

EXPOSURE DRAFT



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Business Names Registration (Fees) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2021

David Hurley
Governor-General

By His Excellency's Command

Jane Hume [**DRAFT ONLY—NOT FOR SIGNATURE**]
Minister for Superannuation, Financial Services and the Digital Economy

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Preliminary **Part 1**

Section 1

Part 1—Preliminary

1 Name

This instrument is the *Business Names Registration (Fees) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2022.	1 April 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Business Names Registration (Fees) Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: The expression *chargeable matter* is defined in the Act. In addition, a number of expressions used in this instrument have the same meaning as in the *Business Names Registration Act 2011* (see subsection 3(2) of the *Business Names Registration (Fees) Act 2011*), including the following:

- (a) business name;
- (b) entity;
- (c) government body.

In this instrument:

Act means the *Business Names Registration (Fees) Act 2011*.

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Part 1 Preliminary

Section 5

Register means the Business Names Register established and maintained under section 22 of the *Business Names Registration Act 2011*.

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Part 2—Fees for chargeable matters

6 Prescribed fees

Fees for chargeable matters

- (1) For the purposes of section 4 of the Act, the fee imposed for a chargeable matter referred to in column 1 of an item of the following table is the amount set out in column 2 of that item.

Item	Column 1 Chargeable matter	Column 2 Fee
1	Registration of a business name to an entity for 1 year	\$37
2	Renewal of the registration of a business name to an entity for 1 year	\$37
3	Registration of a business name to an entity for 3 years	\$88
4	Renewal of the registration of a business name to an entity for 3 years	\$88
5	An application by an entity, other than a government body or journalist, for an extract of the Register containing current information relating to one business name	\$9
6	An application by an entity, other than a government body or journalist, for an extract of the Register containing current information relating to one entity	\$19
7	An application by an entity, other than a government body or journalist, for an extract of the Register containing current and historical information relating to one business name	\$17
8	An application by an entity, other than a government body or journalist, for an extract of the Register containing current and historical information relating to one entity	\$40
9	An application by a government body or journalist for an extract of the Register relating to the business names currently or previously registered to an entity	no fee
10	If the inspection of the Register or the issue or display of a document occurs at a Business Centre of ASIC, in addition to the fee payable under item 5, 6, 7 or 8	\$3

Indexation of fees

- (2) At the start of each financial year (an **indexation year**) after the financial year beginning 1 July 2021, the dollar amounts mentioned in subsection (1) are replaced by the amount worked out using the following formula for each of those amounts:

$$\text{Indexation factor for the indexation year} \times \text{Dollar amount for the previous year}$$

- (3) The **indexation factor** for an indexation year is the number worked out using the following formula:

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Part 2 Fees for chargeable matters

Section 6

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

base quarter means the last March quarter before the reference quarter.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the March quarter in the year before the indexation year.

- (4) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (5) An indexation factor that is less than 1 is to be increased to 1.
- (6) Amounts worked out under subsection (2) are to be rounded to the nearest whole dollar (rounding 50 cents downwards).
- (7) Calculations under subsection (3):
 - (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

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Transitional and application provisions **Part 3**

Section 7

Part 3—Transitional and application provisions

7 Saving provision—amounts payable before commencement

Despite the repeal of the *Business Names Registration (Fees) Regulations 2011* by this instrument, those regulations continue to apply in relation to an amount that became due for payment before the commencement of this instrument, as if the repeal had not happened.

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Schedule 1 Amendments

Schedule 1—Amendments

Business Names Registration (Fees) Regulations 2011

1 The whole of the instrument

Repeal the instrument.