

1994
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Business Names (Amendment) Bill 1994

**A BILL
FOR**

An Act to amend the *Business Names Act 1963*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Business Names (Amendment) Act 1994*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 3. In this Act, "Principal Act" means the *Business Names Act 1963*.¹

84076 1994/133 (T76/94)

Interpretation

4. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definition:

5 “ ‘determined fee’ means a fee determined under section 4A for the purposes of the provision in which the expression occurs;”.

Fees

5. Section 4A of the Principal Act is amended—

(a) by omitting subsection (1A) and substituting the following subsection:

10 “(1A) A determination under subsection (1) may, in addition to the matters in respect of which a determined fee is otherwise payable under this Act, provide for the payment of a fee in respect of—

15 (a) the lodgment, or late lodgment, of a statement or other document with the Registrar-General pursuant to this Act;

(b) the inspection or search of the register, a statement or other document kept by or in the custody of the Registrar-General;

20 (c) the production by the Registrar-General of the register, a statement or other document kept by or in the custody of the Registrar-General;

(d) the issue by the Registrar-General of a statement or other document or a copy or extract of that statement or document; and

25 (e) any approval given, or other act done, by the Registrar-General for the purposes of this Act for which a fee is not otherwise determined.”; and

(b) by adding at the end the following subsection:

30 “(4) Where a fee is payable for the late lodgment of a statement or other document, the Registrar-General may waive payment of the fee if the statement or document was lodged late because of circumstances beyond the control of the person lodging the statement or document.”.

Registration of business names

6. Section 7 of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

5 “(1A) An application under subsection (1) shall be accompanied by the determined fee.”; and

(b) by omitting from subsection (5) “may” and substituting “shall, on payment of the determined fee.”.

Restriction on registration of undesirable business names

7. Section 9 of the Principal Act is amended—

10 (a) by adding at the end of subsection (3) “and shall be accompanied by the determined fee”; and

(b) by omitting from subsection (4) “may, subject to this Act” and substituting “shall, subject to this Act and on payment of the determined fee”.

15 **Renewal of registration**

8. Section 11 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) A statement lodged under subsection (1) shall be accompanied by the determined fee.”.

20 **Notification of changes in particulars relating to registered business names etc.**

9. Section 12 of the Principal Act is amended by adding at the end the following subsection:

“(14) A statement lodged under—

25 (a) subsection (1), other than in respect of a change of particulars of the kind referred to in paragraph (1) (b); or

(b) subsection (2), (5), (7), (8), (9) or (10);

shall be accompanied by the determined fee.”.

Further amendments

30 10. The Principal Act is further amended as set out in the Schedule.

Savings

11. A determination made by the Minister under section 4A of the Principal Act, in force immediately before the commencement of sections 4 to 9 (inclusive) of this Act, has effect as if the amendments effected by those

sections had been in operation on the date on which the determination was made.

SCHEDULE

Section 10

5 FURTHER AMENDMENTS

Subsection 4 (2)—

Insert “or she” after “he”.

Paragraph 4 (2) (e)—

Insert “or her” after “his” (wherever occurring).

10 Paragraph 4 (2) (f)—

(a) Omit “thirty-one”, substitute “31”.

(b) Omit “one”, substitute “1”.

Paragraph 4 (2) (g)—

Insert “or her” after “his”.

15 Subsection 4A (1)—

Omit “published in the *Gazette*”.

Subsection 5 (1)—

Omit “twelve of this Act”, substitute “12”.

Subsection 5 (1) (penalty provision)—

20 Omit “Two hundred dollars”, substitute “\$200”.

Subsection 5 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Paragraph 5 (2) (a)—

Insert “or her” after “his” (first and second occurring).

25 Subparagraphs 5 (2) (a) (i) and (ii)—

Insert “or her” after “his”.

SCHEDULE—continued

Subparagraph 5 (2) (a) (iii)—

(a) Omit “one”, substitute “1”.

(b) Insert “or her” after “his” (wherever occurring).

Subparagraph 5 (2) (a) (iv)—

5 (a) Insert “or she” after “he” (wherever occurring).

(b) Omit “one”, substitute “1”.

Subsection 5 (3)—

Omit “of this section”.

Paragraph 7 (1) (c)—

10 Omit “one”, substitute “1”.

Subsection 7 (2)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

Subsection 7 (3)—

15 Omit “of this section”.

Subsection 7 (6)—

(a) Omit “of this section”.

(b) Omit “two”, substitute “2”.

Subsection 7 (7)—

20 Omit “of this section”.

Subsection 8 (1)—

Omit “(1) of the last preceding section, or in subsection (1) of section eleven of this Act”, substitute “7 (1), or in subsection 11 (1)”.

Paragraph 8 (1) (a) (ii)—

25 Omit “authorized”, substitute “authorised”.

Subsection 10 (1)—

Omit “(1) of the last preceding section”, substitute “9 (1)”.

Paragraph 10 (1) (a)—

Omit “twenty-eight”, substitute “28”.

SCHEDULE—continued**Subsection 10 (1)—**

Omit “of this section”.

Subsection 10 (2)—

(a) Omit “of this section”.

5 (b) Omit “(5) of section three of this Act”, substitute “3 (5)”.

Subsections 10 (3) and (4)—

Omit “of this section”.

Subsection 11 (1)—

(a) Omit “three”, substitute “3”.

10 (b) Omit “one” (wherever occurring), substitute “1”.

Subsection 11 (2)—

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Omit “three”, substitute “3”.

Subsection 11 (3)—

15 (a) Omit “of this section”.

(b) Omit “one”, substitute “1”.

Subsection 11 (4)—

(a) Omit “one”, substitute “1”.

20 (b) Omit “the last preceding subsection or the notice referred to in paragraph (b) of the next succeeding subsection”, substitute “subsection (3) or the notice referred to in paragraph (5) (b)”.

Paragraph 11 (5) (a)—

Omit “of this section”.

Paragraph 11 (5) (c)—

25 Omit “one”, substitute “1”.

Paragraph 11 (5) (d)—

Omit “three”, substitute “3”.

Paragraph 11 (5) (e)—

Omit “of this section”.

SCHEDULE—continued

Subsection 12 (1)—

(a) Omit “fourteen”, substitute “14”.

(b) Omit “one”, substitute “1”.

Subsection 12 (2)—

5 Omit “fourteen”, substitute “14”.

Subsection 12 (3)—

(a) Omit “fourteen”, substitute “14”.

(b) Insert “or her” after “his”.

Subsection 12 (4)—

10 Omit “the last preceding subsection”, substitute “subsection (3)”.

Subparagraph 12 (4) (a) (ii)—

Omit “authorized”, substitute “authorised”.

Subsection 12 (5)—

Omit “fourteen”, substitute “14”.

15 **Paragraph 12 (5) (a)—**

Omit “he shall be so described in the statement and the date of his birth shall be set out therein”, substitute “he or she shall be so described, and his or her date of birth set out, in the statement”.

Subsection 12 (6)—

20 Omit “the last preceding subsection”, substitute “subsection (5)”.

Subparagraph 12 (6) (a) (ii)—

Omit “authorized”, substitute “authorised”.

Subsections 12 (7) and (8)—

(a) Omit “one” (wherever occurring), substitute “1”.

25 (b) Omit “fourteen”, substitute “14”.

Subsection 12 (9)—

Omit “fourteen”, substitute “14”.

Paragraph 12 (9) (a)—

Omit “one”, substitute “1”.

SCHEDULE—continued**Subparagraph 12 (9) (b) (ii)—**

Omit “authorized”, substitute “authorised”.

Subsection 12 (10)—

Omit “fourteen”, substitute “14”.

5 Paragraph 12 (10) (a)—

Omit “one”, substitute “1”.

Subparagraph 12 (10) (b) (ii)—

Omit “authorized”, substitute “authorised”.

Subsection 12 (11)—

10 (a) Omit “authorized”, substitute “authorised”.

(b) Insert “or she” after “he” (wherever occurring).

Subsection 12 (11) (penalty provision)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 12 (12)—

15 (a) Omit “of this section”.

(b) Omit “five of this Act”, substitute “5”.

(c) Insert “or she” after “he”.

Subsection 13 (1)—

Omit “twenty-eight”, substitute “28”.

20 Subsection 13 (2)—

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Insert “or her ” after “his” (wherever occurring).

Subsection 13 (2) (penalty provision)—

Omit “Two hundred dollars”, substitute “\$200”.

25 Subsection 13 (3)—

(a) Omit “of this section”.

(b) Insert “or her” after “him” (first and third occurring).

(c) Omit “him” (second and last occurring), substitute “the person”.

SCHEDULE—continued

Section 14—

- (a) Omit “five of this Act” (wherever occurring), substitute “5”.
- (b) Omit “twelve of this Act”, substitute “12”.
- (c) Insert “or she” after “he”.

5 Paragraph 15 (1) (a)—

Omit “his behalf by a person authorized”, substitute “his or her behalf by a person authorised”.

Section 17—

- (a) Insert “or her” after “his” (wherever occurring).
- 10 (b) Omit “authorize”, substitute “authorise”.

Section 17 (penalty provision)—

Omit “Two hundred dollars or imprisonment for three”, substitute “\$200 or imprisonment for 3”.

Subsection 18 (1)—

- 15 Omit “one”, substitute “1”.

Subsection 18 (2)—

- (a) Omit “twelve of this Act”, substitute “12”.
- (b) Omit “one”, substitute “1”.

Paragraph 19 (1) (a)—

- 20 Omit “twelve of this Act”, substitute “12”.

Paragraph 19 (1) (b)—

- (a) Omit “(1) of the last preceding section”, substitute “18 (1)”.
- (b) Omit “one”, substitute “1”.

Paragraph 19 (1) (c)—

- 25 (a) Omit “(2) of the last preceding section”, substitute “18 (2)”.
- (b) Omit “one”, substitute “1”.
- (c) Omit “twelve of this Act”, substitute “12”.

Subsection 19 (5)—

Omit “the last preceding subsection”, substitute “subsection (4)”.

SCHEDULE—continued**Paragraph 20 (a)—**

- (a) Omit “connexion”, substitute “connection”.
- (b) Omit “thereon”, substitute, “on it”.

Paragraph 20 (c)—

- 5 Omit “one”, substitute “1”.

Section 20—

Omit “he proves that he”, substitute “the person proves that he or she”.

Section 20 (penalty provision)—

Omit “One hundred dollars”, substitute “\$100”.

10 Subsection 21 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Section 22—

- (a) Omit “twenty-five of this Act”, substitute “25”.
- (b) Omit “thereof or take extracts therefrom”, substitute “of the
15 statement or take extracts from it”.

Subsection 23 (2)—

- (a) Omit all the words from and including “The Registrar-General” to
and including “subsection”, substitute “The Registrar-General
shall not issue a copy, extract or certificate under subsection (1)”.
- 20 (b) Omit “twenty-five of this Act”, substitute “25”.
- (c) Omit “twelve”, substitute “12”.

Paragraph 24 (b)—

Omit “(a) of subsection (1) of the last preceding subsection”, substitute
“23 (1) (a)”.

25 Paragraph 24 (c)—

Omit “(b) of that subsection”, substitute “23 (1) (b)”.

Paragraph 24 (d)—

- (a) Omit “two”, substitute “2”.
- (b) Omit “the last three preceding paragraphs”, substitute “paragraphs
30 (a), (b) and (c)”.

SCHEDULE—continued

Section 24—

Omit “therein”, substitute “in it”.

Section 25—

Omit “twelve”, substitute “12”.

5 Subsection 26 (1) (penalty provision)—

Omit “One thousand dollars”, substitute “\$1,000”.

Subsection 28 (1)—

(a) Insert “or she” after “he”.

(b) Omit “Twenty dollars”, substitute “\$20”.

10 Subsection 28 (2)—

(a) Insert “or her” after “his”.

(b) Omit “he”, substitute “the person”.

(c) Omit “the last preceding subsection”, substitute “subsection (1)”.

(d) Insert “or her” after “him”.

15 Paragraph 31 (1) (b)—

Omit “one”, substitute “1”.

Paragraphs 31 (2) (a) and (b)—

Omit “sixteen”, substitute “16”.

Paragraph 31 (3) (b)—

20 Omit “one”, substitute “1”.

Paragraph 33 (e)—

Omit “Forty dollars”, substitute “\$40”.

NOTE

1. Reprinted as at 31 January 1994.