

No. 51 of 1976

AN ORDINANCE

To amend the *Business Names Ordinance 1963*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this fourteenth day of October, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

JOHN HOWARD
Minister of State for Business and Consumer Affairs,
acting for and on behalf of the Attorney-General.

BUSINESS NAMES (AMENDMENT) ORDINANCE 1976

- 1. This Ordinance may be cited as the *Business Names (Amendment) Ordinance 1976*.* Short title.
- 2. In this Ordinance, "Principal Ordinance" means the *Business Names Ordinance 1963*.† Principal Ordinance.
- 3. This Ordinance shall come into operation on 1 November 1976. Commencement.
- 4. After section 4 of the Principal Ordinance the following section is inserted:—
 - "4A. (1) There shall be paid to the Registrar— Fees.
 - (a) the fees specified in the Schedule; and
 - (b) such other fees as are prescribed.
 - "(2) Where a fee is payable to the Registrar for or in respect of the lodging of a document with the Registrar, the document shall be deemed not to have been lodged until the fee has been paid to the Registrar.
 - "(3) Where a fee is payable to the Registrar for or in respect of the doing of an act by the Registrar, the Registrar is not required to do that act until the fee has been paid to the Registrar."
- 5. Section 7 of the Principal Ordinance is amended— Registration of business names.
 - (a) by omitting from sub-section (1) the words " , shall be accompanied by the prescribed fee "; and

* Notified in the *Australian Government Gazette* on 25 October 1976.
† Ordinance No. 12, 1963, as amended by No. 15, 1966.

- (b) by omitting from sub-section (5) the words “, upon payment of the prescribed fee,”.
- 6.** Section 9 of the Principal Ordinance is amended—
 (a) by omitting from sub-section (3) the words “and shall be accompanied by the prescribed fee”; and
 (b) by omitting from sub-section (4) the words “, upon payment of the prescribed fee,”.
- 7.** Section 11 of the Principal Ordinance is amended by omitting from sub-section (1) the words “and accompanied by the prescribed fee”.
- 8.** Section 12 of the Principal Ordinance is amended by omitting sub-section (14).
- 9.** Section 23 of the Principal Ordinance is amended by omitting from sub-section (1) the words “and payment of the prescribed fee”.
- 10.** Section 33 of the Principal Ordinance is amended by omitting paragraph (a) and substituting the following paragraph:—
 “(a) fees, not exceeding \$20, to be paid to the Registrar for or in respect of matters or things required to be done under, or for the purposes of, this Ordinance, being matters or things for which fees are not specified in the Schedule;”.
- 11.** The following Schedule is added at the end of the Principal Ordinance:—

SCHEDULE

Section 4A

FEES TO BE PAID TO THE REGISTRAR

	\$
1. For lodging an application for registration of a business name	20.00
2. For the issue, under sub-section 7 (5), of a further certificate of registration	2.00
3. For lodging an application for renewal of a business name	10.00
4. For lodging with the Registrar a statement for the purpose of a provision of section 12, not being—	
(a) a statement lodged for the purpose of sub-section 12 (3); or	
(b) a statement lodged for the purpose of paragraph (b) of sub-section 12 (1) where the only occasion of the lodging of the statement is a change effected by a public authority in the numbering of premises or the name of a street	2.00
5. Except where the Registrar is satisfied that just cause exists for the failure to lodge a document before the date on which it is lodged, on late lodgment of a document under this Ordinance, in addition to any other fee—	

SCHEDULE—continued

	§
(a) if lodged within one month after the prescribed time, such amount, not exceeding \$2.00, as the Registrar fixes;	
(b) if lodged later than one month after the prescribed time, such amount, not exceeding \$10.00, as the Registrar fixes.	
6. For lodging a statutory declaration	2.00
7. For inspecting a document lodged with the Registrar	2.00
8. For a copy or extract referred to in paragraph (a) of sub-section 23 (1)— for one page	2.00
for each additional page	1.00
9. For a certificate referred to in paragraph (b) of sub-section 23 (1) ..	2.00
10. For a copy of a document in the custody of the Registrar, other than a copy referred to in paragraph 8—for each page	1.00
11. For a search in the office of the Registrar as to the availability of any name proposed to be adopted as a business name—for each name searched ..	3.00
12. For a search in the office of the Registrar for which a fee is not elsewhere prescribed	2.00
13. For an act by the Registrar that he is required or authorized to do under this Ordinance and for which a fee is not elsewhere prescribed ..	5.00
14. For lodging with the Registrar a document (other than a statement for the purpose of sub-section 12 (3)) for the lodging of which a fee is not elsewhere prescribed	2.00
15. For lodging an application for the consent of the Minister to the registration of a business name	15.00
16. For the consent of the Minister to the registration of a business name ..	30.00
17. On a subpoena served on the Registrar to produce a document in his custody	10.00
And, in addition, if the Registrar so requires, such other expenses as are reasonably incurred in the production of the document.	
18. For an inquiry by letter necessitating a search for a document lodged with the Registrar	3.50