



New Categories of Corporate Offences

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Environmental law is becoming increasingly important for company officers and Directors in NSW. The *Miscellaneous Acts Amendments (Directors' Liability) Act 2012 (NSW)* categorises corporate offences attracting director liability in to **3 types**:

- 1) **Executive liability offences;**
- 2) **Special executive liability offences; and**
- 3) **Accessory offences.**

Executive liability offences, which relate to more minor environmental offences, will require prosecutors to gather greater evidence than was previously needed in considering whether or not to commence proceedings against offending directors or managers.

We anticipate a **reduction** in the number of prosecutions for the less serious executive liability offences, however the inclusion of accessory offence provisions will mean that prosecutors are empowered with a whole new category of potentially wide liability offences to pursue. As a result, we are likely to see prosecutors relying more heavily upon their powers of investigation in pursuit of offenders.

If you would like to better understand how to manage your company's environmental obligations, contact Matthews Folbigg Environmental Law specialists on 9806 7477.