



# CORPORATE CRIMINAL RESPONSIBILITY

## ALRC Recommendations:



**Sufficient data** – Improve the collection of criminal justice data to inform policymaking.

[Recommendation 1](#)



**Accountability for serious misconduct** – Ensure there is a principled basis for criminalising corporate conduct, justify new offence provisions, and stop the use of infringement notices for criminal offences applying to corporations.

[Recommendations 2 | 3 | 4](#)



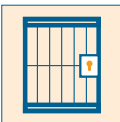
**Fair and consistent prosecutions** – Use one clear method to determine whether a corporation is responsible for a crime, hold corporations responsible for persons acting on their behalf regardless of their job title, and ensure organisational fault required for conviction of corporation.

[Recommendations 5 | 6 | 7](#)



**Address inadequate consequences** – Introduce new criminal laws to prevent repeated civil penalties from being treated as a “cost of doing business”.

[Recommendation 8](#)



**Sentencing options for corporations** – Give courts specific factors to consider and allow courts to impose non-monetary penalties, dissolve a corporation and disqualify its management. Provide the ability to order pre-sentence reports and consider victim impact statements. Develop a national debarment regime to restrict corporations convicted of criminal offences from obtaining government contracts.

[Recommendations 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17](#)



**Individual liability for corporate misconduct** – Review individual accountability mechanisms for corporate misconduct within five years of the new Financial Accountability Regime coming into force.

[Recommendation 18](#)



**Accountability overseas** – Consider laws to hold corporations responsible when they fail to prevent an associate from committing serious crimes overseas on the corporation’s behalf.

[Recommendation 19](#)



**Public oversight of Deferred Prosecution Agreements** – Require judicial oversight and publication of reasons in open court.

[Recommendation 20](#)

Read more in the Australian Law Reform Commission report,  
Corporate Criminal Responsibility (Report 136, 2020).