

Queensland



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

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TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF BUSINESS NAMES ACT 1962		
3	Act amended in pt 2.	4
4	Amendment of s 5 (Certain business names to be registered).	4
5	Amendment of s 7 (Registration of business names)	4
6	Replacement of s 7A (Application not made until prescribed fee paid)	5
	7A Application not made until prescribed fee paid and proof of identity provided	5
7	Amendment of s 12 (Notification of changes in particulars relating to registered business names, cessation of business etc.)	5
PART 3—AMENDMENT OF FAIR TRADING ACT 1989		
8	Act amended in pt 3.	5
9	Replacement of s 58A (Contracts to which this division does not apply)	6
	58A Division does not apply to particular emergency repair contracts	6
10	Amendment of s 60 (Meaning of “prescribed contract”)	6

2002

A BILL

FOR

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

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Fair Trading and Another Act Amendment Act 2002*. 4
5

Clause 2 Commencement 6

This Act, other than section 4, commences on a day to be fixed by proclamation. 7
8

PART 2—AMENDMENT OF BUSINESS NAMES ACT 9
1962 10

Clause 3 Act amended in pt 2 11

This part amends the *Business Names Act 1962*. 12

Clause 4 Amendment of s 5 (Certain business names to be registered) 13

Section 5(1), ‘4 penalty units’— 14

omit, insert— 15

‘40 penalty units’. 16

Clause 5 Amendment of s 7 (Registration of business names) 17

Section 7— 18

insert— 19

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

Clause 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.’.

Clause 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

Clause 8 Act amended in pt 3

This part amends the *Fair Trading Act 1989*.

Clause 9	Replacement of s 58A (Contracts to which this division does not apply)	1
		2
	Section 58A—	3
	<i>omit, insert—</i>	4
	‘58A Division does not apply to particular emergency repair contracts	5
	‘(1) If an emergency repair contract is also a regulated contract, this division does not apply to the contract.	6
		7
	‘(2) If an emergency repair contract is not a regulated contract, the following provisions of this division do not apply to the contract—	8
		9
	(a) section 61(1)(f);	10
	(b) section 61(1)(i), but only to the extent that it relates to a statement referred to in section 61(1)(f);	11
		12
	(c) sections 62 and 63;	13
	(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;	14
		15
	(e) section 66(2)(a) and (c);	16
	(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).	17
		18
		19
	‘(3) In this section—	20
	“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.	21
		22
		23
	“regulated contract” see the <i>Domestic Building Contracts Act 2000</i> , section 9.’.	24
		25
Clause 10	Amendment of s 60 (Meaning of “prescribed contract”)	26
	Section 60(4), ‘\$50’—	27
	<i>omit, insert—</i>	28
	‘\$75’.	29

