

2022

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Corporations Amendment (Social
Responsibility) Bill 2022**

No. , 2022

(Senators [TBA])

**A Bill for an Act to amend the *Corporations Act
2001*, and for related purposes**

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1 **A Bill for an Act to amend the *Corporations Act***
2 ***2001, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Corporations Amendment (Social Responsibility)*
6 *Act 2022*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.

12

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

13

14

15

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

16

17

18

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

19 **3 Schedules**

20

21

22

23

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1
2

Schedule 1—Amendments

3

Corporations Act 2001

4

1 Part 1.2, Division 1, Section 9 – Dictionary

5

Insert:

6

Australian Users means Australian citizens, residents, or bodies formed
7 in, or carrying on business in Australia.

8

2 Section 5.3 - Duties and liabilities of directors

9

Insert:

10

- to use appropriate measures for preventing criminal activity

11

3 Chapter 1

12

Insert:

13

Part 1.7—Social Responsibility Obligations

14

15

111R Object of part

16

The object of this Part is to protect Australian Users against cybercrime,
17 fraud, scams and other criminal activity for which preventative
18 measures exist which can be implemented by the Company.

19

20

111S Appropriate measures to be used.

21

A company must exercise care and diligence to prevent or mitigate
22 criminal attacks on their systems or their Australian Users, and is liable
23 to make good any attack losses (including consequential) sustained
24 by reason of non-use of appropriate safeguard technology or other
25 measures.

26

Note: This subsection is a civil penalty provision.

27

4 Part 2F.1 section 232

28

Insert

29

(f) fails to use appropriate safeguard measures to prevent criminal
30 attacks on Australian Users.