

AUSTRALIAN CAPITAL TERRITORY

AMENDMENT TO THE BUSINESS NAMES ORDINANCE

EXPLANATORY MEMORANDUM

The purpose of these amendments to the Business Names Ordinance is to increase the fees payable in relation to matters done under that Ordinance.

2. These increases are the first increases since 1966 and are being made to enable the recovery of more of the administrative costs in this area.

3. The new scale of business names fees will be set out in a schedule to the Business Names Ordinance and not in a schedule to the Business Names Regulations as is the case with the present fees which are set out in the Third Schedule to the Business Names Regulations. This will bring the position in relation to business names fees into line with the position in relation to companies fees (companies fees are set out in the Second Schedule to the Companies Ordinance).

Commencement

4. The amendments will come into operation on 1 November 1976 (cl. 2).

Fees

5. A new provision will be inserted in the Principal Ordinance to provide for the payment to the Registrar of Companies of the fees specified in the schedule and such other fees as are prescribed (cl. 4). It is not intended at this stage to prescribe any fees other than those to be set out in the Schedule.

Consequential Amendments

6. References in the Principal Ordinance to "the prescribed fee" have been omitted (Cls. 5 - 9). These references will no longer be necessary now that the fees are set out in a schedule to the Ordinance.

Regulations

7. The power in paragraph 33(a) of the Principal Ordinance to make Regulations has been amended so it is along the same lines as the equivalent provision in paragraph 386(f) of the A.C.T. Companies Ordinance 1962-1974 (cl. 10).

New fees

8. The new scale of fees will be set out in a schedule to the Principal Ordinance (cl. 11).

9. Some of the items of the new scale of fees to which attention might be drawn are as follows:-

- . item 1: original registration of business name: this item is increased from \$4 (item 1 of present scale) to \$20.
- . item 3: for renewal of a business name: this fee is increase from \$4 (item 3 of present scale) to \$10.
- . item 4: for lodging various documents with the Registrar: this fee is \$2 compared with fees of \$1 and \$2 under items 4,5,6,7 and 8 of present scale.
- . item 11: for a search in the office of the Registrar as to the availability of any name - for each name searched; this fee has been increased from \$1 (item 14 of present scale) to \$3 for each name searched; this will bring the fee into line with the amount that is proposed for the corresponding fee under the Companies Ordinance

- . item 16: for the consent of the Minister to the registration of a business name (where his consent is required under the prohibited names directive): this has been increased from \$20 (item 19 of present scale) to \$30: this will bring the fee into line with the amount that is proposed for the corresponding fee under the Companies Ordinance.
- . item 17: on a subpoena served on the Registrar of Companies to produce a document in his custody: this fee is a new fee and has been set at \$10 (and, in addition, if the Registrar so requires, such other expenses as are reasonably incurred in the production of the document): this fee is the same amount etc., as is proposed for the corresponding fee under the Companies Ordinance.