance with duty to keep records	Yes	No	0	50	250	No
Pt 12	104(2)	Non-compliance with duty to keep records of changes of trustees	Yes	No	0	50	250	No
Pt 12	104A(3)	Trustees etc. of self managed superannuation fund - recognition of obligations and responsibilities	Yes	No	0	50	250	No
Pt 12	105(2)	Non-compliance with duty to keep reports	Yes	No	0	50	250	No
Pt 12	106A(3)	Non-compliance with duty to notify Commissioner of Taxation of change in status of entity	No	No	0	100	500	No
Pt 12	107(3)	Non-compliance with duty to establish procedure for appointing member representatives	No	No	0	100	500	No
Pt 12	107(4)	Non-compliance with duty to establish procedure for appointing member representatives	Yes	No	0	50	250	No
Pt 12	108(3)	Non-compliance with duty to establish procedure for appointing independent trustee or independent member of board of directors of corporate trustee	No	No	0	100	500	No
Pt 12	108(4)	Non-compliance with duty to establish procedure for appointing independent trustee or independent member of board of directors of corporate trustee	Yes	No	0	50	250	No
Pt 12	108A(5)	Non-compliance with duty to identify etc. multiple superannuation accounts of members	Yes	No	0	50	250	No
Pt 15 Div 2	123(1)	Unauthorised appointment as custodian of superannuation entity	No	No	0	600	3,000	No
Pt 15 Div 2	123(4)	Inadequate disclosure relating to custodian	Yes	No	0	50	250	No
Pt 15 Div 2	123(5)	Inadequate disclosure relating to custodian	Yes	No	0	100	500	No
Pt 15 Div 2	124(2)	Failure to appoint investment manager in writing	Yes	No	0	50	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 15 Div 3	126K(1)	Disqualified persons not to be trustees, investment managers or custodians of superannuation entities (is or acts as trustee, investment manager or custodian)	No	No	2	120	600	No
Pt 15 Div 3	126K(2)	Disqualified persons not to be trustees, investment managers or custodians of superannuation entities (is or acts as trustee, investment manager or custodian)	Yes	No	0	60	300	No
Pt 15 Div 3	126K(4)	Disqualified persons not to be trustees, investment managers or custodians of superannuation entities (is or acts as responsible officer of body corporate)	No	No	2	120	600	No
Pt 15 Div 3	126K(5)	Disqualified persons not to be trustees, investment managers or custodians of superannuation entities (is or acts as responsible officer of body corporate)	Yes	No	0	60	300	No
Pt 15 Div 3	126K(7)	Failure to notify of becoming disqualified person	Yes	No	0	50	250	No
Pt 16 Div 2	129(3B)	Obligations of actuaries and auditors - compliance	No	No	1	60	300	No
Pt 16 Div 2	129(3C)	Obligations of actuaries and auditors - compliance	No	No	1	60	300	No
Pt 16 Div 2	129(5)	Obligations of actuaries and auditors - compliance	No	No	0	50	250	No
Pt 16 Div 2	129(6)	Obligations of actuaries and auditors - compliance	Yes	No	0	25	125	No
Pt 16 Div 2	130(2B)	Obligations of actuaries and auditors - solvency	No	No	1	60	300	No
Pt 16 Div 2	130(4)	Obligations of actuaries and auditors - solvency	No	No	0	50	250	No
Pt 16 Div 2	130(5)	Obligations of actuaries and auditors - solvency	Yes	No	0	25	125	No
Pt 16 Div 2	130BA(2)	Failure to notify regulator	No	No	1	50	250	No
Pt 16 Div 2	130BB(1)	Giving false or misleading information to auditor	No	No	5	200	1,000	No
Pt 16 Div 2	130BB(2)	Failing to ensure information is not false or misleading	No	No	2	100	500	No
Pt 16 Div 2	130C(4)	Giving misinformation	No	No	1	60	300	No
Pt 16 Div 2	130C(6)	Giving misinformation	No	No	0	50	250	No
Pt 16 Div 2	130C(7)	Giving misinformation	Yes	No	0	25	125	No
Pt 16 Div 3	131AA(9)	Failure to comply with direction	Yes	No	0	60	300	No
Pt 16 Div 4	131B(1)	Holding out as actuary or auditor	Yes	No	0	50	250	No
Pt 16 Div 4	131B(2)	Holding out as actuary or auditor	Yes	No	0	50	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 16 Div 4	131B(2A)	Holding out as actuary or auditor	Yes	No	0	50	250	No
Pt 16 Div 4	131C(1)	Disqualified person not to be auditor or actuary of superannuation entities	No	No	2	120	600	No
Pt 16 Div 4	131C(2)	Disqualified person not to be auditor or actuary of superannuation entities	Yes	No	0	60	300	No
Pt 16A Div 1	131DD(1)	Failure to comply with a direction given to an RSE licensee	Yes	No	0	100	500	No
Pt 16A Div 1	131DD(2)	Failure to comply with a direction given to an RSE licensee	Yes	No	0	100	500	No
Pt 16A Div 1	131DD(3)	Failure to comply with a direction given to an RSE licensee	Yes	No	0	100	500	No
Pt 16A Div 1	131DD(4)	Failure to comply with a direction given to an RSE licensee	Yes	No	0	100	500	No
Pt 16A Div 2	131ED(3)	Consequences of a direction to relinquish control	No	No	0	400	2,000	No
Pt 17	135(4)	Non-compliance with terms and conditions of appointment as acting trustee	No	No	0	50	250	No
Pt 17	140(3)	Acting trustee to notify appointment to beneficiaries	Yes	No	0	50	250	No
Pt 17	141A(3)	Property vested in acting trustee - former trustee's obligations relating to books etc.	Yes	No	0	50	250	No
Pt 17	141A(6)	Failure to give notice	Yes	No	0	50	250	No
Pt 19 Div 2	154(2)	Commission and brokerage	No	No	0	100	500	No
Pt 19 Div 2	154(2A)	Commission and brokerage	Yes	No	0	50	250	No
Pt 20 Div 2	159(7)	Failure to comply with rectification notice	Yes	No	0	10	50	No
Pt 20 Div 2	160(5)	Non-compliance with education direction	Yes	No	0	10	50	No
Pt 21 Div 2	201(4)	Failure to assist Regulator re civil penalty	Yes	No	0	5	25	No
Pt 21 Div 3	202(1)	Certain contraventions of CPPs	No	No	5	300	1,500	No
Pt 24 Div 2	242P(1)	Operating a fund as an eligible rollover fund when not authorised to do so	Yes	No	0	60	300	No
Pt 24B Div 1	252A(3)	Failure to give requested information	Yes	No	0	50	250	No
Pt 25 Div 2	254(4)	Failure to give required information to Regulator	No	No	0	50	250	No
Pt 25 Div 2	254(5)	Failure to give required information to Regulator	Yes	No	0	25	125	No
Pt 25 Div 3	262(1)	Trustee failure to comply with requirements	No	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 25 Div 3	262(2)	Trustee failure to comply with requirements	Yes	No	0	50	250	No
Pt 25 Div 5	282(2)	Improper possession etc. of copies	No	No	0.5	30	150	No
Pt 25 Div 7	285	Failure to comply with Regulator requirement	No	No	0	30*	150	No
Pt 25 Div 7	286	Concealing books relevant to investigation	No	No	2	120	600	No
Pt 25 Div 7	288(4)	Non-compliance with legal professional privilege requirements	No	No	0	30	150	No
Pt 25A Div 2	299F(4)	Failure to request quote TFN	No	No	0	100	500	No
Pt 25A Div 2	299F(4A)	Failure to request quote TFN	Yes	No	0	50	250	No
Pt 25A Div 2	299H(6)	Contravention of permitted uses of TFN	No	No	0	100	500	No
Pt 25A Div 2	299H(7)	Contravention of permitted uses of TFN	Yes	No	0	50	250	No
Pt 25A Div 2	299J(6)	Contravention of permitted uses of TFN	No	No	0	100	500	No
Pt 25A Div 2	299J(7)	Contravention of permitted uses of TFN	Yes	No	0	50	250	No
Pt 25A Div 2	299K(6)	Contravention of permitted uses of TFN	No	No	0	100	500	No
Pt 25A Div 2	299K(7)	Contravention of permitted uses of TFN	Yes	No	0	50	250	No
Pt 25A Div 2	299L(6)	Contravention of permitted uses of TFN	No	No	0	100	500	No
Pt 25A Div 2	299L(7)	Contravention of permitted uses of TFN	Yes	No	0	50	250	No
Pt 25A Div 2	299M(4)	Failure to inform RSA provider of TFNs for certain purposes	No	No	0	100	500	No
Pt 25A Div 2	299M(5)	Failure to inform RSA provider of TFNs for certain purposes	Yes	No	0	50	250	No
Pt 25A Div 2	299N(4)	Failure to inform RSA provider of TFNs for certain purposes	No	No	0	100	500	No
Pt 25A Div 5	299Y(2)	Trustee of former regulated exempt public sector superannuation scheme to destroy records of tax numbers	No	No	0	100	500	No
Pt 25A Div 5	299Y(3)	Trustee of former regulated exempt public sector superannuation scheme to destroy records of tax numbers	Yes	No	0	50	250	No
Pt 26	303(1)	Incorrectly keeping records etc	Yes	No	0	40	200	No
Pt 26	306(1)	Incorrectly keeping accounts etc.	No	No	1	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 26	306(2)	Incorrectly making accountsetc.	No	No	1	60	300	No
Pt 26	307(1)	Incorrectly keeping accounts etc. with intention of deceiving or misleading	No	No	2	120	600	No
Pt 26	308(1)	Falsifying or concealing identity information with intention of deceiving or misleading etc.	No	No	2	120	600	No
Pt 27	313(12)	Contravening court order	No	No	0.5	30	150	No
Pt 27	314(4)	Intentionally or recklessly contravening court order	No	No	0.5	30	150	No
Pt 29	331(1)	Contravening exemption condition	Yes	No	0	5	25	No
Pt 30	347A(6)	Not completing a survey as required by the Regulator	No	No	0	50	250	No

Note: current to Compilation No. 103 (compiled 18 February 2020 and including amendments up to Act No. 3 2020).

Special Penalty Calculation Key:

* But see 285(a) for certain provisions

Table 28: Legislative Review — *Taxation Administration Act 1953 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute Liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt III div 2	8C(1)	Failure to comply with requirements under taxation law	No	Yes	0	20*	100*	No
Pt III div 2	8H(1)	Failure to comply with an order under s 8G(1)	Yes	No	1	50	250	No
Pt III div 2	8K(1)	Making a false or misleading statement to a taxation officer	No	I	0	20*	100*	No
Pt III div 2	8K(1B)	Misleading statement by omission	No	I	0	20*	100*	No
Pt III div 2	8L(1)	Incorrectly keeping records required to be kept under a taxation law	No	Yes	0	20*	100*	No
Pt III div 2	8L(1A)	Incorrectly making records required to be kept under a taxation law	No	Yes	0	20*	100*	No
Pt III div 2	8N(1)	Recklessly making false or misleading statements	No	No	0	20*	100*	No
Pt III div 2	8Q(2)	Recklessly incorrectly making records required to be kept under a taxation law	I	No	0	30*	150*	No
Pt III	8T(a)(ii)	Incorrectly keeping illegible records with the intention of deceiving or misleading the Commissioner	No	No	1	50*	250*	No
Pt III	8T(d)	Does or omits to a thing to a record with the intention of deceiving or misleading the Commissioner	No	No	0	50*	250*	No
Pt III	8U	Falsifying or concealing identity with intention of deceiving or misleading etc.	No	No	1	50*	250*	No
Pt III	8WAC	Producing or supplying electronic sales suppression tools	Yes	No	0	5000	25,000	No
Pt III	8WAD	Possessing electronic sales suppression tools	Yes	No	0	500	2,500	No
Pt III	8WAE	Incorrectly keeping records using electronic sales suppression tools	Yes	No	0	1000	5,000	No
Pt III	8WA	Unauthorised requirement etc that tax file number be quoted	No	No	2	100	500	No
Pt III	8WB	Unauthorised recording etc. of tax file number	No	No	2	100	500	No
Pt III	8WC	Conducting affairs so as to avoid tax file number requirements	No	No	2	100	500	No
Pt III	8XA	Unauthorised access to taxation records	No	No	2	100	500	No
PtIVD	14ZZY	Victimisation prohibited	No	No	2	240	1,200	No
Sch 1	14-255	Failure of supplier to make notification of supply of residential premises etc.	Yes	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Sch 1	16-25	Failure to withhold an amount required under div 12	Yes	No	0	10	50	No
Sch 1	20-35(1)	Falsely pretending to be a specified person with the intention of obtaining a credit or payment of an amount withheld from a withholding payment	No	No	1	60	300	No
Sch 1	20-35(2)	Attempting to obtain a credit for a person for an amount withheld from a withholding payment	No	No	1	60	300	No
Sch 1	20-35(3)	Presenting, with the intention of obtaining a credit, payment or any other benefit, a copy of a payment summary (except one relating to subdiv 12-H) or a document purporting to be a copy of a payment summary which is not a copy duly given to the person	No	No	1	60	300	No
Sch 1	20-35(4)	Presenting, with the intention of obtaining a credit, payment or any other benefit, a copy of a payment summary relating to subdiv 12-H or a document purporting to be a copy of a payment summary which is not a copy duly given to the person	No	No	1	60	300	No
Sch 1	255-110	Offence of failing to give security as required under s 255-100	Yes	No	0	60	300	No
Sch 1	255-120	Failure to comply with Federal Court Order to give security	Yes	No	1	50	250	No
Sch 1	260-20(1)	Failure to comply with Garnishee	No	No	0	20	100	No
Sch 1	265-95(1)	Failure to comply with direction to pay SG charge	Yes	No	1	50	250	No
Sch 1	308-10	Possession of tobacco (500 kg or above) - reasonable suspicion offence	No	I	5	1000**	5,000	No
Sch 1	308-15	Possession of tobacco (100 kg or above) - reasonable suspicion offence	No	I	2	500**	2,500	No
Sch 1	308-20	Possession of tobacco (5 kg or above) - reasonable suspicion offence	No	I	0	200**	1,000	No
Sch 1	308-25	Sale of tobacco (500 kg or above) - reasonable suspicion offence	No	I	5	1000**	5,000	No
Sch 1	308-30	Sale of tobacco (100kg or above) - reasonable suspicion offence	No	I	2	500**	2,500	No
Sch 1	308-35	Sale of tobacco (5 kg or above) - reasonable suspicion offence	No	I	0	200**	1,000	No
Sch 1	308-40	Buying of tobacco (500 kg or above) - reasonable suspicion offence	No	I	5	1000**	5,000	No
Sch 1	308-45	Buying of tobacco (100 kg or above) - reasonable suspicion offence	No	I	2	500**	2,500	No
Sch 1	308-50	Buying of tobacco (5 kg or above) - reasonable suspicion offence	No	I	0	200**	1,000	No
Sch 1	308-110	Possession of tobacco (500 kg or above) - fault-based Offence	No	I	10	1500**	7,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Sch 1	308-115	Possession of tobacco (100 kg or above) - fault-based offence	No	I	5	1000**	5,000	No
Sch 1	308-120	Possession of tobacco (5 kg or above) - fault-based offence	No	I	0	500**	2,500	No
Sch 1	308-125	Manufacture or production of tobacco (500 kg or above) - fault-based offence	No	I	10	1500**	7,500	No
Sch 1	308-130	Manufacture or production of tobacco (100 kg or above) - fault-based offence	No	I	5	1000**	5,000	No
Sch 1	308-135	Manufacture or production of tobacco (5kg or above) - fault-based offence	No	I	0	500**	2,500	No
Sch 1	308-205	Possession of equipment for use in illegal manufacture or production of tobacco	No	I	1	120	600	No
Sch 1	308-210	Possession of equipment designed or adapted to manufacture or produce tobacco	No	I	1	120	600	No
Sch 1	353-15(3)	Occupier of premises etc. fails to provide all reasonable assistance/facilities/assistance to enable exercise of power to access premises	I	No	0	30	150	No
Sch 1	355-25	Offence-disclosure of protected information by taxation officers	No	No	2	120	600	No
Sch 1	355-155	Offence-on-disclosure of protected information by other people	No	No	2	120	600	No
Sch 1	355-265	Offence-disclosure of protected information acquired in breach of a taxation law	No	No	2	120	600	No
Sch 1	382-5(9)	Failing to comply with a requirement to keep or maintain a record	Yes	No	0	30	150	No
Sch 1	426-160	Contravention of notice given to acting trustee	No	No	0	100	500	No

Note: current to Compilation No. 162 (compiled 1 April 2019 and including amendments up to Act No. 16, 2019).

Strict and Absolute Liability Key:

I Identified elements only

Special Penalty Calculation Key:

* Depends

** Optional - 5 x amount in subs(2)

Table 29: Legislative Review — *Telecommunications Act 1997 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual/general (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 3 div 2	42(5)	Use of network unit without carrier licence or nominated carrier declaration	No	No	0	20,000	100,000	No
Pt 7	141	Supply of Layer 2 bitstream services in breach of requirements	No	No	0	20,000	100,000	No
Pt 8 div 2	143	Supply of eligible services in breach of wholesale basis requirements	No	No	0	20,000	100,000	No
Pt 13 div 2	276(3)	Primary disclosure/use offence - eligible persons	No	No	2	120	600	No
Pt 13 div 2	277(3)	Primary disclosure/use offence - eligible number-database persons	No	No	2	120	600	No
Pt 13 div 2	178(3)	Primary disclosure/use offence - emergency call persons	No	No	2	120	600	No
Pt 13 div 3A	295R	Offence of breaching a condition	No	No	0	60	300	No
Pt 13 div 3B	295Z	Use or disclosure of information by emergency management persons	No	No	2	120	600	No
Pt 13 div 3B	295ZA(1)	Use or disclosure by other persons for non-emergency purpose	No	No	2	120	600	No
Pt 13 div 3B	295ZA(2)	Use or disclosure by other person not for emergency testing purpose	No	No	2	120	600	No
Pt 13 div 3B	295ZA(3)	Use or disclosure by other persons for purpose other than alerting of emergency	No	No	2	120	600	No
Pt 13 div 4	303	Contravention of the Division (secondary disclosure/use)	No	No	2	120	600	No
Pt 13 div 5	306(7)	Improper record-keeping of disclosures	No	No	0	300	1,500	No
Pt 13 div 5	306A(7)	Improper record-keeping of disclosures authorised under Telecommunications (Interception and Access) Act 1979	No	No	0	300	1,500	No
Pt 13 div 5	307(2)	Improper record-keeping	No	No	0.5	30	150	No
Pt 15 div 6	317ZF(1)	Unauthorised disclosure of information	No	No	5	300	1,500	No
Pt 21 div 6	399(1)	Contravening connection permit condition	No	No	0	100	500	No
Pt 21 div 7	411(2)	Connection of customer equipment or customer cabling - breach of s 376 standards	No	No	0	120	600	No
Pt 21 div 7	412(2)	Connection of labelled customer equipment or customer cabling not to be refused	No	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual/general (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 21 div 7	413(2)	Supply of unlabelled customer equipment or unlabelled customer cabling	No	No	0	100	500	No
Pt 21 div 7	414(2)	Applying labels before satisfying requirements under subsection 408(5)	No	No	0	100	500	No
Pt 21 div 7	415(2)	Failure to comply with labelling requirements (records etc) set under s 407(1)	No	No	0	100	500	No
Pt 21 div 7	416(2)	Application of labels containing false statements about compliance with standards	No	No	0	120	600	No
Pt 21 div 8	417(2)	Use of protected symbol	No	No	0	30	150	No
Pt 21 div 9	420(2)	Prohibition of unauthorised cabling work	No	No	0	120	600	No
Pt 21 div 9	421(4)	Contravention of cabling provider rules	No	No	0	100	500	No
Pt 21 div 9	434(1)	Contravention of cabling licence condition	No	No	0	100	500	No
Pt 21 div 9	434(2)	Failure to take all reasonable steps to ensure cabling licence condition not contravened	No	No	0	100	500	No
Pt 21 div 11	452(2)	Operation of prohibited customer equipment or customer cabling	No	No	0	2,000	10,000	No
Pt 22 div 3	475(7)	Contravening ACMA direction	No	No	0	10	50	No
Pt 22 div 3	476(7)	Contravening ACCC direction	No	No	0	10	50	No
Pt 25 div 2	493(4)	Publishing confidential material	No	No	0	50	250	No
Pt 25 div 2	494(4)	Contravening ACMA direction re private hearing	No	No	0	10	50	No
Pt 25 div 2	494(5)	Contravening ACMA direction re private hearing	No	No	0	50	250	No
Pt 25 div 2	503(4)	Contravening confidential material order from ACCC	No	No	0	50	250	No
Pt 25 div 2	504(4)	Contravening ACCC direction	No	No	0	10	50	No
Pt 25 div 2	504(5)	Contravening ACCC direction	No	No	0	50	250	No
Pt 27 div 2	522(4)	Contravention of ACMA notice re obtaining information and documents	No	No	0	20	100	No
Pt 27 div 3	531(2)	Incorrect keeping of records	No	No	0	100	500	No
Pt 28 div 5B	547J(4)	Access to computer data	No	No	0.5	30	150	No
Pt 28 div 6	548(2)	Contravention of inspector requirement	Yes	No	0	20	100	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual/general (max PU)	Pecuniary penalty - corporations (max PU)	Equivalent CPP
Pt 28 div 6	549(3)	Contravention of requirement to provide information	No	No	0	20	100	No
Sch 3A pt 2 div 4	36(1)	Damaging a submarine cable	I	No	10	600	3,000	No
Sch 3A pt 2 div 4	36(2)	Negligently damaging a submarine cable	I	No	3	180	900	No
Sch 3A pt 2 div 4	39(1)	Master or owner of ship permits use of ship in offence of damaging a submarine cable	I	No	10	600	3,000	No
Sch 3A pt 2 div 4	40	Engaging in prohibited or restricted activities	No	No	5	300	1,500	No
Sch 3A pt 2 div 4	41	Aggravated offence of engaging in prohibited or restricted activities	No	No	7	420	2,100	No
Sch 3A pt 2 div 4	44	Master or owner of ship permits use of ship in offence of engaging in prohibited or restricted activities	I	No	5 or 7	300 or 420	1500 or 2100	No
Sch 3A pt 3 div 5	84	Installing an international submarine cable without a permit	I	No	0	200	1,000	No
Sch 3A pt 3 div 5	84A(1)	Installing a domestic submarine cable without a permit	I	No	0	200	1,000	No
Sch 3A pt 3 div 5	85(1)	Breach of permit condition for installing a submarine cable	No	No	0	100	500	No
Sch 3 pt 3 div 5	86(2)	Failing to comply with ACMA direction to remove an unlawfully installed international submarine cable	No	No	0	200	1,000	No
Sch 3 pt 3 div 5	86A(2)	Failing to comply with ACMA direction to remove an unlawfully installed domestic submarine cable	No	No	0	200	1,000	No

Note: current to Compilation No. 93 (compiled 30 August 2019 and including amendments up to Act No 57, 2019).

Strict and Absolute Liability Key:

I	Identified elements only
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Table 30: Legislative Review — *Therapeutic Goods Act 1989 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 1	8(2)	Power to obtain information with respect to therapeutic goods	Yes	No	0	60	300	No
Ch 1	9G(1)	False statements in requests for variation of entries in Register	No	No	5	4000	20000	9H
Ch 1	9G(4)	False statements in requests for variation of entries in Register	No	No	1	1000	5000	9H
Ch 1	9G(5)	False statements in requests for variation of entries in Register	Yes	No	0	100	500	9H
Ch 3 pt 3-1	14(1)	Offences relating to importing goods into Australia (resulting in harm or injury)	No	No	5	4000	20000	14A(1)
Ch 3 pt 3-1	14(4)	Offence relating to importing goods (non-conformity with standard)	No	No	1	1000	5000	14A(1)
Ch 3 pt 3-1	14(4A)	Offence relating to importing goods (non-conformity with standard)	Yes	No	0	100	500	14A(1)
Ch 3 pt 3-1	14(6)	Offence relating to supplying goods for use in Australia (resulting in harm or physical injury)	No	No	5	4000	20000	14A(2)
Ch 3 pt 3-1	14(9)	Offence relating to supplying goods for use in Australia (non-conformity with standard)	No	No	1	1000	5000	14A(2)
Ch 3 pt 3-1	14(9AA)	Offence relating to supplying goods for use in Australia (non-conformity with standard)	Yes	No	0	100	500	14A(2)
Ch 3 pt 3-1	14(10)	Offence relating to exporting goods from Australia (resulting in harm or physical injury)	No	No	5	4000	20000	14A(3)
Ch 3 pt 3-1	14(13)	Offence relating to exporting goods from Australia (non-compliance with standard)	No	No	1	1000	5000	14A(3)
Ch 3 pt 3-1	14(13AA)	Offence relating to exporting goods from Australia (non-compliance with standard)	Yes	No	0	100	500	14A(3)
Ch 3 pt 3-1	15(2)	Breaching condition of a consent (harm or injury causing)	No	No	0	2000	10000	15AA
Ch 3 pt 3-1	15(5)	Breaching condition of a consent	No	No	0	500	2500	15AA
Ch 3 pt 3-1	15(6)	Breaching condition of a consent	Yes	No	0	100	500	15AA
Ch 3 pt 3-1	15AB	Conditions relating to exceptional release of biologicals	No	No	0	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2	19B(1)	Offence relating to importing, exporting, manufacturing or supplying goods for use in humans (harm or physical injury)	No	No	5	4000	20000	19D
Ch 3 pt 3-2	19B(4)	Offence relating to importing, exporting, manufacturing or supplying goods for use in humans	No	No	1	1000	5000	19D
Ch 3 pt 3-2	19B(4A)	Offence relating to importing, exporting, manufacturing or supplying goods for use in humans	Yes	No	0	100	500	19D
Ch 3 pt 3-2	20(1B)	Offences relating to notifying the Secretary and to importing goods exempt under section 18A	No	No	1	1000	5000	20A
Ch 3 pt 3-2	20(1BA)	Offences relating to notifying the Secretary and to importing goods exempt under section 18A	Yes	No	0	100	500	20A
Ch 3 pt 3-2	20(2A)	Offences relating to notifying the Secretary and to importing goods exempt under section 18A	Yes	No	4	240	1200	20A
Ch 3 pt 3-2	20(2C)	Offences relating to notifying the Secretary and to importing goods exempt under section 18A	Yes	No	0	60	300	20A
Ch 3 pt 3-2	21	Offence relating to wholesale supply	No	No	0	120	600	No
Ch 3 pt 3-2	21A(1)	Offences for making a false or misleading statement	No	No	5	4000	20000	21B
Ch 3 pt 3-2	21A(4)	Offences for making a false or misleading statement	No	No	1	1000	5000	21B
Ch 3 pt 3-2	21A(4A)	Offences for making a false or misleading statement	Yes	No	0	100	500	21B
Ch 3 pt 3-2	21A(5)	Offences relating to breaching a condition of registration or listing of therapeutic goods	No	No	5	4000	20000	21B
Ch 3 pt 3-2	21A(8)	Offences relating to breaching a condition of registration or listing of therapeutic goods	No	No	1	1000	5000	21B
Ch 3 pt 3-2	21A(8A)	Offences relating to breaching a condition of registration or listing of therapeutic goods	Yes	No	0	100	500	21B
Ch 3 pt 3-2	21A(9)	Offences relating to the supply of therapeutic goods in breach of authority etc.	No	No	5	4000	20000	21B
Ch 3 pt 3-2	21A(9A)	Offences relating to the supply of therapeutic goods in breach of authority etc.	No	No	0	500	2500	21B
Ch 3 pt 3-2	21A(10)	Offences relating to the supply of therapeutic goods in breach of authority etc.	Yes	No	0	100	500	21B

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2	21A(11A)	Offences relating to the supply of therapeutic goods in breach of authority etc.	No	No	5	4000	20000	21B
Ch 3 pt 3-2	21A(11D)	Offences relating to the supply of therapeutic goods in breach of authority etc.	Yes	No	0	100	500	21B
Ch 3 pt 3-2	21A(12)	Offences relating to using therapeutic goods without approval etc.	No	No	5	4000	20000	21B
Ch 3 pt 3-2	21A(12A)	Offences relating to using therapeutic goods without approval etc.	No	No	0	500	2500	21B
Ch 3 pt 3-2	21A(13)	Offences relating to using therapeutic goods without approval etc.	Yes	No	0	100	500	21B
Ch 3 pt 3-2	22(1)	Labelling containing with false registration number	No	No	0	60	300	No
Ch 3 pt 3-2	22(2)	advertising therapeutic goods for an indication (harm or physical injury)	No	No	5	4000	20000	No
Ch 3 pt 3-2	22(3)	advertising therapeutic goods for an indication	No	No	1	1000	5000	No
Ch 3 pt 3-2	22(5)	advertising therapeutic goods for an indication	Yes	No	0	100	500	No
Ch 3 pt 3-2	22(6)	claiming ability to arrange supply of therapeutic goods	No	No	0	60	300	No
Ch 3 pt 3-2	22(7)	breach of condition/approval	No	No	0	60	300	22AA
Ch 3 pt 3-2	22(7AB)	act/omission resulting in breach of exemption condition	Yes	No	5	2000	10000	22AA
Ch 3 pt 3-2	22(7AD)	act/omission resulting in breach of exemption condition	I	No	4	240	1200	22AA
Ch 3 pt 3-2	22A(1)	Criminal offences for false statements in applications for registration (harm or physical injury)	No	No	5	4000	20000	22B
Ch 3 pt 3-2	22A(4)	Criminal offences for false statements in applications for registration	No	No	1	1000	5000	No
Ch 3 pt 3-2	22A(5)	Criminal offences for false statements in applications for registration	Yes	No	0	100	500	No
Ch 3 pt 3-2	26B(2)	False or misleading certificate in relation to patents	No	No	0	1000	5000	No
Ch 3 pt 3-2	29A	Criminal offence for failing to notify adverse effects etc. of goods	No	No	1	1000	5000	29AA
Ch 3 pt 3-2	30EC(1)	Criminal offence for non-compliance with s 30EA requirements (harm or injury)	No	No	5	4000	20000	30ECA
Ch 3 pt 3-2	30EC(4)	Criminal offence for non-compliance with s 30EA requirements	No	No	1	1000	5000	30ECA
Ch 3 pt 3-2	30EC(5)	Criminal offence for non-compliance with s 30EA requirements (strict liability)	Yes	No	0	100	500	30ECA

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2	30F(4B)	Criminal offence for goods exempt under s 18A not conforming to standards etc (harm or injury)	No	No	5	4000	20000	30FA
Ch 3 pt 3-2	30F(5)	Criminal offence for goods exempt under s 18A not conforming to standards etc	No	No	1	1000	5000	30FA
Ch 3 pt 3-2	30F(6)	Criminal offence for goods exempt under s 18A not conforming to standards etc	Yes	No	0	100	500	30FA
Ch 3 pt 3-2	30H(1)	Record for goods exempt under s 18A	I	No	0	240	1200	No
Ch 3 pt 3-2	30H(3)	Record for goods exempt under s 18A	Yes	No	0	60	300	No
Ch 3 pt 3-2	31(4)	Non-compliance with secretary issued notice	No	No	0	500	2500	No
Ch 3 pt 3-2	31(4B)	Non-compliance with secretary issued notice	Yes	No	0	100	500	No
Ch 3 pt 3-2	31(5A)	Non-compliance with secretary issued notice (misleading or deceptive) (harm or injury)	No	No	5	4000	20000	31AAA
Ch 3 pt 3-2	31(6)	Non-compliance with secretary issued notice (misleading or deceptive)	No	No	1	1000	5000	31AAA
Ch 3 pt 3-2	31(7)	Non-compliance with secretary issued notice (misleading or deceptive)	Yes	No	0	100	500	31AAA
Ch 3 pt 3-2	31C(1)	Failure to give information or documents sought under section 31A, 31AA, 31B or 31BA	No	No	0	400	2000	No
Ch 3 pt 3-2	31C(2)	Failure to give information or documents sought under section 31A, 31AA, 31B or 31BA	Yes	No	0	100	500	No
Ch 3 pt 3-2	31D(1)	False or misleading information for particular provisions	No	No	1	1000	5000	No
Ch 3 pt 3-2	31D(1A)	False or misleading information for particular provisions	Yes	No	0	100	500	No
Ch 3 pt 3-2	31E(1)	False or misleading documents for particular provisions	No	No	1	1000	5000	No
Ch 3 pt 3-2	31E(1A)	False or misleading documents for particular provisions	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32BA(1)	Importing a biological (harm or injury)	No	No	5	4000	20000	32BF(1)
Ch 3 pt 3-2A	32BA(4)	Importing a biological	No	No	1	1000	5000	32BF(1)
Ch 3 pt 3-2A	32BA(4A)	Importing a biological	Yes	No	0	100	500	32BF(1)
Ch 3 pt 3-2A	32BB(1)	Exporting a biological (harm or injury)	No	No	5	4000	20000	32BF(2)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2A	32BB(4)	Exporting a biological	No	No	1	1000	5000	32BF(2)
Ch 3 pt 3-2A	32BB(4A)	Exporting a biological	Yes	No	0	100	500	32BF(2)
Ch 3 pt 3-2A	32BC(1)	Manufacturing a biological (harm or injury)	No	No	5	4000	20000	32BF(3)
Ch 3 pt 3-2A	32BC(4)	Manufacturing a biological	No	No	1	1000	5000	32BF(3)
Ch 3 pt 3-2A	32BC(4A)	Manufacturing a biological	Yes	No	0	100	500	32BF(3)
Ch 3 pt 3-2A	32BD(1)	Supplying a biological (harm or injury)	No	No	5	4000	20000	32BF(4)
Ch 3 pt 3-2A	32BD(4)	Supplying a biological	No	No	1	1000	5000	32BF(4)
Ch 3 pt 3-2A	32BD(4A)	Supplying a biological	Yes	No	0	100	500	32BF(4)
Ch 3 pt 3-2A	32BG(1)	Failure to notify Secretary about manufacturing	No	No	1	1000	5000	32BG(2)
Ch 3 pt 3-2A	32BG(1A)	Failure to notify Secretary about manufacturing	Yes	No	0	100	500	32BG(2)
Ch 3 pt 3-2A	32BH	Criminal offence relating to wholesale supply	No	No	0	120	600	No
Ch 3 pt 3-2A	32BI(1)	Using a biological not included in the Register (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-2A	32BI(4)	Using a biological not included in the Register	No	No	1	500	2500	No
Ch 3 pt 3-2A	32BI(5)	Using a biological not included in the Register	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32BJ(1)	Including incorrect biological number on containers etc	No	No	0	60	300	No
Ch 3 pt 3-2A	32BJ(2A)	Advertising biological for an indication (harm or injury)	No	No	5	4000	20000	32BL
Ch 3 pt 3-2A	32BJ(2B)	Advertising biological for an indication	No	No	1	1000	5000	32BL
Ch 3 pt 3-2A	32BJ(3)	Advertising biological for an indication	Yes	No	0	100	500	32BL
Ch 3 pt 3-2A	32BJ(4)	Arranging supply of biological not included in Register	No	No	0	60	300	No
Ch 3 pt 3-2A	32CA(4)	Breach of exemption under section	No	No	0	60	300	No
Ch 3 pt 3-2A	32CH(1)	Breach of condition of exemption under s 32CB	I	No	5	2000	10000	32CI
Ch 3 pt 3-2A	32CH(3)	Breach of condition of exemption under s 32CB	I	No	4	240	1200	32CI

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2A	32CH(5)	Breach of condition of exemption under s 32CB	Yes	No	0	60	300	32CI
Ch 3 pt 3-2A	32CJ(6)	Biologicals not conforming to standards etc (harm or injury)	No	No	5	4000	20000	32CJ(11)
Ch 3 pt 3-2A	32CJ(7)	Biologicals not conforming to standards etc	No	No	1	1000	5000	32CJ(11)
Ch 3 pt 3-2A	32CJ(9)	Biologicals not conforming to standards etc	Yes	No	0	100	500	32CJ(11)
Ch 3 pt 3-2A	32CK(9)	Breach of approval under section	No	No	0	60	300	No
Ch 3 pt 3-2A	32CL(2)	Breach of condition under regulations	No	No	0	60	300	No
Ch 3 pt 3-2A	32CM(7F)	Failure to do required act under section	Yes	No	0	10	50	No
Ch 3 pt 3-2A	32CN(1)	Criminal offence relating to giving of authority to health practitioner (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-2A	32CN(4)	Criminal offence relating to giving of authority to health practitioner	No	No	0	500	2500	No
Ch 3 pt 3-2A	32CN(4A)	Criminal offence relating to giving of authority to health practitioner	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32CN(5)	Criminal offence relating to giving of authority to health practitioner (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-2A	32CN(7)	Criminal offence relating to giving of authority to health practitioner	No	No	0	500	2500	No
Ch 3 pt 3-2A	32CN(8)	Criminal offence relating to giving of authority to health practitioner	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32CO(8)	Breach of condition under section	No	No	0	60	300	No
Ch 3 pt 3-2A	32DO(1)	Criminal offences for false statements in applications for including biologicals in the Register (harm or injury)	No	No	5	4000	20000	32DP
Ch 3 pt 3-2A	32DO(4)	Criminal offences for false statements in applications for including biologicals in the Register	No	No	1	1000	5000	32DP
Ch 3 pt 3-2A	32DO(5)	Criminal offences for false statements in applications for including biologicals in the Register	Yes	No	0	100	500	32DP
Ch 3 pt 3-2A	32DQ(1)	Failing to notify adverse effects etc. of biological while it is included in the Register	No	No	1	1000	5000	32DQ(2)
Ch 3 pt 3-2A	32DR(3)	Failure to notify adverse effects etc. of biological where application withdrawn or lapses (notice non-compliance)	No	No	1	1000	5000	32DR(5)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-2A	32DR(4)	Failure to notify adverse effects etc. of biological where application withdrawn or lapses (misleading or deceptive)	No	No	1	1000	5000	32DR(6)
Ch 3 pt 3-2A	32EF(1)	Breach of condition re biological in the Register (harm or injury)	No	No	5	4000	20000	32EG
Ch 3 pt 3-2A	32EF(4)	Breach of condition re biological in the Register	No	No	1	1000	5000	32EG
Ch 3 pt 3-2A	32EF(5)	Breach of condition re biological in the Register	Yes	No	0	100	500	32EG
Ch 3 pt 3-2A	32HC(1)	non-compliance with requirements under s 32HA (harm or injury)	No	No	5	4000	20000	32HD
Ch 3 pt 3-2A	32HC(4)	non-compliance with requirements under s 32HA	No	No	1	1000	5000	32HD
Ch 3 pt 3-2A	32HC(5)	non-compliance with requirements under s 32HA	Yes	No	0	100	500	32HD
Ch 3 pt 3-2A	32JB(1)	Failing to comply with notice under s 32JA	No	No	0	500	2500	No
Ch 3 pt 3-2A	32JB(1B)	Failing to comply with notice under s 32JA	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32JB(2)	Failing to comply with notice under s 32JA (harm or injury) (false or misleading)	No	No	5	4000	20000	No
Ch 3 pt 3-2A	32JB(5)	Failing to comply with notice under s 32JA (false or misleading)	No	No	1	1000	5000	32JC
Ch 3 pt 3-2A	32JB(6)	Failing to comply with notice under s 32JA (false or misleading)	Yes	No	0	100	500	32JC
Ch 3 pt 3-2A	32JI(1)	Failing to comply with notice under ss 32JE, 32JF, 32JG, 32JH	No	No	0	500	2500	No
Ch 3 pt 3-2A	32JI(1A)	Failing to comply with notice under ss 32JE, 32JF, 32JG, 32JH	Yes	No	0	100	500	No
Ch 3 pt 3-2A	32JI(2)	Failing to comply with notice under ss 32JE, 32JF, 32JG, 32JH (false or misleading)	No	No	1	1000	5000	32JJ
Ch 3 pt 3-2A	32JI(3)	Failing to comply with notice under ss 32JE, 32JF, 32JG, 32JH (false or misleading)	Yes	No	0	100	500	32JJ
Ch 3 pt 3-3	35(1)	Manufacturing of therapeutic goods (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-3	35(4)	Manufacturing of therapeutic goods	No	No	1	1000	5000	35A(1)
Ch 3 pt 3-3	35(4A)	Manufacturing of therapeutic goods	Yes	No	0	100	500	35A(1)
Ch 3 pt 3-3	35(5)	Manufacturing of therapeutic goods, not licensed (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-3	35(9)	Manufacturing of therapeutic goods, not licensed	No	No	1	1000	5000	35A(2)
Ch 3 pt 3-3	35(10)	Manufacturing of therapeutic goods, not licensed	Yes	No	0	100	500	35A(2)

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 3 pt 3-3	35B(1)	Breach of licence condition (harm or injury)	No	No	5	4000	20000	No
Ch 3 pt 3-3	35B(4)	Breach of licence condition	No	No	1	1000	5000	35C
Ch 3 pt 3-3	35B(5)	Breach of licence condition	Yes	No	0	100	500	35C
Ch 3 pt 3-3	41AC	Contravening a requirement in a notice under s 41AB	No	No	0	400	2000	No
Ch 3 pt 3-3	41AD(1)	False or misleading information in response to s 41AB notice	No	No	1	1000	5000	41AF
Ch 3 pt 3-3	41AE(1)	False or misleading document in response to s 41AB notice	No	No	1	1000	5000	41AF
Ch 4 pt 4-4	41EI(1)	Making a false statement in connection with application (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-4	41EI(4)	Making a false statement in connection with application	No	No	1	1000	5000	41EIA
Ch 4 pt 4-4	41EI(5)	Making a false statement in connection with application	Yes	No	0	100	500	41EIA
Ch 4 pt 4-4A	41EWD(3)	Contravening record-keeping requirements by corporation	No	No	0	NA	1200	No
Ch 4 pt 4-4A	41EWD(4)	Contravening record-keeping requirements by corporation	Yes	No	0	NA	300	No
Ch 4 pt 4-5	41FE(1)	Making a false statement in connection with application/certification (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-5	41FE(4)	Making a false statement in connection with application/certification	No	No	12	1000	5000	41FEA
Ch 4 pt 4-5	41FE(5)	Making a false statement in connection with application/certification	Yes	No	0	100	500	41FEA
Ch 4 pt 4-7	41HC(6E)	Breach of requirements - authorisation to supply specified medical device	Yes	No	0	10	50	No
Ch 4 pt 4-8	41JB(3)	Failure to comply with notice under s 41JA	No	No	0	500	2500	No
Ch 4 pt 4-8	41JB(3B)	Failure to comply with notice under s 41JA	Yes	No	0	100	500	No
Ch 4 pt 4-8	41JB(4)	False or misleading information in response to s 41JA notice (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-8	41JB(7)	False or misleading information in response to s 41JA notice	No	No	1	1000	5000	41JBA
Ch 4 pt 4-8	41JB(7)	False or misleading information in response to s 41JA notice	Yes	No	0	100	500	41JBA
Ch 4 pt 4-8	41JG(1)	Failure to comply with notice under ss 41J41JD, 41JE, 41JF or 41JFA	No	No	0	400	2000	No
Ch 4 pt 4-8	41JG(2)	Failure to comply with notice under ss 41J41JD, 41JE, 41JF or 41JFA	Yes	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 4 pt 4-8	41JH(1)	False or misleading info re: notice under ss 41J41JD, 41JE, 41JF or 41JFA	No	No	1	1000	5000	No
Ch 4 pt 4-8	41JH(2)	False or misleading info re: notice under ss 41J41JD, 41JE, 41JF or 41JFA	Yes	No	0	100	500	No
Ch 4 pt 4-8	41JI(1)	False or misleading documents re: notice under ss 41J41JD, 41JE, 41JF or 41JFA	No	No	1	1000	5000	No
Ch 4 pt 4-8	41JI(1)	False or misleading documents re: notice under ss 41J41JD, 41JE, 41JF or 41JFA	Yes	No	0	100	500	No
Ch 4 pt 4-9	41KC(1)	Failure to comply with requirement under s 41KA (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-9	41KC(4)	Failure to comply with requirement under s 41KA	No	No	1	1000	5000	41KCA
Ch 4 pt 4-9	41KC(5)	Failure to comply with requirement under s 41KA	Yes	No	0	100	500	41KCA
Ch 4 pt 4-11	41MA(1)	Importing a medical device that does not comply with essential principles (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MA(4)	Importing a medical device that does not comply with essential principles	No	No	1	1000	5000	41MAA(1)
Ch 4 pt 4-11	41MA(4A)	Importing a medical device that does not comply with essential principles	Yes	No	0	100	500	41MAA(1)
Ch 4 pt 4-11	41MA(5)	Supplying a medical device that does not comply with essential principles (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MA(8)	Supplying a medical device that does not comply with essential principles	No	No	1	1000	5000	41MAA(2)
Ch 4 pt 4-11	41MA(8A)	Supplying a medical device that does not comply with essential principles	Yes	No	0	100	500	41MAA(2)
Ch 4 pt 4-11	41MA(9)	Exporting a medical device that does not comply with essential principles (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MA(12)	Exporting a medical device that does not comply with essential principles	No	No	1	1000	5000	41MAA(3)
Ch 4 pt 4-11	41MA(13)	Exporting a medical device that does not comply with essential principles	Yes	No	0	100	500	41MAA(3)
Ch 4 pt 4-11	41MC(2)	Breach of condition of a consent (harm or injury)	No	No	0	2000	10000	No
Ch 4 pt 4-11	41MC(2)	Breach of condition of a consent	No	No	0	500	2500	41MCA
Ch 4 pt 4-11	41MC(6)	Breach of condition of a consent	Yes	No	0	100	500	41MCA
Ch 4 pt 4-11	41ME (1)	Failing to apply conformity assessment procedures to supplied device - manufacturers (harm or injury)	No	No	5	4000	20000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 4 pt 4-11	41ME(4)	Failing to apply conformity assessment procedures to supplied device - manufacturers	No	No	1	1000	5000	41MEA(1)
Ch 4 pt 4-11	41ME(4A)	Failing to apply conformity assessment procedures to supplied device - manufacturers	Yes	No	0	100	500	41MEA(1)
Ch 4 pt 4-11	41ME(5)	Failing to apply conformity assessment procedures to exported device - manufacturers (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41ME(8)	Failing to apply conformity assessment procedures to exported device - manufacturers	No	No	1	1000	5000	41MEA(2)
Ch 4 pt 4-11	41ME(9)	Failing to apply conformity assessment procedures to exported device - manufacturers	Yes	No	0	100	500	41MEA(2)
Ch 4 pt 4-11	41MF(1)	Failing to apply conformity assessment procedures to supplied device (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MF(2)	Failing to apply conformity assessment procedures to supplied device (harm or injury)	No	No	1	1000	5000	No
Ch 4 pt 4-11	41MF(3)	Failing to apply conformity assessment procedures to exported device (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MF(4)	Failing to apply conformity assessment procedures to exported device	No	No	1	1000	5000	No
Ch 4 pt 4-11	41MH	False or misleading statement in declaration re: conformity assessment procedures	No	No	1	1000	5000	41MHA
Ch 4 pt 4-11	41MI (1)	Importing, exporting, supplying or manufacturing medical device not included in the Register (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MI (4)	Importing, exporting, supplying or manufacturing medical device not included in the Register	No	No	1	1000	5000	41MIB(1)
Ch 4 pt 4-11	41MI (5)	Importing, exporting, supplying or manufacturing medical device not included in the Register	Yes	No	0	100	500	41MIB(1)
Ch 4 pt 4-11	41MK(1)	Wholesale supply of medical devices not included in the Register	No	No	0	120	600	No
Ch 4 pt 4-11	41ML(1)	False advertising about medical devices (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41ML(2)	False advertising about medical devices	No	No	1	1000	5000	41MLB

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 4 pt 4-11	41ML(3)	False advertising about medical devices	Yes	No	0	100	500	41MLB
Ch 4 pt 4-11	41MM	Claims about arranging supplies of medical devices	No	No	0	60	300	No
Ch 4 pt 4-11	41MN(1)	Breach of conditions of inclusion of medical device in Register (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MN(4)	Breach of conditions of inclusion of medical device in Register	No	No	1	1000	5000	41MNA(1)
Ch 4 pt 4-11	41MN(4A)	Breach of conditions of inclusion of medical device in Register	Yes	No	0	100	500	41MNA(1)
Ch 4 pt 4-11	41MN(5)	Breach of condition of conformity assessment certificate (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MN(8)	Breach of condition of conformity assessment certificate	No	No	1	1000	5000	41MNA(2)
Ch 4 pt 4-11	41MN(8A)	Breach of condition of conformity assessment certificate	Yes	No	0	100	500	41MNA(2)
Ch 4 pt 4-11	41MN(9)	Breach of condition of exemption, approval or regulations	No	No	0	60	300	No
Ch 4 pt 4-11	41MN(10)	Breach of condition of conformity assessment body determination (harm or injury) (corporations)	No	No	0	NA	20000	No
Ch 4 pt 4-11	41MN(11)	Breach of condition of conformity assessment body determination (corporations)	No	No	0	NA	5000	41MNA(3)
Ch 4 pt 4-11	41MN(12)	Breach of condition of conformity assessment body determination (corporations)	Yes	No	0	NA	500	41MNA(3)
Ch 4 pt 4-11	41MNB(1)	Breach of condition of exemption under s 41GS (serious risk to public health)	No	No	5	2000	10000	No
Ch 4 pt 4-11	41MNB(3)	Breach of condition of exemption under s 41GS	No	No	4	240	1200	41MNC
Ch 4 pt 4-11	41MNB(5)	Breach of condition of exemption under s 41GS	Yes	No	0	60	300	41MNC
Ch 4 pt 4-11	41MO(1)	Supply of medical device not in accordance with s 41HC(1) authority (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MO(4)	Supply of medical device not in accordance with s 41HC(1) authority	No	No	0	500	2500	No
Ch 4 pt 4-11	41MO(4AA)	Supply of medical device not in accordance with s 41HC(1) authority	Yes	No	0	100	500	No
Ch 4 pt 4-11	41MO(4A)	Supply of medical device not in accordance with s 41HC(6) rules (harm or injury)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MO(4C)	Supply of medical device not in accordance with s 41HC(6) rules	No	No	0	500	2500	No
Ch 4 pt 4-11	41MO(4D)	Supply of medical device not in accordance with s 41HC(6) rules	Yes	No	0	100	500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 4 pt 4-11	41MO(5)	Misusing medical devices exempted under s 41HB (injury or harm)	No	No	5	4000	20000	No
Ch 4 pt 4-11	41MO(8)	Misusing medical devices exempted under s 41HB	No	No	0	500	2500	No
Ch 4 pt 4-11	41MO(9)	Misusing medical devices exempted under s 41HB	Yes	No	0	100	500	No
Ch 4 pt 4-11	41MP(1)	Failing to notify adverse events etc. re: medical device in Register	No	No	1	1000	5000	41MPA(1)
Ch 4 pt 4-11	41MQ(3)	Failing to comply with s 41MQ(1) notice requirements	No	No	1	1000	5000	41MR(1)
Ch 4 pt 4-11	41MQ(4)	False or misleading information in response to s 41MQ(1) notice	No	No	1	1000	5000	41MR(2)
Ch 5 pt 5-1	42C(1)	Publication of advertisement that has not been approved	Yes	No	0	60	300	No
Ch 5 pt 5-1	42C(2)	Publication of advertisement that differs from approval	Yes	No	0	60	300	NO
Ch 5 pt 5-1	42C(4)	Publication of advertisement without displaying correct approval number	Yes	No	0	30	150	NO
Ch 5 pt 5-1	42C(6)	Publication of advertisement in contravention of condition of approval	Yes	No	0	60	300	No
Ch 5 pt 5-1	42DL(1)	Advertising offence - general (harm or injury)	No	No	5	4000	20000	No
Ch 5 pt 5-1	42DL(2)	Advertising offence - general	No	No	1	1000	5000	42DLB(1)
Ch 5 pt 5-1	42DL(3)	Advertising offence - general	Yes	No	0	100	500	No
Ch 5 pt 5-1	42DLA(1)	Advertising offence - contravention of s 42DKB notice (harm or injury)	No	No	5	4000	20000	No
Ch 5 pt 5-1	42DLA(2)	Advertising offence - contravention of s 42DKB notice	No	No	1	1000	5000	42DLC
Ch 5 pt 5-1	42DLA(3)	Advertising offence - contravention of s 42DKB notice	Yes	No	0	100	500	No
Ch 5 pt 5-1	42DM(1)	Non-compliance with the Therapeutic Goods Advertising Code (harm or injury)	No	No	5	4000	20000	No
Ch 5 pt 5-1	42DM(2)	Non-compliance with the Therapeutic Goods Advertising Code	No	No	1	1000	5000	42DMA(1)
Ch 5 pt 5-1	42DM(3)	Non-compliance with the Therapeutic Goods Advertising Code	Yes	No	0	100	500	No
Ch 5 pt 5-1	42DP(1)	Dissemination of generic info that does not comply with Therapeutic Goods Advertising Code	No	No	1	1000	5000	42DQ
Ch 5 pt 5-1	42DP(2)	Dissemination of generic info that does not comply with Therapeutic Goods Advertising Code	Yes	No	0	100	500	NO

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 5 pt 5-1	42DS(1)	Failure to comply with notice under s 42DR	No	No	0	500	2500	No
Ch 5 pt 5-1	42DS(2)	Failure to comply with notice under s 42DR	Yes	No	0	100	500	No
Ch 5 pt 5-1	42DS(4)	False or misleading info or document in response to notice under s 42DR	No	No	1	1000	5000	42DT
Ch 5 pt 5-1	42DS(5)	False or misleading info or document in response to notice under s 42DR	Yes	No	0	100	500	No
Ch 5 pt 5-1	42DW(1)	Contravention of direction under s 42DV (harm or injury)	No	No	5	4000	20000	No
Ch 5 pt 5-1	42DW(2)	Contravention of direction under s 42DV	No	No	1	1000	5000	42DX
Ch 5 pt 5-1	42DW(3)	Contravention of direction under s 42DV	Yes	No	0	100	500	No
Ch 5 pt 5-2	42E(1)	Dealing with counterfeit therapeutic goods	No	No	7	2000	10000	42EA
Ch 5 pt 5-3	42T(1)	Failure to notify of actual or potential tampering	No	No	1	1000	5000	No
Ch 5 pt 5-3	42T(2)	Failure to notify of information or demand relating to actual or potential tampering	No	No	1	1000	5000	No
Ch 5 pt 5-3	42V(6)	Failure to comply with requirements under sub-s (1) (recall of goods because of actual or potential tampering) (harm or injury)	No	No	5	4000	20000	No
Ch 5 pt 5-3	42V(6C)	Failure to comply with requirements under sub-s (1) (recall of goods because of actual or potential tampering)	No	No	1	1000	5000	42VA
Ch 5 pt 5-3	42V(6D)	Failure to comply with requirements under sub-s (1) (recall of goods because of actual or potential tampering)	Yes	No	0	100	500	No
Ch 5 pt 5-3	42W(1)	Supply of goods that are subject to recall requirements	No	No	1	1000	5000	No
Ch 5 pt 5-3	42W(2)	Export of goods that are subject to recall requirements	No	No	1	1000	5000	No
Ch 5A pt 5A-1	42YE(5)	Failure to give assistance as required by Secretary under sub-s 2	No	No	0	30	150	No
Ch 6 pt 6-2	48FA(2)	Failure to comply with sub-s (1) (facilities and assistance for exercise of warrant)	No	No	0	30	150	No
Ch 6 pt 6-2	51B(1)	False or misleading statement in application for warrant	No	No	2	120	600	No
Ch 6 pt 6-2	51B(2)	Particular offences in relation to form of warrants	No	No	1	60	300	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (PU max)	Equivalent civil provision
Ch 7	54AA(1)	Contravening conditions or requirements under regulations	No	No	0	50 or 240 (depending on purpose/ subject matter)	1200	No
Ch 7	54AB(1)	Damaging etc. documents created, retained or issued for purposes of the Act	No	No	7	2000	10000	54AC

Strict and Absolute Liability Key:

I	Identified elements only
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Table 31: Legislative Review — *Work Health and Safety Act 2011 (Cth)*

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (\$ max)	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (\$ max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Pt 2	31	Reckless conduct exposing health and safety duty-holder to risk of death or serious injury	No	No	5	300,000	3,000*	3,000,000	30,000	No
Pt 2	32	Failure to comply with health and safety duty	Yes	No	0	150,000	1,500**	1,500,000	15,000	No
Pt 2	33	Failure to comply with health and safety duty	Yes	No	0	50,000	500***	500,000	5,000	No
Pt 3	38(1)	Failure to notify the regulator of notifiable incidents	Yes	No	0	10,000	100	50,000	500	No
Pt 3	38(7)	Failure to keep a record of notifiable incidents	Yes	No	0	5,000	50	25,000	250	No
Pt 3	39	Failure to preserve incident sites	Yes	No	0	10,000	100	50,000	500	No
Pt 4	41	Conduct of a business or workplace not in compliance with the requirements for authorisation	Yes	No	0	50,000	500	250,000	2,500	No
Pt 4	42(1)	Use of plant or substance not in compliance with authorisation requirements	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	42(2)	Directing or allowing a worker to use plant or substance not in compliance with authorisation requirements	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	43(1)	Carrying out of work not in compliance with authorisation requirements	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	43(2)	Directing or allowing worker to carry out work not in compliance with authorisation requirements	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	44(1)	Carrying out work at a workplace not in compliance with the requirements for prescribed qualifications or experience	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	44(2)	Directing or allowing a worker to carry out work in a workplace not in compliance with the requirements for prescribed qualifications or experience	Yes	No	0	20,000	200	100,000	1,000	No
Pt 4	45	Non-compliance with conditions of authorisation	Yes	No	0	20,000	200	100,000	1,000	No
Pt 5	46	Failure to consult with other duty holders	Yes	No	0	20,000	200	100,000	1,000	No
Pt 5	47	Failure to consult with workers	Yes	No	0	20,000	200	100,000	1,000	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - individual (\$ max)	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (\$ max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Pt 5	52	Failure to negotiate with or include requested worker representative in negotiations for agreement for work group	Yes	No	0	10,000	100	50,000	500	No
Pt 5	53(1)	Failure to notify workers of agreement negotiated for work group	Yes	No	0	2,000	20	10,000	100	No
Pt 5	53(2)	Failure to notify workers of variation of agreement concerning work group	Yes	No	0	2,000	20	10,000	100	No
Pt 5	56(2)	Failure to negotiate with or include requested worker representative in negotiations for agreement for work groups of multiple businesses	Yes	No	0	10,000	100	50,000	500	No
Pt 5	57(1)	Failure to notify workers of agreement negotiated for work group	Yes	No	0	2,000	20	10,000	100	No
Pt 5	57(2)	Failure to notify workers of variation of agreement concerning work group	Yes	No	0	2,000	20	10,000	100	No
Pt 5	61(4)	Failure to provide resources, facilities or assistance reasonably necessary for election of health and safety representatives	Yes	No	0	10,000	100	50,000	500	No
Pt 5	70(1)	Failure to comply with general obligations of person conducting business or undertaking	Yes	No	0	10,000	100	50,000	500	No
Pt 5	70(2)	Failure to allow health and safety representative reasonable time to exercise powers and perform functions	Yes	No	0	10,000	100	50,000	500	No
Pt 5	71(2)	Allowing a health and safety representative access to personal or medical information concerning a worker without consent	Yes	No	0	10,000	100	50,000	500	No
Pt 5	72	Failure to train health and safety representative	Yes	No	0	10,000	100	50,000	500	No
Pt 5	74	Failure to keep and display list of health and safety representatives	Yes	No	0	2,000	20	10,000	100	No
Pt 5	75	Failure to establish a health and safety committee if requested or required to do so	Yes	No	0	5,000	50	25,000	250	No
Pt 5	79(1)	Failure to allow members of health and safety committee to attend meetings or carry out functions	Yes	No	0	10,000	100	50,000	500	No
Pt 5	79(3)	Failure to allow health and safety committee access to information relating to health and safety and hazards	Yes	No	0	10,000	100	50,000	500	No
Pt 5	79(4)	Allowing the health and safety committee access to personal or medical information concerning workers	Yes	No	0	10,000	100	50,000	500	No
Pt 5	97(1)	Failure to display provisional improvement notice	Yes	No	0	5,000	50	25,000	250	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (\$ max)	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (\$ max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Pt 5	97(2)	Removal, destruction, damage or defacing of provisional improvement notice	No	No	0	5,000	50	25,000	250	No
Pt 5	99	Contravention of a provisional improvement notice	Yes	No	0	50,000	500	250,000	2,500	No
Pt 6	104	Discriminatory conduct for a prohibited reason	No	No	0	100,000	1,000	500,000	5,000	No but certain civil actions
Pt 6	107	Requesting, instructing, inducing, encouraging, authorising or assisting discriminatory conduct	No	No	0	100,000	1,000	500,000	5,000	No but certain civil actions
Pt 6	108	Coercion or inducement to do certain acts	Yes	No	0	100,000	1,000	500,000	5,000	No but certain civil actions
Pt 6	109	Misrepresentation	No	No	0	100,000	1,000	500,000	5,000	No
Pt 8	155(5)	Refusal or failure to comply with a requirement under a written notice from the regulator	Yes	No	0	10,000	100	50,000	500	No
Pt 8	171(6)	Refusal or failure to comply with an inspector's exercise of power to require production of documents and answers to questions	Yes	No	0	10,000	100	50,000	500	No
Pt 8	177(2)	Tampering or attempted tampering with a thing to which an inspector has restricted access	Yes	No	0	10,000	100	50,000	500	No
Pt 8	177(6)	Refusal or failure to comply with requirements laid by inspector for seizure of things	Yes	No	0	10,000	100	50,000	500	No
Pt 8	185(4)	Refusal or failure to comply with inspector's exercise of power to require name and address	Yes	No	0	10,000	100	50,000	500	No
Pt 9 Div 6	188	Offence to hinder or obstruct inspector	No	No	0	10,000	100	50,000	500	No
Pt 9 Div 6	190	Offence to assault, threaten or intimidate inspector	No	No	2	50,000	500	250,000	2,500	No

Chapter & Part	Section	Description	Strict Liability	Absolute liability	Imprisonment	Pecuniary penalty - Individual (\$ max)	Pecuniary penalty - individual (PU max)	Pecuniary penalty - corporations (\$ max)	Pecuniary penalty - corporations (PU max)	Equivalent civil penalty provision
Pt 10	193	Non-compliance with improvement notice	Yes	No	0	50,000	500	250,000	2,500	No
Pt 10	197	Non-compliance with prohibition notice	Yes	No	0	100,000	1,000	500,000	5,000	No
Pt 10	200	Non-compliance with non-disturbance notice	Yes	No	0	50,000	500	250,000	2,500	No
Pt 10	210(1)	Failure to display notice	Yes	No	0	5,000	50	25,000	250	No
Pt 10	210(2)	Removal, destruction, damage or defacing of notice	No	No	0	5,000	50	25,000	250	No
Pt 11	219	Contravention of WHS undertaking	Yes	No	0	50,000	500	250,000	2,500	No
Pt 13	242	Offence of failing to comply with order	Yes	No	0	50,000	500	250,000	2,500	No
Pt 14	271	Offence relating to confidentiality of information	Yes	No	0	10,000	100	50,000	500	No
Pt 14	271(4)	Intentional disclosure to the person complained of the name of an individual who has made a complaint	No	No	0	10,000	100	50,000	500	No
Pt 14	273	Imposition of a levy or charge on worker for work health and safety	Yes	No	0	5,000	50	25,000	250	No

Note: current to Compilation No. 36 of the Act (compiled on 30 August 2019 and including amendments up to Act No. 57, 2019).

Strict and Absolute Liability Key:

I Identified elements only

Special Penalty Calculation Key:

* If individual as person conducting business etc, \$600,000
 ** If individual as person conducting business etc, \$300,000
 *** If individual as person conducting business etc, \$100,000

Appendix B

Table 1: Finalised prosecutions referred to the CDPP by ASIC

Legislation	Offence provisions	Description	Number of finalised prosecutions	Total no of finalised prosecutions
ASIC Act	63-67	Hindering an ASIC Investigation	14	14
Corporations Act	1041A&B	Market misconduct	4	160
	1041G	Dishonest conduct in financial services	6	
	1043A	Insider trading	18	
	1307	Falsification of company books	16	
	1308(2) & (4)	False or misleading statements to ASIC	30	
	1309	Providing false information about company	15	
	184	Directors duties	49	
	205G	Director failing to advise of notifiable interest	1	
	206A	Managing a company whilst disqualified	11	
	592	Fraud prior to appointment of administrator	1	
	631	Takeover offer less favourable than announcement	2	
	671B	Failure to advise on substantial holding	1	
	674	Continuous disclosure breach	1	
	911A	Unlicensed AFSL conduct	3	
989B	Failure by AFSL holder to provide annual profit/loss statement	2		

NCCP Act	160D(2)	False or misleading information in credit activity	10	14
	225(3)	False or misleading documents provided to ASIC	1	
	29(2)	Unlicensed credit conduct	1	
	82	Conduct contrary to a credit banning order	2	
Criminal Code	135.1	Fraud on a Commonwealth entity	1	4
	400.4	Money laundering	1	
	477.1	Unauthorised access to computer	2	
Crimes Act 1914	20A	Failure to comply with a sentencing order	1	1
AML&CTFA	142	Structured threshold transactions	1	1
				194

Table 2: Criminal and civil penalty proceedings under ASIC-enforced legislation reported on by ASIC 1 January 2015 to 20 March 2020

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers					
									1	2	3	4		
20-067MR	Societe Generale Securities Australia Pty Ltd	Largest	Criminal	Downing Centre Local Court ('LC')	x									
20-065MR	Colonial First State Investments Limited	Largest	Civil Penalty	Federal Court of Australia ('FCA')	x									
20-064MR	Commonwealth Bank of Australia	Largest	Civil Penalty	FCA	x									
20-063MR	Commonwealth Bank of Australia	Largest	Civil Penalty	FCA	x			x						
20-061MR	Citation Resources Limited, OKAP Ventures Pty Ltd	Small	Criminal	Perth Magistrate's Court ('MC')			x							
20-043MR	Charterhill Group	Small	Criminal	District Court ('DC') of South Australia		x			x					
20-039MR	Allison (Aust) Pty Ltd	Small	Criminal	Perth MC		x			x					
20-033MR	Bellamy's Australia Limited	Very large	Criminal	Hobart MC			x	x	x					
20-027MR	Kleenmaid Group	Very large	Criminal	Brisbane DC		x			x					
20-025MR	One Tech Media Ltd, Allianz Metro Pty Ltd	Small	Civil Penalty	FCA	x	x			x					
20-024MR	AMP Financial Planning Ltd	Largest	Civil Penalty	Wodonga MC	x									
20-013MR	Freenet Pty Ltd	Small	Criminal	Beenleigh MC				x						

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
19-370MR	Volkswagen Financial Services Australia Pty Limited	Largest	Civil Penalty	FCA	x								
19-368MR	Westpac Banking Corporation	Largest	Civil Penalty	FCA	x								
19-360MR	National Australia Bank Limited	Largest	Civil Penalty	FCA	x								
19-357MR	TAL Life Limited	Largest	Civil Penalty	FCA	x								
19-347MR	Theta Asset Management Ltd	Small	Civil Penalty	FCA	x	x							
19-345MR	Wealth Investment Milestone Pty Ltd	Small	Criminal	FCA		x							
19-344MR	Pershing Securities Australia Pty Ltd	Small	Criminal	FCA	x								
19-340MR	Telstra Business Consultants Pty Ltd	Small	Criminal	Parramatta LC		x			x				
19-340MR	Lawson Migration Services Pty Ltd	Small	Criminal	Perth MC		x			x				
19-337MR	MyWealth Manager Financial Services Pty Ltd MyWealth Protection Pty Ltd 3M Financial Planning Pty Ltd Secure Investments Ltd	Small	Civil Penalty	FCA	x	x							
19-336MR	Eastwood Insulation Pty Ltd	Small	Criminal	Adelaide MC	x			x	x				
19-334MR	Bananacoast Community Credit Union Limited	Large	Criminal	Brisbane MC		x			x	x			
19-301MR	Tidswell Financial Services Ltd MobiSuper Pty Limited ZIB Financial Pty Limited	Small	Civil Penalty	FCA	x	x							

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers			
									1	2	3	4
19-297MR	RI Advice Group Pty Ltd	Largest*	Civil Penalty	FCA	x			x				
19-285MR	Growth Plus Financial Group Pty Ltd (in liq)	Large	Criminal	Brisbane DC			x					
19-282MR	CFS Private Wealth Pty Ltd CFS Corporation Pty Ltd	Small	Criminal	Lismore LC		x						
19-278MR	Tura Pty Limited	Small	Criminal	Downing Centre LC			x					
19-276MR, 20-050MR	Cap Coast Telecoms Pty Ltd SME's R Us	Small	Criminal	Brisbane MC		x	x					
19-274MR	Nulis Nominees (Australia) Limited MLC Limited	Largest	Criminal	NSW DC								
19-272MR	Colonial Mutual Life Insurance Ltd	Largest	Criminal	Downing Centre LC	x							
19-260MR	Gallop International Group Pty Ltd (in liq) Gallop Asset Management Pty Ltd Stumac Pty Ltd	Large	Civil Penalty	FCA	x	x		x			x	
19-255MR	Armada Capital Pty Ltd	Small	Criminal	Perth MC			x					
19-246MR	Westpac Banking Corporation	Largest	Civil Penalty	Full Court of the Federal Court of Australia ('FCFCA')	x							
19-244MR	Select AFSL Pty Ltd BlueInc Services Pty Ltd Insurance Marketing Services Pty Ltd	Large	Civil Penalty	FCA	x	x						

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
19-243MR	Capital Growth International Club Pty Ltd (CGIC) and All About Property Pty Ltd (AAPD) ('the Scheme Companies')	Small	Criminal	Brisbane DC		x	x			x			
19-241MR	ERH Transport Services Pty Ltd	Small	Criminal	n/a		x				x			
19-235MR	Port Phillip Publishing Pty Ltd	Large	Civil Penalty	FCA	x	x			x				
19-234MR	Parklane Assets Pty Ltd	Small	Criminal	Victoria CC			x						
19-230MR	Marcel Plastering Group Pty Ltd	Small	Criminal	Broadmeadows MC			x	x					
19-216MR	National Australia Bank Limited	Largest	Criminal	NSW LC									
19-215MR	Flowers Financial Group Pty Ltd Flowers Financial Management ISource Wholesale Investments Pty Ltd	Small	Criminal	Downing Centre LC		x	x	x		x			
19-194MR	Wellington Capital	Very large	Criminal	Brisbane MC			x						
19-192MR	Healthzone Limited	Large	Criminal	NSW Court of Criminal Appeal		x	x		x				
19-191MR	Australia and New Zealand Banking Group Limited	Largest	Civil Penalty	FCA	x								
19-186MR	Hastie Services Pty Limited	Small*	Criminal	NSW DC		x		x					
19-179MR	James Gibbs Investments Pty Ltd	Small	Criminal	Adelaide DC			x						
19-168MR	Sirtex Medical Limited	Large	Criminal	DCLC			x						

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers					
									1	2	3	4		
19-152MR	Murray Goulburn Co-operative Co. Limited MG Responsible Entity Limited	Very large	Civil Penalty	FCA	x	x								
19-135MR	R M Capital Pty Ltd, SMSF Club Pty Ltd	Small	Civil Penalty	FCA	x									
19-133MR	Whitebox Trading Pty Ltd	Small	Civil Penalty	FCA	x	x								
19-132MR	Advice 4 Wealth Pty Ltd, Futuro Financial Services Pty Ltd	Small	Criminal	Adelaide MC			x							
19-131MR	MK Asbestos Removal Pty Ltd	Small	Criminal			x		x	x					
19-128MR	Small Business Management Pty Ltd	Small	Criminal	Victoria CC			x							
19-126MR	Octaviar Investments Holding No 3 Pty Ltd	Very large	Criminal	Southport MC			x							
19-124MR	Vocation Limited (in liq)	Very large	Civil Penalty	FCA	x	x				x				
19-120MR	Fleurie Pty Ltd	Small	Criminal	Victoria Supreme Court ('VSC')			x							
19-105MR	The Salisbury Group Charter Financial Planning Limited	Largest	Criminal	NSW DC										
19-097MR	The Crane Japan Restaurant (SA) Pty Ltd	Small	Criminal	Adelaide DC		x			x					
19-090MR	Phoenix Insurance Brokers Pty Ltd	Small	Criminal	Western Australia DC		x			x					
19-075MR	C & G Group Industries Pty Ltd	Small	Criminal	Perth DC			x							
19-072MR	We Just Grind It Vegetation Management Pty Ltd	Small	Criminal	Beenleigh MC	x					x				

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
19-065MR	Endeavour Securities (Australia) Ltd Linchpin Capital Group Ltd	Large	Civil Penalty	FCA	x								
19-055MR	SydFA Pty Ltd Australian Financial Services Limited (in liq)	Small	Criminal	NSW DC		x			x				
19-039MR	GetSwift Limited	Large	Civil Penalty	FCA	x	x							
19-037MR	Calvary Health Care ACT Ltd	Small	Criminal	ACT MC		x			x				
19-027MR	Deutsche Bank AG	Largest	Criminal	NSW DC				x					
19-024MR	Golden Fields Resources Pty Ltd	Small	Criminal	SA DC			x						
19-009MR	CFS Private Wealth Pty Ltd, Combined Financial Solutions Pty Ltd	Large	Civil Penalty	FCA	x	x		x			x		
19-001MR	Westpac Securities Administration Limited, BT Funds Management Limited	Largest	Civil Penalty	FCA	x			x					
18-385MR	MFS Limited, MFS Investment Management Limited	Very large	Civil Penalty	HCA		x		x		x	x		
18-384MR	FF & I Holdings	Small	Criminal	Downing Centre LC			x						
18-374MR	Leighton Holdings Ltd	Largest	Criminal	Downing Centre LC		x			x				
18-360MR	Equity Capitals Partners Hedge Fund Pty Ltd	Small	Criminal	Melbourne MC		x							
18-352MR	State One Stockbroking Limited	Small	Civil Penalty	FCA	x								
18-351MR	Metropolitan Design Pty Ltd	Small	Criminal	Pine Rivers MC		x				x			

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
18-350MR	Dampier Finance Australia Limited	Small	Criminal	Downing Centre LC	x								
18-348MR	TZ Limited	Small	Criminal	NSW SC		x			x	x			
18-346MR	Tennis Australia	Very large	Civil Penalty	FCA		x							
18-341MR, 18-151MR	Westpac Banking Corporation	Largest	Civil Penalty	FCA	x								
18-337MR	Australian Property Custodian Holdings Limited	Large	Civil Penalty	High Court of Australia ('HCA')	x	x				x	x		
18-334MR, 18-005MR	Financial Circle Pty Ltd	Large	Civil Penalty	FCA	x			x					
18-331MR	Carter Group Pty Ltd	Small	Criminal	Southport DC		x		x		x			
18-322MR	Central Car and Truck Rental Pty Ltd	Small	Criminal	Rockhampton MC			x						
18-316MR	Sapphire (SA) Pty Ltd	Small	Criminal	Murray Bridge MC		x			x				
18-309MR	WAW Credit Union Cooperative Limited	Large	Criminal	Wodonga MC		x		x					
18-305MR	Commonwealth Bank of Australia	Largest	Criminal	Victoria CC									
18-297MR	Commonwealth Financial Planning Limited	Largest	Criminal	Brisbane DC									
18-281MR, 20-054MR	NewSat Limited	Large	Criminal	Victoria CC		x		x	x				
18-269MR	Dover Financial Advisers Pty Ltd	Small	Civil Penalty	FCA	x	x					x		
18-268MR	Australia and New Zealand Banking Group Limited	Largest	Civil Penalty	FCA	x								

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
18-259MR	Nulis Nominees (Australia) Limited, MLC Limited	Largest	Civil Penalty	FCA	x								
18-258MR	Mega Energy Gas Pty Ltd	Small	Criminal	Brisbane MC		x			x				
18-252MR	Rent 2 Own Cars Australia Pty Ltd	Small	Civil Penalty	FCA	x	x							
18-246MR	Cornish Property Services Pty Ltd	Small	Criminal	Downing Centre DC		x	x	x		x			
18-227MR	Trac Developments Pty Ltd	Small	Criminal	Brisbane MC			x						
18-216MR	Health Care Pty Limited	Largest	Criminal	Melbourne MC			x						
18-208MR	WAW Credit Union Cooperative Limited	Large	Criminal	Melbourne MC			x						
18-207MR	Jeremy (WA) Pty Ltd	Small	Criminal	Perth MC									
18-191MR, 17-367MR	Murphy Dawson & Partners Pty Ltd	Small	Criminal	NSW DC									
18-186MR	Kimberley Diamonds Ltd	Large	Criminal	NSW DC		x							
18-175MR	Westpac Banking Corporation	Largest	Civil Penalty	FCA	x								
18-174MR	Quintis Limited	Large	Civil Penalty	FCA		x							
18-160MR, 18-016MR	Australian Bight Abalone Pty Ltd	Small	Criminal	South Australia DC		x			x				
18-139MR	Thorn Australia Pty Ltd	Very large	Civil Penalty	FCA	x								
18-119MR, 18-061MR	Rio Tinto Limited	Largest	Civil Penalty	FCA	x	x							
18-114MR	Malouf Group Enterprises Pty Ltd	Small	Civil Penalty	FCA	x	x			x				

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers			
									1	2	3	4
18-110MR	Investment Intelligence Corporation	Small	Criminal	Brisbane DC		x					x	
18-101MR	A Twisted Little Company Pty Ltd	Small	Criminal	Hobart MC		x			x			
18-088MR	G8 Education Limited	Largest	Criminal	Brisbane MC		x	x					
18-081MR	Storm Financial Limited	Very large	Civil Penalty	FCA		x				x		
18-075MR	Crane Trucks R Us Pty Ltd	Small	Criminal	Ipswich DC			x					
18-067MR	Antares Energy Limited	Very large	Civil Penalty	FCA	x	x						
18-057MR, 18-013MR	Australia and New Zealand Banking Group Limited	Largest	Civil Penalty	FCA	x							
18-044MR	Trek North Tours Pty Ltd	Small	Criminal	Cairns MC		x			x			
18-040MR	Motorcycle Express Australia Pty Ltd	Small	Criminal	MC of Victoria	x							
18-039MR	MJC Project Group Pty Ltd	Small	Criminal	Southport MC	x							
18-033MR	Wealth and Risk Management Pty Ltd Yes FP Pty Ltd (in liquidation), Jeca Holdings Pty Ltd	Small	Civil Penalty	FCA	x	x					x	
18-028MR	Twently12 Pty Ltd	Small	Criminal	Melbourne MC			x					
18-024MR	Commonwealth Bank of Australia	Largest	Civil Penalty	FCA	x							
18-022MR	Channic Pty Ltd Cash Brokers Pty Ltd	Small	Civil Penalty	FCA	x	x					x	

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
17-267MR	ALC Group Pty Ltd	Large	Criminal	Adelaide DC		x			x				
17-236MR	Huntley Management Limited	Large	Civil Penalty	FCA	x								
17-158MR	Credit Suisse Management Australia Pty Ltd	Largest	Criminal	Downing Centre LC			x						
17-147MR	Alldrive Holdings Pty Ltd	Small	Criminal	Darwin LC									
17-137MR	Jacqalex Pty Ltd	Small	Criminal	Brisbane DC		x				x			
17-128MR	Motabank (SA) Pty Ltd Multimedia Marketing Pty Ltd	Small	Criminal	Melbourne MC		x			x				
17-125MR	LNG Limited	Large	Criminal	WA Supreme Court			x						
17-117MR	Grace Carpet Cleaning (Australia) Pty Ltd	Small	Criminal	Downing Centre LC		x			x				
17-116MR	MOGS Pty Ltd Sleipner Financial Pty Ltd Arion Financial Pty Ltd	Small	Criminal	Brisbane MC		x							
17-114MR	Clear Security Services Pty Ltd	Small	Criminal	n/a		x			x				
17-110MR	AWB Limited	Largest	Civil Penalty	Victoria SC		x				x			
17-109MR	Affordable Finance Facilities Pty Ltd	Small	Criminal	Bundaberg MC		x			x				
17-103MR	Acecorp Security Pty Ltd	Small	Criminal	DCLC		x			x				
17-072MR	Optiscan Imaging Limited	Small	Criminal	Maroochydore MC		x			x				
17-050MR	Wyndham Vacation Resorts South Pacific Limited	Largest	Criminal	Southport DC									

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
17-040MR	GAIN Capital Australia Pty Ltd	Small	Criminal	Downing Centre LC									
17-029MR	Biseja Pty Ltd (While in receivership)	Small	Criminal	NSW DC									
17-027MR	TZ Limited	Small	Criminal	NSW SC		x				x			
17-025MR	Westpac Banking Corporation	Largest	Criminal	Southport DC				x					
17-018MR	Waratah Resources Limited	Large	Criminal	Sydney DC		x			x		x		
16-461MR, 16-321MR	LM Investment Management Ltd	Largest*	Civil Penalty	FCA		x							
16-431MR	Sino Australia Oil and Gas Limited	Large	Civil Penalty	FCA	x	x				x			
16-430MR	Hochtief Aktiengesellschaft	Largest	Civil Penalty	FCA	x								
16-424MR	All Recruiting Services Pty Ltd; Sheldrick Nominees Pty Ltd	Small	Criminal	Downing Centre LC		x			x				
16-414MR	Zantholls International Pty Ltd	Small	Criminal	Victoria Court of Appeal		x				x			
16-397MR	Grace Enterprises (NSW) Pty Ltd	Small	Criminal	Downing Centre LC		x			x				
16-396MR	Shyfox Pty Ltd Cre8ive Constructions Queensland Pty Ltd 23 Investments Pty Ltd	Small	Criminal	Brisbane MC			x						
16-386MR	Global Rule Pty Ltd	Small	Criminal	Southport DC		x		x		x			
16-357MR	Property Tuition Pty Ltd (and 7 other corporations)	Small	Civil Penalty	FCA	x								
16-338MR	Growth Plus Financial Group Pty Ltd (in liq)	Large	Civil Penalty	Queensland SC	x	x							

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
16-335MR	Channic Pty Ltd Cash Brokers Pty Ltd	Small	Civil Penalty	FCA	x	x			x				
16-316MR	Credit Suisse Management Australia	Largest	Criminal	Downing Centre LC									
16-288MR	Wickham Securities Ltd	Large	Criminal	Brisbane DC			x						
16-286MR	Ostrava Equities Pty Ltd Ostrava Asset Management Pty Ltd, Ostrava Securities Pty Ltd, Ostrava Wealth Management Pty Ltd, Beta Pharmacology Pty Ltd, Prometheus Capital Pty Ltd, Thrive Lending Pty Ltd, Trade BTC Pty Ltd and Equity Capital Partners Hedge Fund Pty Ltd	Large	Civil Penalty	FCA	x	x			x	x			
16-272MR	Carrington Carpet Services Pty Ltd	Small	Criminal	Melbourne CC		x							
16-271MR	Macquarie Investment Management Ltd	Largest	Civil Penalty	NSW SC	x								
16-263MR	Padbury Mining Ltd	Large	Civil Penalty	FCA	x	x				x	x		
16-257MR	EDIS Service Logistics Pty Ltd (Kleenmaid Group)	Largest	Criminal	DC		x	x		x				
16-219MR	AHL Investments Pty Ltd	Largest	Criminal	DCLC									
16-209MR	Motorcycle Finance & Insurance Pty Ltd	Small	Criminal	NSW LC			x						
16-199MR	Macquarie Investment Management Ltd	Largest	Civil Penalty	NSW SC	x								

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
16-187MR	NSG Services Pty Ltd	Small	Civil Penalty	FCA	x								
16-186MR	AHL Investments Pty Ltd	Largest	Criminal	Beenleigh MC									
16-183MR	National Australia Bank Ltd	Largest	Civil Penalty	FCA	x			x					
16-180MR	Orion Asset Management Ltd	Small	Criminal	SC NSW									
16-162MR	Sigma Pharmaceuticals Ltd	Very large	Criminal	Melbourne CC		x			x				
16-159MR	Astra Resources Limited	Small	Civil Penalty	FCA	x	x							
16-155MR	Vangrove Financial Planning Pty Ltd	Small	Criminal	Brisbane MC		x				x			
16-154MR	Fraser Hire Pty Ltd	Small	Criminal	Townsville DC		x				x			
16-133MR	Myra Home Loan Pty Ltd	Small	Criminal	Victoria CC			x						
16-127MR	Eagle Business Solutions Pty Ltd	Small	Criminal	Southport MC		x					x		
16-118MR	Stephens & Associates Pty Ltd and International Finance Consortium (Aust) Pty Ltd	Small	Criminal	Sydney DC			x						
16-108MR	AHL Investments Pty Ltd	Largest	Criminal	Beenleigh MC									
16-105MR	Almatt Pty Ltd	Small	Criminal	Victoria CC		x				x			
16-085MR	Mortgage Finance & Insurance Pty Ltd	Small	Criminal	Downing Centre LC			x	x					
16-074MR	Independent Forklift Services (Qld) Pty Ltd	Small	Criminal	Brisbane DC			x						
16-070MR	Hanlong Mining	Largest	Criminal	NSW SC			x						
16-065MR	Middlebrook Estate Pty Ltd	Small	Criminal	Adelaide MC		x			x				

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
16-060MR	Australia and New Zealand Banking Group Limited	Largest	Civil Penalty	FCA	x								
16-007MR	Patersons Securities Limited	Large	Criminal	Brisbane DC									
16-005MR	Financial Planning Services (Australia) Pty Limited	Small	Criminal	Maroochydore DC			x						
15-393MR	Easy RPL Pty Ltd	Small	Criminal	n/a		x		x					
15-387MR	Gunns Limited	Very large	Criminal	Tasmania SC			x						
15-359MR	Healthzone Limited	Large	Criminal	NSW SC			x						
15-351MR	Stockmarket Cafe Pty Limited	Small	Criminal	n/a		x			x				
15-349MR	Make It Mine Finance Pty Ltd	Large	Civil Penalty	FCA	x								
15-334MR	S Central Group	Small	Criminal	Victoria CC			x						
15-296MR	SEO Company Pty Ltd	Small	Criminal	Perth MC	x			x	x				
15-283MR	Kleenmaid Group	Very large	Criminal	Brisbane DC	x	x		x					
15-246MR	Global E-Tail Solutions Pty Ltd and Webgistics Asia Pacific Pty Ltd	Small	Criminal	n/a		x			x				
15-216MR	Hancock Prospecting Pty Ltd, Hancock Minerals Pty Ltd and Hope Downs Iron Ore Pty Ltd	Largest	Criminal	Perth MC	x								
15-188MR	ERB International Pty Ltd	Small	Criminal	DC of NSW		x			x	x			
15-186MR	Northern Star Resources	Largest	Criminal	Western Australia SC		x							
15-165MR	Teleloans Pty Ltd and Finance & Loans Direct Pty Ltd	Small	Civil Penalty	FCA	x								

Data source: ASIC MR	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
15-154MR	Mariner Corporation Limited	Small	Civil Penalty	FCA	x	x							
15-153MR	T H Tippers Pty Ltd	Small	Criminal	Port Macquarie LC	x			x					
15-147MR	B.D. & W.J. Hassell Pty Ltd	Small	Criminal	Adelaide DC		x			x				
15-128MR	AHL Investments Pty Ltd	Largest	Criminal	Downing Centre LC									
15-110MR	ActiveSuper Pty Ltd (and 9 related companies)	Small	Civil Penalty	FCA	x	x			x		x		
15-073MR	ABC Learning Centres Limited	Largest	Criminal	Brisbane DC		x			x				
15-065MR	Pacific Energy International Pty Ltd	Small	Criminal	Brisbane MC		x							
15-057MR	Enhance Capital Pty Ltd and The Salisbury Group Pty Ltd	Largest	Criminal	Southport DC									
15-034MR	The Merchant Master Franchisor (Aust) Pty Ltd	Small	Criminal	n/a		x			x				
15-032MR	The Cash Store Pty Ltd (in liquidation) and Assistive Finance Australia Pty Ltd	Large	Civil Penalty	FCA	x								
15-018MR	Roach Graham Scott Pty Ltd	Small	Criminal	NSW DC				x	x				

* Company in this size group at time of misconduct but not at the time of proceedings.

Forms of Liability Key:

1	Primary (direct)
2	Primary (direct)—Directors' and Officers' Duties
3	Accessorial
4	Extended Management Liability

Data source: ACCCourt edition	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
2019 Oct-Dec	HealthEngine Pty Ltd	Small	Civil Penalty	FCA	x								
2019 Oct-Dec	iSelect Limited	Large	Civil Penalty	FCA	x								
2019 Oct-Dec	Jayco Corporation Pty Ltd	Large	Civil Penalty	FCA	x								
2019 Oct-Dec	Jump Loops Pty Ltd & Swim Loops Holdings Pty Ltd	Small	Civil Penalty	FCA	x	x							
2019 Oct-Dec	Kimberly-Clark Australia Pty Ltd	Largest	Civil Penalty	FCFCA	x								
2019 Oct-Dec	Kogan Australia Pty Ltd	Very large	Civil Penalty	FCA	x								
2019 Oct-Dec	Medibank Private Limited	Very large	Civil Penalty	FCA	x								
2019 Oct-Dec	NIB Health Funds Limited	Very large	Civil Penalty	FCA	x								
2019 Oct-Dec	Panthera Finance Pty Ltd	Large	Civil Penalty	FCA	x								
2019 Oct-Dec	Phoenix Institute of Australia Pty Ltd & Community Training Initiatives Pty Ltd (CTI)	Small	Civil Penalty	FCA	x								
2019 Oct-Dec	Productivity Partners Pty Ltd & Site Group International Limited	Small	Civil Penalty	FCA	x	x							
2019 Oct-Dec	Quantum Housing Group Pty Ltd	Small	Civil Penalty	FCA	x	x							
2019 Oct-Dec	Samsung Electronics Australia Pty Ltd	Largest	Civil Penalty	FCA	x								
2019 Oct-Dec	Service Seeking Pty Ltd	Small	Civil Penalty	FCA	x								
2019 Oct-Dec	Smart Corporation Pty Ltd	Small	Civil Penalty	FCA	x	x							
2019 Oct-Dec	Sony Interactive Entertainment Network Europe Limited & Sony Interactive Entertainment Europe Limited	Largest	Civil Penalty	FCA	x								

Data source: ACCCourt edition	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
2018 Oct-Dec	Oticon Australia Pty Ltd & Sonic Innovations Pty Ltd	Largest	Civil Penalty	FCA	x								
2018 Oct-Dec	Medibank Private Limited	Very large	Civil Penalty	FCFCA	x								
2018 Oct-Dec	Murray Goulburn Cooperative Co Limited~	Very large	Civil Penalty	FCA	x	x					x		
2018 Oct-Dec	Landmark Operations Ltd	Largest	Civil Penalty	FCA	x								
2018 Oct-Dec	We Buy Houses Pty Ltd	Small	Civil Penalty	FCA	x	x					x		
2018 Jul-Sep	Oakmoore Pty Ltd, Palram Australia and Ampelite Australia	Small	Civil Penalty	FCA	x	x					x		
2018 Jul-Sep	HJ Heiz Company Australia Ltd	Largest	Civil Penalty	FCA	x								
2018 Jul-Sep	Meriton Property Services Pty Ltd	Very large	Civil Penalty	FCA	x								
2018 Jan-Mar	ABG Pages Pty Ltd	Small	Civil Penalty	FCA	x	x					x		
2018 Jan-Mar	Letore Pty Ltd	Small	Civil Penalty	FCA	x								
2018 Apr-Jun	Air New Zealand Ltd	Largest	Civil Penalty	HCA	x								
2018 Apr-Jun	Flight Centre Ltd	Largest	Civil Penalty	HCA	x								
2018 Apr-Jun	Apple Pty Ltd and Apple Inc	Largest	Civil Penalty	FCA	x								
2018 Apr-Jun	Domain Name Corp Pty Ltd	Small	Civil Penalty	FCA	x	x					x		
2018 Apr-Jun	Ford Motor Company of Australia Ltd	Largest	Civil Penalty	FCA	x								
2018 Apr-Jun	Optus Internet Pty Ltd	Largest	Civil Penalty	FCA	x								
2018 Apr-Jun	Pental Limited	Large	Civil Penalty	FCA	x								
2018 Apr-Jun	Telstra Corporation Ltd	Largest	Civil Penalty	FCA	x								
2018 Apr-Jun	Thermomix in Australia Pty Ltd	Large	Civil Penalty	FCA	x								

Data source: ACCCourt edition	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
2017 Oct- Dec	Aveling Homes Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2017 Oct- Dec	Morild Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2017 Oct- Dec	MSY Technology Pty Ltd	Small	Civil Penalty	FCA	x								
2017 Oct- Dec	Valve Corporation Pty Ltd	Very large	Civil Penalty	FCFCA	x								
2016 Oct-Dec	Advanced Medical Institute NRM Corporation NRM Trading Pty Ltd	Large	Civil Penalty	FCA	x								
2016 Oct-Dec	DuluxGroup (Australia) Pty Ltd	Largest	Civil Penalty	FCA	x								
2016 Oct-Dec	Lifestyle Photographers Pty Ltd t/a Expression Sessions	Small	Civil Penalty	FCA	x								
2016 Oct-Dec	Woolworths Limited	Largest	Civil Penalty	FCA	x								
2016 Oct-Dec	Australia and New Zealand Banking Group Limited, Macquarie Bank Limited	Largest	Civil Penalty	FCA	x								
2016 Jan-Mar	A Whistle (1979) Pty Ltd t/as Electrodry	Small	Civil Penalty	FCA	x								
2016 Jan-Mar	Homeopathy Plus! Australia Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2016 Jan-Mar	Lyonesse Australia Pty Ltd	n/a^	Civil Penalty	FCA	x								
2016 Jan-Mar	Safety Compliance Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2016 Jan-Mar	Informed Sources (Australia) Pty Ltd	Small	Civil Penalty	FCA	x								
2016 Jan-Mar	Natural Food Vending Pty Ltd	Small	Criminal	FCA		x							
2016 Apr-Jun	Adata Pty Ltd	Small	Civil Penalty	FCA	x	x							

Data source: ACCCCount edition	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
2016 Apr-Jun	CLA Trading Pty Ltd, t/a Europcar	Largest	Civil Penalty	FCA	x								
2016 Apr-Jun	Derodi Pty Ltd and Holland Farms Pty Ltd	Small	Civil Penalty	FCA	x								
2016 Apr-Jun	FDRA Pty Ltd (Angel Digital)	Small	Civil Penalty	FCA	x	x							
2016 Apr-Jun	Hillside (Australia New Media) Pty Ltd t/as Bet365	Largest	Civil Penalty	FCA	x								
2016 Apr-Jun	Multimedia International Services Pty Ltd t/a The Community Network	Small	Civil Penalty	FCA	x								
2016 Apr-Jun	Online Dealz Pty Ltd	Small	Civil Penalty	FCA	x	x							
2016 Apr-Jun, 2017 Jul-Sept	Australian Egg Corporation Limited, Ironside Management Services Ltd, Farm Pride Foods Limited	Large	Civil Penalty	FCA	x	x			x				
2016 Apr-Jun	Colgate-Palmolive Pty Ltd, Woolworths Ltd, PZ Cussons Australia Pty Ltd	Largest	Civil Penalty	FCA	x	x						x	
2016 Apr-Jun	Sensaslim Australia Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2015 Jul-Sep	RL Adams Pty Ltd (trading as Darling Downs Fresh Eggs)	Small	Civil Penalty	FCA	x								
2015 Jul-Sep	Australia and New Zealand Banking Group Ltd	Largest	Civil Penalty	FCFCA	x								
2015 Jul-Sep	Omniblend Australia Pty Ltd	Small	Civil Penalty	FCA	x	x						x	
2015 Jul-Sep	Visa Worldwide Pty Ltd	Largest	Civil Penalty	FCA	x								
2015 Jul-Sep	Sensaslim Australia Pty Ltd	Small	Criminal	FCA		x			x				

Data source: ACCCourt edition	Company Name/s	Categorisation of company or corporate group	Type of proceeding	Court	Action against company	Action against directors and/or senior managers: corporate misconduct	Action against senior managers: private misconduct	Action against lower level employees or agents	Forms of liability proved against directors and/or senior managers				
									1	2	3	4	
2015 Jan-Mar	Fisher & Paykel Customer Services Pty Ltd Domestic & General Services Pty Ltd	Largest	Civil Penalty	FCA	x								
2015 Jan-Mar	South East Melbourne Cleaning Pty Ltd (in liquidation) (formerly Coverall Cleaning Concepts South East Melbourne Pty Ltd)	Small	Civil Penalty	FCA	x	x						x	
2015 Jan-Mar	Origin Energy Electricity Limited	Largest	Civil Penalty	FCA	x								
2015 Apr-Jun	Actrol Parts Pty Ltd	Large	Civil Penalty	FCA	x								
2015 Apr-Jun	AGL South Australia Pty Ltd	Largest	Civil Penalty	FCA	x								
2015 Apr-Jun	Coles Supermarkets Australia Pty Ltd	Largest	Civil Penalty	FCA	x								
2015 Apr-Jun	EnergyAustralia Pty Ltd Bright Choice Australia Pty Ltd	Largest	Civil Penalty	FCA	x								
2015 Apr-Jun	Spreets Pty Ltd	Small	Civil Penalty	FCA	x								

** Unable to determine office of individuals.

~ The entity is an incorporated association. The entity admitted to the contraventions and there was no penalty imposed. The penalty was imposed on the individual.

^ Unable to determine size of corporation as parent company is a private overseas entity.

Forms of Liability Key:

1	Primary (direct)
2	Primary (direct)—Directors' and Officers' Duties
3	Accessorial
4	Extended Management Liability

Table 4: Frequency and outcomes of Work Health and Safety prosecutions

	2018–19			2017–18			2016–17			2015–16			2014–15		
	NSW	Vic	QLD	NSW	Vic	QLD	NSW	Vic	QLD	NSW	Vic	QLD	NSW	Vic	QLD
Enforceable undertakings	5	7	1	7	5	NA ¹	10	12	NA	NA	4	NA	5	8	NA
Prosecutions commenced	134	156	29	100	148	NA	NA	138	NA	NA	119	NA	NA	114	NA
Prosecutions finalised	60	151	16 ²	61	127	NA	33	103	67	NA	110	48	101	121	54
Successful	59	134	14	59	NA	54 ³	33	NA	NA	NA	NA	NA	97	NA	NA
Success rate	98%	89%	90%	97%	91%	NA	97%	90%	85%	NA	94%	88%	96%	93%	78%

1 'NA' is used in this table where information was either unavailable in the relevant Report, or difficult to ascertain from it.

2 This figure has been derived by reference to the stated number of successful prosecutions and success rate: Office of the Work Health and Safety Prosecutor (Qld), *Annual Report 2018-19* (2019) 13–15.

3 WorkCover Queensland, 'Court summaries' (6 April 2020) <www.worksafe.qld.gov.au/laws-and-compliance/prosecutions/court-summaries>. This database does not include information on unsuccessful cases, or cases where a conviction was overturned on appeal. The number of successful cases also does not include successful prosecutions where an order has been made that no conviction be recorded.

