



Business Names Act 1962

Business Names Regulation 1998

Reprinted as in force on 1 September 2008

Reprint No. 2C

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Information about this reprint

This regulation is reprinted as at 1 September 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘judgement’ has replaced ‘judgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Business Names Regulation 1998

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Business Names Regulation 1998

[as amended by all amendments that commenced on or before 1 September 2008]

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

\$

1	Application for registration of a business name under section 7 of the Act—the total of the following amounts—	
	(a) for an application setting out the business name for registration and not more than 3 alternative names . .	74.00
		plus 70.00
		for each
		additional
		group of up
		to 4
		alternative
		names
	(b) for an application for registration—	
	(i) for 1 year	48.50
	(ii) for 3 years	160.00
2	Further certificate of registration issued under section 7(5) of the Act	17.50
3	Application for the Minister's consent as mentioned in section 9 of the Act	100.00
4	Minister's consent as mentioned in section 9 of the Act . .	190.00
5	Application for renewal of registration of a business name under section 11 of the Act—	
	(a) for 1 year	70.00
	(b) for 3 years	190.00
6	Late lodgement of an application for renewal of registration of a business name or of a statement mentioned in section 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	15.00
	(b) more than 1 month late	44.50

Schedule (continued)

		\$
7	Certified copy or extract of a document given under section 22 of the Act—	
	(a) for the first page	17.50
	(b) for each additional page	1.20
8	Searching, under section 22A of the Act, the list of business names in the register for a particular business name that does not result in an extract from the register under item 11 or an uncertified copy of a document under item 16	2.60
9	Searching the register under section 22A of the Act for availability of a business name—for each name searched.	17.50
10	Searching or inspecting under section 22 or 22A of the Act, other than as mentioned in item 8 or 9—	
	(a) documents held by the registrar; or	
	(b) the register	15.00
11	Extract from the register given under section 22B of the Act—	
	(a) certified	17.50
	(b) uncertified	15.00
12	Certificate of registration or non-registration under section 23 of the Act	17.50
13	List of business names registered on a particular day obtained under section 24A of the Act—	
	(a) excluding details of the person carrying on business under each name	44.50
	(b) including details of the person carrying on business under each name	53.00
14	List of business names operating in a postcode area obtained under section 24A of the Act—for each page . .	15.00
15	List of business names by reference to a nominated person obtained under section 24A of the Act	15.00

Schedule (continued)

		\$
16	Uncertified copy of a document held by the registrar, if the register has been searched or inspected under item 10 or an extract has been given under item 11—for each page	1.20
		plus the fee payable under item 10 or 11 respectively
17	Lodging with the registrar a document, other than a statement as mentioned in section 12 of the Act, for which no other fee is payable	17.50

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 1 September 2008. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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.

Reprint No.	Amendments to	Effective	Reprint date
1	none	13 March 1998	13 March 1998
1A	1998 SL No. 253	5 October 1998	9 October 1998
1B	2000 SL No. 161	1 August 2000	11 August 2000
1C	2001 SL No. 210	3 December 2001	7 December 2001

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 167	1 August 2002	
1E rv	2002 SL No. 209	2 September 2002	
1F	2003 SL No. 143	1 July 2003	
1G	2003 SL No. 217	10 November 2003	
1H	2004 SL No. 59	21 May 2004	
1I	2004 SL No. 103	1 July 2004	
1J	2005 SL No. 135	1 July 2005	R1J withdrawn, see R2
2	—	1 July 2005	
2A	2006 SL No. 162	1 July 2006	
2B	2007 SL No. 149	1 July 2007	
2C	2008 SL No. 266	1 September 2008	

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 31 August 2009 (see SIA s 56A(1)(b) and SIR s 5 sch 3)

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

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment
Regulation (No. 1) 2004 SL No. 103

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment
Regulation (No. 1) 2005 SL No. 135

notfd gaz 24 June 2005 pp 639–45

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2006 SL No. 162 ss 1–2, 3 sch

notfd gaz 30 June 2006 pp 1060–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2007 SL No. 149 ss 1, 2(2), 3 sch

notfd gaz 29 June 2007 pp 1157–65

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2(2))

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266

notfd gaz 22 August 2008 pp 2651–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2008 (see s 2)

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 SL 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

sub 2004 SL No. 103 s 3 sch; 2005 SL No. 135 s 3 sch; 2006 SL No. 162 s 3 sch; 2007 SL No. 149 s 3 sch; 2008 SL No. 266 s 3 sch