

FACT SHEET

DIRECTORS' LIABILITY (MISCELLANEOUS AMENDMENTS) BILL 2012

Directors' liability reform is one of the 27 deregulation priorities under the National Partnership Agreement to Deliver a Seamless National Economy (SNE NP). This Bill will implement this deregulation priority.

The project is being overseen by the Council of Australian Governments' (COAG) Reform Council (CRC) through the Business Reform Council Working Group (BRCWG).

The aim of the project is to rationalise provisions in legislation which deem directors liable for corporate misconduct by virtue only of their role as directors.

COAG developed an agreed set of principles and a set of guidelines and required each jurisdiction to audit their legislation against these. The Department of Justice has worked extensively with all Agencies to audit Tasmania's legislation. Tasmania has provided their audit results to COAG, which has indicated that the Tasmanian approach meets the agreed principles and guidelines. As a result, literally thousands of offences will no longer be subject to a deemed directors' liability offence and this Bill makes the required amendments.

In the future, all pieces of legislation developed in Tasmania and across Australia will only include provisions deeming directors' liable in the most exceptional of circumstances.