



Queensland

Queensland Civil and Administrative Tribunal Amendment Rule (No. 1) 2012

Subordinate Legislation 2012 No. 59

made under the

Queensland Civil and Administrative Tribunal Act 2009

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[s 1]

1 Short title

This rule may be cited as the *Queensland Civil and Administrative Tribunal Amendment Rule (No. 1) 2012*.

2 Commencement

This rule commences on 28 May 2012.

3 Rules amended

This rule amends the *Queensland Civil and Administrative Tribunal Rules 2009*.

4 Replacement of r 14 (Starting proceeding against registered business name)

Rule 14—

omit, insert—

‘14 Starting proceeding against registered business name

‘If a proceeding is brought against an entity in relation to a business carried on by the entity under a name that is registered on the Business Names Register, the proceeding may be started against the business name registered on the Business Names Register.’.

5 Replacement of r 15 (Proceeding in business name if unregistered)

Rule 15—

omit, insert—

‘15 Proceeding in business name if unregistered

‘(1) This rule applies if—

- (a) a proceeding is brought against a person in relation to a business carried on by the person under a name other than the person’s own name; and
- (b) the name is not registered on the Business Names Register.

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- ‘(2) The proceeding may be started against the person in the name under which the person carries on business.
 - ‘(3) The name under which the business is carried on is sufficient designation of the person in a document filed in the proceeding.
 - ‘(4) An order in the proceeding may be enforced against the person.

Note—

See, however, rule 16(4).’.

6 Amendment of r 16 (Amendment as to parties if business name unregistered)

- (1) Rule 16, ‘or style’—
omit.
- (2) Rule 16(1)(b), ‘under the *Business Names Act 1962*’—
omit, insert—
‘on the Business Names Register’.

7 Amendment of r 47 (Response to application or referral if proceeding against business name)

- (1) Rule 47, ‘or style’—
omit.
- (2) Rule 47(1)(b), ‘under the *Business Names Act 1962*’—
omit, insert—
‘on the Business Names Register or held under business names legislation’.
- (3) Rule 47—
insert—
- ‘(5) For subrule (1)(b), a name is held under business names legislation only if it is held under—

[s 8]

- (a) the *Business Names Registration Act 2011* (Cwlth), section 54; or
- (b) the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Cwlth), schedule 1, item 5.’.

8 Amendment of r 57 (Person who is or was a lawyer)

- (1) Rule 57(1), ‘the person’, first mention—
omit.
- (2) Rule 57(1)(a) and (b), before ‘has’—
insert—
‘the person’.

9 Amendment of schedule (Dictionary)

Schedule—

insert—

‘***Business Names Register*** means the register established and maintained under the *Business Names Registration Act 2011* (Cwlth), section 22.’.

ENDNOTES

- 1. Made by the Governor in Council on 24 May 2012.
- 2. Notified in the gazette on 25 May 2012.
- 3. Laid before the Legislative Assembly on . . .
- 4. The administering agency is the Department of Justice and Attorney-General.

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