

Queensland



**FAIR TRADING AND  
ANOTHER ACT AMENDMENT  
ACT 2002**

**Act No. 61 of 2002**



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AMENDMENT ACT 2002**

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**An Act to amend the *Business Names Act 1962* and *Fair Trading Act 1989***

*[Assented to 14 November 2002]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **1 Short title**

This Act may be cited as the *Fair Trading and Another Act Amendment Act 2002*.

### **2 Commencement**

This Act, other than section 4, commences on a day to be fixed by proclamation.

## **PART 2—AMENDMENT OF BUSINESS NAMES ACT 1962**

### **3 Act amended in pt 2**

This part amends the *Business Names Act 1962*.

### **4 Amendment of s 5 (Certain business names to be registered)**

Section 5(1), ‘4 penalty units’—

*omit, insert—*

‘40 penalty units’.

### **5 Amendment of s 7 (Registration of business names)**

Section 7—

*insert—*

‘(2) For an applicant who is an individual, the application must be accompanied by proof of the applicant’s identity prescribed under a regulation.’.

## **6 Replacement of s 7A (Application not made until prescribed fee paid)**

Section 7A—

*omit, insert—*

### **‘7A Application not made until prescribed fee paid and proof of identity provided**

‘An application for registration of a business name is taken not to have been made unless—

- (a) the prescribed fee for the application is paid to the registrar; and
- (b) if the applicant is an individual, the application is accompanied by proof of the applicant’s identity prescribed under a regulation.’.

## **7 Amendment of s 12 (Notification of changes in particulars relating to registered business names, cessation of business etc.)**

Section 12—

*insert—*

‘(4A) If the person commencing to carry on business under a name already registered under this Act is an individual, the statement lodged under subsection (4) must be accompanied by proof of the person’s identity prescribed under a regulation.’.

## **PART 3—AMENDMENT OF FAIR TRADING ACT 1989**

### **8 Act amended in pt 3**

This part amends the *Fair Trading Act 1989*.

**9 Replacement of s 58A (Contracts to which this division does not apply)**

Section 58A—

*omit, insert—*

**‘58A Division does not apply to particular emergency repair contracts**

‘(1) If an emergency repair contract is also a regulated contract, this division does not apply to the contract.

‘(2) If an emergency repair contract is not a regulated contract, the following provisions of this division do not apply to the contract—

- (a) section 61(1)(f);
- (b) section 61(1)(i), but only to the extent that it relates to a statement referred to in section 61(1)(f);
- (c) sections 62 and 63;
- (d) section 66(1)(b), but only to the extent that it relates to a supplier or a dealer committing an offence against section 63;
- (e) section 66(2)(a) and (c);
- (f) section 66(2)(b), but only to the extent that it relates to a failure to comply with a requirement of section 61 that does not apply to the contract because of paragraph (a) or (b).

‘(3) In this section—

**“emergency repair contract”** means a contract to supply goods or services for emergency repairs to a person’s property damaged by an earthquake, fire, flood, storm or similar event.

**“regulated contract”** see the *Domestic Building Contracts Act 2000*, section 9.’.

**10 Amendment of s 60 (Meaning of “prescribed contract”)**

Section 60(4), ‘\$50’—

*omit, insert—*

‘\$75’.

