



Western Australia

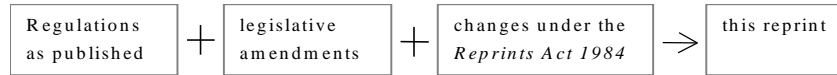
Business Names Act 1962

# **Business Names Regulations 1962**

**Reprint 3: The regulations as at 3 November 2006**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## **Business Names Regulations 1962**

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Reprinted under the  
*Reprints Act 1984* as  
at 3 November 2006

Western Australia

Business Names Act 1962

## Business Names Regulations 1962

### 1. Citation

These regulations may be cited as the *Business Names Regulations 1962* <sup>1</sup>.

### 2. Commencement

These regulations shall come into operation on the commencement of the *Business Names Act 1962* <sup>1</sup>.

### 3. Repeal and savings

- (1) The regulations made pursuant to the provisions of section 23 of the *Business Names Act 1942* <sup>2</sup> are hereby repealed.
- (2) The repeal effected by subregulation (1) does not —
  - (a) affect the operation before the coming into operation of these regulations of any of the regulations so repealed;
  - (b) alter the past or future effect of the doing, suffering or omission of anything before the coming into operation of these regulations;

- (c) affect any registration, statement, particulars, certificate, cancellation, correction or decision made, filed, granted or issued under or by virtue of any of the regulations so repealed;
  - (d) affect any estate, right, title, interest, privilege, power, duty, obligation, liability, charge or penalty created, acquired, accrued, exercisable, incurred or imposed by or under, or liable to be imposed under, any of the regulations so repealed;
  - (e) affect any notice, order or direction, or any proceeding, matter, or thing presented, made, held, given, published, declared or done under any of the regulations so repealed; or
  - (f) affect any legal or other proceeding commenced before or after the coming into operation of these regulations in respect of any of the matters or things mentioned in paragraphs (a) to (e).
- (3) All matters and things mentioned in subregulation (2), to the extent that they were respectively in force immediately before the coming into operation of these regulations, are preserved and continued, and declared to be of the same force and effect as if these regulations had been in force when they were respectively done, suffered, omitted, made, filed, granted, issued, created, acquired, incurred, imposed, presented, held, given, published, declared or accrued or become exercisable or liable to be imposed, and they respectively had been done, suffered, omitted, made, filed, granted, issued, created, acquired, incurred, imposed, presented, held, given, published, declared, or had accrued, or become exercisable, or liable to be imposed, under these regulations.

**4. Definition**

In these regulations, “**the Act**” means the *Business Names Act 1962*.

**5. Forms**

The forms set out in the Second Schedule are prescribed in relation to the matters specified in those forms.

*[Regulation 5 inserted in Gazette 22 Sep 2006 p. 4075.]*

**6. Particulars prescribed by forms**

Where a form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the form, those particulars or other matters are prescribed as the particulars or other matters required under the provision of the Act for the purposes for which the form is prescribed.

**7. Directions in forms**

A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with such directions.

**8. General requirements for documents lodged with Commissioner**

A document to be lodged for registration with the Commissioner<sup>3</sup> under the Act or these regulations shall comply with the following requirements —

- (a) the document shall be on paper of medium weight and good quality and of international A4 size;
- (b) the document shall be printed, typewritten or handwritten and shall be clearly legible;
- (c) the document shall not be a carbon copy;
- (d) when the document comprises 2 or more sheets, the sheets shall be bound together securely; and
- (e) the document shall be folded lengthwise and, as so folded, shall have endorsed on the outside —
  - (i) on the upper right-hand corner the registered number (if any) allotted by the Commissioner<sup>3</sup> to the business name to which the document relates;

- (ii) the name, address and telephone number of the solicitor or other person by, or on whose behalf the document is lodged; and
- (iii) words to the following effect —

“ Lodged in the office of the Commissioner  
for Fair Trading<sup>3</sup> on .  
Commissioner for Fair Trading<sup>3</sup> . ”.

*[Regulation 8 inserted in Gazette 14 Sep 1990 p. 4756;  
amended in Gazette 20 Jul 2004 p. 2903.]*

**9. Application for consent of Minister**

An application under section 9(1) of the Act for the consent of the Minister to the registration of a business name shall be lodged with the Commissioner<sup>3</sup>.

*[Regulation 9 amended in Gazette 14 Sep 1990 p. 4756.]*

**9A. Prescribed exemption — section 26**

- (1) Section 26 of the Act does not apply to an invitation made by a finance broker to lend money to a person for whom the finance broker is acting as agent where —
  - (a) the finance broker has no direct or indirect pecuniary or other interest in the loan other than a claim for remuneration in accordance with section 44 of the *Finance Brokers Control Act 1975*; and
  - (b) the invitation is to lend or deposit money with a specified person or for a specified investment or class of investment.
- (2) In this regulation “**finance broker**” means a person who or which holds a licence as a finance broker under the *Finance Brokers Control Act 1975* and an annual certificate in respect of that licence.

*[Regulation 9A inserted in Gazette 20 Jan 1984 p. 138.]*



**10. Fees**

The fees set out in the Third Schedule shall be paid to the Commissioner<sup>3</sup> for the several matters referred to in the Schedule.

*[Regulation 10 inserted in Gazette 14 Sep 1990 p. 4756.]*

**11. Infringement notices**

- (1) The offences specified in the Fourth Schedule are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in the Fourth Schedule is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner<sup>3</sup> may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Commissioner<sup>3</sup> is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

*[Regulation 11 inserted in Gazette 22 Sep 2006 p. 4075-6.]*

*[First Schedule repealed in Gazette 22 Sep 2006 p. 4076.]*

## Second Schedule

### Form 1 — Application for registration of a business name

<i>Business Names Act 1962 s. 7</i> <i>Business Names Regulations 1962</i> Form 1 <b>Application for registration of a business name</b> <b>[Please use BLOCK LETTERS]</b>			
<b>Details of the business</b>			
1	Business name to be registered		
2	Alternative names (if above name not available)	2 <sup>nd</sup> preference:	
		3 <sup>rd</sup> preference:	
		4 <sup>th</sup> preference:	
3	Existing business name [if any]	[if existing business name is to be cancelled, complete Form 5]	
4	Nature of business [be concise]		
5	Address(es) in WA where business is or is proposed to be carried on  [include postcode(s)]	Principal place of business:	
		Other place:	
		Other place:	
6	Address in WA for service of notices under the Act [postal address acceptable]		
7	Commencement date of business		

<b>Details of the persons who do or will carry on the business</b>						
8	<p>Applicants who are individuals</p> <p>[give date of birth if under 18 years of age]</p> <p>[if insufficient space, attach an annexure]</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%; padding: 5px;"> <p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p> </td> <td style="width: 55%;"></td> </tr> <tr> <td style="padding: 5px;"> <p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p> </td> <td></td> </tr> </table> <p>Have any of the above persons been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> <li>• on indictment of an offence in connection with the promotion, formation or management of a corporation;</li> <li>• of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or</li> <li>• of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation?</li> </ul> <p><b>Yes/No</b></p> <p>If yes you must contact the Department before you lodge this form.</p>	<p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p>		<p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p>	
<p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p>						
<p>Surname:</p> <p>Given names:</p> <p>Date of birth:</p> <p>Residential address: (<b>not</b> P.O. Box No.)</p> <p>Signature:</p>						

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**Second Schedule**

9	<p>Applicants who are corporations</p> <p>[the officer signing must be a director or secretary of the corporation]</p> <p>[if insufficient space, attach an annexure]</p>	<p>Corporation name:</p> <p>ACN:</p> <p>Registered office: (<b>not</b> P.O. Box No.)</p> <p>Officer's full name:</p> <p>Officer's signature:</p> <p>Officer's position:</p> <p>Corporation name:</p> <p>ACN:</p> <p>Registered office: (<b>not</b> P.O. Box No.)</p> <p>Officer's full name:</p> <p>Officer's signature:</p> <p>Officer's position:</p>	<p>Date:</p> <p>Date:</p>
<p align="center"><b>Details of person who may be contacted about this application</b></p>			
10	<p>Name:</p> <p>Address:</p> <p>Telephone:</p> <p>Fax:</p> <p>Email:</p>		

[Form 1 inserted in Gazette 20 Jul 2004 p. 2904-5.]

**Form 2**  
Western Australia  
*Business Names Act 1962*

No. ....

Section 7(4) and (5).

**CERTIFICATE OF REGISTRATION OF BUSINESS NAME**

I hereby certify that the business name .....  
was on the ..... day of ..... 20....., registered, pursuant  
to and subject to the *Business Names Act 1962*.

Given under my hand at Perth this ..... day of ..... 20.....

.....

Commissioner for Fair Trading<sup>3</sup>

*[Form 2 amended in Gazette 20 Jul 2004 p. 2905.]*

**Form 3 — Statement for renewal of registration of a business name**

<i>Business Names Act 1962 s. 11(1)</i> <i>Business Names Regulations 1962</i> Form 3 <b>Statement for renewal of registration of a business name</b> <b>[Please use BLOCK LETTERS]</b>			
<b>Details of the business</b>			
1	Registered business name		
2	Registration number		
3	Date registration expires		
4	Nature of business [be concise]		
5	Address(es) in WA where business is being carried on [include postcode(s)]	Principal place of business:	
		Other place:	
		Other place:	
6	Address in WA for service of notices under the Act [postal address acceptable]		
<b>Details of the persons who carry on the business</b>			
7	Individuals	Surname:	
		Given names:	
		Surname:	
		Given names:	
		Surname:	
		Given names:	

		<p>Have any of the above persons been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> <li>• on indictment of an offence in connection with the promotion, formation or management of a corporation;</li> <li>• of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or</li> <li>• of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation?</li> </ul> <p><b>Yes/No</b></p> <p>If yes you must contact the Department before you lodge this form.</p>								
8	Corporations	<table border="1"> <tr> <td>Corporation name: ACN:</td> <td></td> </tr> <tr> <td>Corporation name: ACN:</td> <td></td> </tr> <tr> <td>Corporation name: ACN:</td> <td></td> </tr> </table>	Corporation name: ACN:		Corporation name: ACN:		Corporation name: ACN:			
Corporation name: ACN:										
Corporation name: ACN:										
Corporation name: ACN:										
<b>Declaration</b>										
9	<p><b>Declaration</b></p> <p>[making a false declaration is an offence with a penalty of \$1 000]</p>	<p>I declare that the persons named above are carrying on a business under the above business name and that all the details on this form are true and correct.</p> <table border="1"> <tr> <td>Telephone:</td> <td>Email:</td> </tr> <tr> <td>Surname &amp; given names:</td> <td></td> </tr> <tr> <td>Signature:</td> <td>Date:</td> </tr> <tr> <td>Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:</td> <td>Date:</td> </tr> </table>	Telephone:	Email:	Surname & given names:		Signature:	Date:	Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:
Telephone:	Email:									
Surname & given names:										
Signature:	Date:									
Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:									

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10	Capacity of person making declaration [tick one box]	<div>An individual carrying on the business.</div> <div>An officer who is a director or secretary of a corporation carrying on the business.</div>
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*[Form 3 inserted in Gazette 20 Jul 2004 p. 2905-6.]*



**Form 4 — Statement of change in registered particulars**

<i>Business Names Act 1962 s. 12(1), (2), (3) &amp; (4)</i> <i>Business Names Regulations 1962</i> Form 4 <b>Statement of change in registered particulars</b> <b>[Please use BLOCK LETTERS]</b>			
<b>Details of the business</b>			
1	Registered business name		
2	Registration number		
<b>Change of place(s) of the business [Act s. 12(1)(b)]</b>			
3	New address(es) in WA where the business is carried on [include postcode(s)]	New principal place of business: Date opened:	
		New additional place of business: Date opened:	
4	Address(es) in WA where the business no longer carried on [include postcode(s)]	Address: Date closed:	
		Address: Date closed:	
<b>Change of address for service of notices [Act s. 12(1)(c)]</b>			
5	New address in WA for service of notices under the Act [postal address acceptable]		
6	Date of change		
<b>Change of nature of the business [Act s. 12(1)(a)]</b>			
7	New nature of business		
8	Date of change		

<b>Person(s) who have <u>commenced</u> carrying on the business [Act s. 12(4)]</b>			
9	New individuals carrying on the business  [give date of birth if under 18 years of age]	Surname:	
		Given names:	
		Date of birth:	
		Residential address: ( <b>not</b> P.O. Box No.)	
		Date commenced:	
		Surname:	
	Given names:		
	Date of birth:		
		Residential address: ( <b>not</b> P.O. Box No.)	
		Date commenced:	
		<p>Has a person specified above been convicted in WA or elsewhere —</p> <ul style="list-style-type: none"> <li>• on indictment of an offence in connection with the promotion, formation or management of a corporation;</li> <li>• of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or</li> <li>• of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation?</li> </ul> <p><b>Yes/No</b></p> <p>If yes you must contact the Department before you lodge this form.</p>	

10	New corporations carrying on the business	Corporation name: ACN: Registered office: (not P.O. Box No.) Date commenced:	Date:
		Corporation name: ACN: Registered office: (not P.O. Box No.) Date commenced:	Date:
<b>Person(s) who have <u>ceased</u> carrying on the business [Act s. 12(3)]</b>			
11	Individuals who have ceased to carry on the business	Surname: Given names: Date ceased:	
		Surname: Given names: Date ceased:	
12	Corporations that have ceased to carry on the business	Corporation name: ACN: Date ceased:	
		Corporation name: ACN: Date ceased:	

<b>Details of all person(s) continuing to carry on the business</b> <b>[To be completed only if any of items 9 to 12 above has been completed]</b>			
13	Individuals who continue to carry on the business	Surname:	
		Given names:	
		Address:	
		Surname:	
		Given names:	
		Address:	
14	Corporations that continue to carry on the business	Corporation name:	
		ACN:	
		Registered office:	
		(not P.O. Box No.)	
		Corporation name:	
		ACN:	
		Registered office:	
		(not P.O. Box No.)	
<b>Change of details of person(s) carrying on the business [Act s. 12(2)]</b>			
15	Change of name [e.g. by marriage or deed poll]	Old name:	
		New name:	
		ACN (if corporation):	
		Date of change:	
16	Change of address	Surname & given names or corporation name & ACN:	
		Old address:	
		New address:	
		Date of change:	

<b>Declaration</b>			
<p style="text-align: center;"><b>Who must complete this declaration</b></p> <ul style="list-style-type: none"> <li>If item 3, 4, 5 or 7 above is completed — any one of the persons carrying on the business.</li> <li>If item 9 or 10 above is completed — the continuing and commencing proprietors.</li> <li>If item 11 or 12 above is completed — the continuing and ceasing proprietors.</li> <li>If item 15 or 16 above is completed — the person or corporation named in the item.</li> </ul> <p>[For details of the above see the Act s. 12(1), (2), (3) &amp; (4).]</p>			
17	Declaration	I/we declare that all the details on this form are true and correct.	
18	Signatures	Surname & given names: Signature:	Date:
	[making a false declaration is an offence with a penalty of \$1 000]	Surname & given names: Signature:	Date:
	[the officer signing must be a director or secretary of the corporation]	Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:
		Corporation name: ACN: Officer's full name: Officer's signature: Officer's position:	Date:

[Form 4 inserted in Gazette 20 Jul 2004 p. 2906-9.]

**Form 5 — Notice of cessation of business under business name**

<i>Business Names Act 1962 s. 12(3)</i> <i>Business Names Regulations 1962</i> Form 5 <b>Notice of cessation of business under business name</b> <b>[Please use BLOCK LETTERS]</b>			
1	Registered business name		
2	Registration number		
3	Notice of cessation	I/we give notice that the business formerly carried on under the above business name has ceased to be carried on in Western Australia as from and including the      day of      20      .	
4	Signatures of all persons in relation to whom the business name is registered  [the officer signing must be a director or secretary of the corporation]	Surname & given names	Date:
		Signature:	
		Surname & given names	Date:
		Signature:	
		Corporation name:	Date:
		ACN:	
		Officer's full name:	
		Officer's signature:	
Officer's position:			
Corporation name:	Date:		
ACN:			
Officer's full name:			
Officer's signature:			
Officer's position:			

*[Form 5 inserted in Gazette 20 Jul 2004 p. 2909.]*

**Form 6 — Infringement notice**

<i>Business Names Act 1962</i> <b>Infringement notice</b>		Infringement notice no.
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name _____	
	ACN	
	Address _____	
		Postcode
<b>Alleged offence</b>	Description of offence _____	
	<i>Business Names Act 1962 s.</i>	
	Date        /        /20	Time        a.m./p.m.
	Modified penalty \$	
<b>Officer issuing notice</b>	Name	
	Signature	
	Office	
<b>Date</b>	Date of notice        /        /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p><b>How to pay</b></p> <p style="margin-left: 20px;"><b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Business Names Act 1962</i>’) to:</p> <p style="margin-left: 40px;">Approved Officer — <i>Business Names Act 1962</i></p> <p style="margin-left: 40px;">Department of Consumer and Employment Protection</p> <p style="margin-left: 40px;">Locked Bag 14 Cloisters Square</p> <p style="margin-left: 40px;">Perth WA 6850</p> <p style="margin-left: 20px;"><b>In person:</b> Pay the cashier at:</p> <p style="margin-left: 40px;">Department of Consumer and Employment Protection</p> <p style="margin-left: 40px;">219 St George’s Terrace, Perth WA</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver’s licence and/or vehicle licence may be suspended.</p>	

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	<p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p> <p><b>If you want this matter to be dealt with by prosecution in court</b>, sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>
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*[Form 6 inserted in Gazette 22 Sep 2006 p. 4076-7.]*



**Form 7 — Withdrawal of infringement notice**

<i>Business Names Act 1962</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	or Company name _____	
	ACN _____	
	Address _____	
		Postcode _____
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue        /        /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Business Names Act 1962 s.</i> _____	
	Date        /        /20	Time        a.m./p.m.
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal        /        /20	
<b>Withdrawal of infringement notice</b>  <i>[*delete whichever is not applicable]</i>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p>or</p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p style="text-align: center;">Approved Officer — <i>Business Names Act 1962</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>Signature _____ /        /20</p>	

*[Form 7 inserted in Gazette 22 Sep 2006 p. 4077.]*

### Third Schedule

[Regulation 10]

*[Heading inserted in Gazette 27 Jun 1995 p. 2544.]*

<i>Item</i>	<i>\$</i>
<b><i>General fees</i></b>	
1. Upon lodging a statement under section 7(1) of the Act .....	90
2. For a further certificate of registration under section 7(5) of the Act .....	7
3. Upon lodging a statement under section 11(1) of the Act to renew the registration of a business name that expires on or after 1 February 2004 .....	75
4. On the late lodging of a document under the Act, in addition to any other fee —	
(a) if lodged within 1 month after the period prescribed by law .....	12
(b) if lodged more than 1 month after the period prescribed by law in addition to the fee payable under paragraph (a) .....	24
<i>The Commissioner<sup>3</sup>, if satisfied that just cause existed for the late lodgement, may waive in whole or in part either fee prescribed by this item.</i>	
5. For every inquiry with respect to any business name specified in the inquiry .....	10
6. For a certificate under section 23(1)(b) of the Act .....	7
7. For every inquiry under section 9(1) of the Act — for each name .....	10
8. For any other act by the Commissioner <sup>3</sup> required or authorised to be done under the Act and for which a fee is not elsewhere prescribed .....	10
9. For every application for consent of the Minister to use of a business name .....	24
10. For every order of the Minister granting consent to the use of a business name .....	30
<b><i>Inspection fees and supply of uncertified copies of statements</i></b>	
11. (a) For every inspection of a document or documents lodged with the Commissioner <sup>3</sup> in relation to a business name or of any transparency or reproduction of such document or documents .....	5

<i>Item</i>	<i>\$</i>
(b) For the supply of an uncertified copy or print of any document where the fee prescribed by paragraph (a) has been paid — for each page of print .....	2
(c) For the supply of an uncertified copy or print of any document without inspection having been made — for the first 2 pages of the print ..... for each additional page.....	5 2
<b><i>Certified copies and extracts</i></b>	
12. For certifying by the Commissioner <sup>3</sup> under section 23(1)(a) of the Act a copy of or extract from a document or transparency forming part of the register —	
(a) where a printed or typewritten copy of or extract from that document or transparency supplied by the applicant — for 1 page ..... for each additional page.....	5 2
(b) in any other case — for 1 page..... for each additional page.....	5 2
<b><i>Supply of uncertified copies of computer printout of business names by reference to postcode</i></b>	
13. For the supply of a computer printout of the registered business names in a given postcode area showing the —	
(a) registered business number;	
(b) registered business name; and	
(c) principal place of business — for each request ..... and for each page of print.....	10 2
<b><i>Supply of uncertified copies of computer printout of business names by reference to a proprietor</i></b>	
14. For the supply of a computer printout of the proprietors of a business name, using the surname and first initial of a proprietor as the selection criteria, showing the —	
(a) names and addresses of the proprietors;	
(b) registered business number;	
(c) registered business name; and	

**Business Names Regulations 1962**  
**Third Schedule**

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<i>Item</i>	<i>\$</i>
(d) principal place of business — for each request .....	30
15. For the supply of a computer printout of the registered business names, using an Australian Standard Industry Classification (ASIC) code — for each request .....	10
and for each name shown.....	1

*[Third Schedule inserted in Gazette 27 Jun 1995 p. 2544-6; amended  
in Gazette 28 Jun 1996 p. 3019; 9 Jun 1998 p. 3094; 8 Dec 2000  
p. 6918; 2 Nov 2001 p. 5793 (disallowed 20 Mar 2002 p. 1756);  
28 Dec 2001 p. 6714; 9 Jan 2004 p. 88; 28 Jun 2005 p. 2907;  
27 Jun 2006 p. 2251.]*

**Fourth Schedule — Prescribed offences and  
modified penalties**

[r. 11]

*[Heading inserted in Gazette 22 Sep 2006 p. 4077.]*

<b>Offences under <i>Business Names Act 1962</i></b>		<b>Modified penalty</b>
s. 5(1)	Carrying on business under unregistered name .....	\$40
s. 12(8)	Failure to lodge statement of change of registered particulars .....	\$40
s. 13(2)	Failure to provide information required by Commissioner <sup>3</sup> .....	\$40
s. 20(a)	Using business document not showing registered name .....	\$20
s. 20(b)	Failure to display registered name at place of business .....	\$20
s. 20(c)	Failure to exhibit certificate of registration .....	\$20

*[Fourth Schedule inserted in Gazette 22 Sep 2006 p. 4077-8.]*

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**Notes**

- <sup>1</sup> This reprint is a compilation as at 3 November 2006 of the *Business Names Regulations 1962* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Business Names Regulations 1962</i>	27 Sep 1962 p. 2663-72	12 Oct 1962 (see r. 2 and <i>Gazette</i> 12 Oct 1962 p. 3366)
<i>Untitled regulations</i>	13 May 1964 p. 2153	13 May 1964
<i>Untitled regulations</i>	17 Nov 1969 p. 3591	1 Dec 1969
<i>Untitled regulations</i>	17 Dec 1971 p. 5266	1 Jan 1972
<i>Untitled regulations</i>	23 Sep 1977 p. 3412-13	1 Oct 1977
<i>Business Names Amendment Regulations 1981</i>	3 Jul 1981 p. 2567-8	3 Jul 1981
<i>Business Names Amendment Regulations 1982</i>	18 Jun 1982 p. 1996	1 Jul 1982 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 1982</i>	9 Jul 1982 p. 2474	15 Jul 1982 (see r. 2)
<i>Business Names Amendment Regulations 1984</i>	20 Jan 1984 p. 137-8	1 Mar 1984 (see r. 2)
<i>Business Names Amendment Regulations 1986</i>	26 Sep 1986 p. 3680-1	1 Oct 1986 (see r. 2)
<i>Business Names Amendment Regulations 1988</i>	27 May 1988 p. 1718-22	27 May 1988
<i>Business Names Amendment Regulations (No. 2) 1988</i>	9 Sep 1988 p. 3487-8	9 Sep 1988
<i>Business Names Amendment Regulations 1989</i>	30 Jun 1989 p. 1897-8	30 Jun 1989
<i>Business Names Amendment Regulations (No. 2) 1989</i>	15 Sep 1989 p. 3392-7	15 Sep 1989
<i>Business Names Amendment Regulations 1990</i>	14 Sep 1990 p. 4755-7	14 Sep 1990

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Business Names Amendment Regulations (No. 2) 1990</i>	1 Mar 1991 p. 971-2	1 Mar 1991
<i>Business Names Amendment Regulations 1991</i>	8 Nov 1991 p. 5714-16	8 Nov 1991
<i>Business Names Amendment Regulations 1992</i>	26 Jun 1992 p. 2658-9	1 Jul 1992 (see r. 2)
<i>Business Names Amendment Regulations 1993</i>	31 Aug 1993 p. 4685	1 Sep 1993 (see r. 2)
<i>Business Names Amendment Regulations 1995</i>	27 Jun 1995 p. 2544-6	1 Jul 1995 (see r. 2)
<i>Business Names Amendment Regulations 1996</i>	28 Jun 1996 p. 3019	28 Jun 1996
<b>Reprint of the <i>Business Names Regulations 1962</i> as at 9 Jun 1997</b> (includes amendments listed above)		
<i>Business Names Amendment Regulations 1998</i>	9 Jun 1998 p. 3093-4	1 Jul 1998 (see r. 2)
<i>Business Names Amendment Regulations 2000</i>	8 Dec 2000 p. 6917-18	1 Jan 2001 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2001</i> <sup>4</sup>	2 Nov 2001 p. 5793	1 Jan 2002 (see r. 2)
<i>Business Names Amendment Regulations (No. 3) 2001</i>	28 Dec 2001 p. 6713-14	1 Jan 2002 (see r. 2)
<b>Reprint of the <i>Business Names Regulations 1962</i> as at 21 Jun 2002</b> (includes amendments listed above)		
<i>Corporations (Consequential Amendments) Regulations 2003</i>	6 Jun 2003 p. 2027-8	15 Jul 2001 (see r. 2 and Commonwealth Gazette 13 Jul 2001 No. S285)
<i>Business Names Amendment Regulations 2004</i>	9 Jan 2004 p. 87-8	1 Feb 2004 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2004</i>	20 Jul 2004 p. 2903-9	20 Jul 2004
<i>Business Names Amendment Regulations 2005</i>	28 Jun 2005 p. 2907	1 Jul 2005 (see r. 2)
<i>Business Names Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2251	1 Jul 2006 (see r. 2)

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Citation	Gazettal	Commencement
<i>Business Names Amendment Regulations 2006</i>	22 Sep 2006 p. 4075-8	22 Sep 2006 (see r. 2(a))
<b>Reprint 3: The <i>Business Names Regulations 1962</i> as at 3 Nov 2006</b> (includes amendments listed above)		

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<sup>2</sup> Repealed by the *Business Names Act 1962*.

<sup>3</sup> As at the time of this reprint the person designated as the Commissioner for the purposes of the Act is known as the Commissioner for Consumer Protection (see *Gazette* 18 August 2006 p. 3372).

<sup>4</sup> Disallowed on 20 March 2002, see *Gazette* 26 March 2002 p. 1756.



Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

Defined Term	Provision(s)
finance broker .....	9A(2)
the Act.....	4