

Queensland



Business Names Act 1962

BUSINESS NAMES REGULATION 1998

**Reprinted as in force on 21 May 2004
(includes commenced amendments up to 2004 SL No. 59)**

Reprint No. 1H

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This regulation is reprinted as at 21 May 2004. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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Queensland



BUSINESS NAMES REGULATION 1998

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BUSINESS NAMES REGULATION 1998

[as amended by all amendments that commenced on or before 21 May 2004]

1 Short title

This regulation may be cited as the *Business Names Regulation 1998*.

2 Obtaining Minister's consent to registration of particular business names

(1) An application, under section 9(1)¹ of the Act, for the Minister's consent to registration of a particular business name must be given to the registrar together with the application fee.

(2) The application must be written, signed by or for the applicant, and state the reasons why the applicant considers the consent should be given.

3 Fees

The fees payable under the Act are in the schedule.

4 Waiving late lodgment fee

(1) This section applies if a person lodges a statement with the registrar later than is required under section 11(1) or 12² of the Act.

(2) If the person satisfies the registrar that the person has a reasonable excuse for the late lodgement, the registrar may waive the late lodgement fee.

1 Section 9 (Restriction on registration of business names that are undesirable etc.) of the Act

2 Section 11 (Renewal of registration) or 12 (Notification of changes in particulars relating to registered business names, cessation of business etc.) of the Act

5 Proof of identity—Act, s 7A or 12(4A)

(1) For section 7A or 12(4A) of the Act, each of the following documents is a document a person may use to prove the person's identity—

- (a) a birth certificate or an extract from a birth entry;
- (b) a current passport;
- (c) an Australian citizen certificate;
- (d) a current Australian or New Zealand driver licence;
- (e) a current student identity card—
 - (i) issued by an Australian tertiary institution; and
 - (ii) including the person's name, photo and signature;
- (f) a current Commonwealth or State public service identity card;
- (g) a current Australian pension concession card;
- (h) a card 18+.

(2) In this section—

“card 18+” means a card, indicating a person is at least 18 years—

- (a) issued by the department administering the *Transport Operations (Road Use Management) Act 1995* and containing—
 - (i) the person's name and sex; and
 - (ii) a copy of the person's signature; and
 - (iii) a photograph of the person; or
- (b) similar to the card mentioned in paragraph (a), but issued by an entity of the government of another State.

SCHEDULE**FEES**

section 3

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1. Application for registration of a business name—
the total of the following amounts—
 - (a) for an application setting out the business name for
registration and not more than 3 alternative names . . . 63.50
(plus 60.00
for each
additional
group of
up to 4
alternative
names)
 - (b) for an application for registration—
 - (i) for 1 year 41.70
 - (ii) for 3 years 139.00
2. Certificate of registration issued under section 7(5) of the
Act 15.00
3. Renewing registration of a business name—
 - (a) for 1 year 60.00
 - (b) for 3 years 162.00
4. Application for the Minister's consent under section 9 of
the Act 87.00
5. Minister's consent under section 9 of the Act 162.00
6. Late lodgment of a statement mentioned in section 11(1)
or 12 of the Act, other than a statement of cessation of
business mentioned in section 12(3) of the Act—
 - (a) not more than 1 month late 12.80
 - (b) more than 1 month late 38.30
7. Searching the business names index under section 22A of
the Act that does not result in a search of the register about
a particular business name 2.20

SCHEDULE (continued)

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8. Extract from the register given under section 22B of the Act—	
(a) certified	15.00
(b) uncertified	12.80
9. Certificate of registration or non-registration under section 23 of the Act	15.00
10. Certified copy or extract of a document held by the registrar—	
(a) for the first page	15.00
(b) for each additional page	1.00
11. Searching or inspecting the register or documents held by the registrar	12.80
12. Uncertified copy of a document held by the registrar, in addition to the fee payable under item 8(b) or 11—for each page	1.00
13. Searching the register for availability of a business name—for each name searched	15.00
14. Lodging with the registrar a document, other than a statement under section 12 of the Act, for which no other fee is payable	15.00
15. List of business names registered on a particular day—	
(a) excluding details of the person carrying on business under each name	38.30
(b) including details of the person carrying on business under each name	45.70
16. List of business names operating in a postcode area—for each page	12.80
17. List of business names by reference to a nominated person	12.80

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 May 2004. Future amendments of the Business Names Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	13 March 1998	13 March 1998
1A	to 1998 SL No. 253	5 October 1998	9 October 1998
1B	to 2000 SL No. 161	1 August 2000	11 August 2000
1C	to 2001 SL No. 210	3 December 2001	7 December 2001 (Column discontinued) Notes
1D	to 2002 SL No. 167	1 August 2002	
1E rv	to 2002 SL No. 209	2 September 2002	
1F	to 2003 SL No. 143	1 July 2003	
1G	to 2003 SL No. 217	10 November 2003	
1H	to 2004 SL No. 59	21 May 2004	

5 List of legislation

Business Names Regulation 1998 SL No. 35

made by the Governor in Council on 12 March 1998

notfd gaz 13 March 1998 pp 1117–18

commenced on date of notification

exp 1 September 2008 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Equity and Fair Trading (Fees and Charges) Amendment Regulation (No. 1) 1998 SL No. 253 s 3 sch

notfd gaz 11 September 1998 pp 145–7

ss 1–2 commenced on date of notification

remaining provisions commenced 5 October 1998 (see s 2)

Equity and Fair Trading Legislation Amendment Regulation (No. 1) 2000 SL No. 161 ss 1, 2(2), 3 sch

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2000 (see s 2(2))

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2001
SL No. 210 ss 1–3 sch**

notfd gaz 16 November 2001 pp 982–5

ss 1–2 commenced on date of notification

remaining provisions commenced 3 December 2001 (see s 2)

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2002
SL No. 167 ss 1, 2(2), 3 sch 2**

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2002 (see s 2(2))

Business Names Amendment Regulation (No. 1) 2002 SL No. 209

notfd gaz 23 August 2002 pp 1478–81

ss 1–2 commenced on date of notification

remaining provisions commenced 2 September 2002 (see s 2)

**Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2003
SL No. 143 ss 1–3 sch**

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

Business Names Amendment Regulation (No. 1) 2003 SL No. 217

notfd gaz 12 September 2003 pp 128–31

ss 1–2 commenced on date of notification

remaining provisions commenced 10 November 2003 (see s 2)

Business Names Amendment Regulation (No. 1) 2004 SL No. 59

notfd gaz 21 May 2004 pp 191–4

commenced on date of notification

6 List of annotations

Proof of identity—Act, s 7A or 12(4A)**s 5** sub 2003 SL No. 217 s 4

amd 2004 SL No. 59 s 3

SCHEDULE—FEES

sub 1998 No. 253 s 3 sch; 2000 SL No. 161 s 3 sch; 2001 SL No. 210 s 3 sch;

2002 SL No. 167 s 3 sch 2

amd 2002 SL No. 209 s 4; 2003 SL No. 143 s 3 sch