

CLAUSE NOTES

Business Names Registration (Transitional & Consequential Provisions) Bill 2011

PART 1 – PRELIMINARY

Clause 1 Short Title

The Act is referred to as the *Business Names Registration (Transitional & Consequential Provisions) Bill 2011*

Clause 2 Commencement

Sections 1,3,6, and 10 and Schedule 1 commence on Royal Assent, the remaining provisions commence on Proclamation.

Clause 3 Interpretation

This clause defines a number of terms used in the Bill. Of particular note are:

“**change over day**” refers to the day on which the power to register business names will be transferred to the Commonwealth Government. From this date the Commonwealth will have responsibility for registering business names.

“**Tasmanian Referral Act**” means the *Business Names (Commonwealth Powers) Act 2011*.

Clause 4 Renewal applications for registrations that expire on or after change-over-day

This clause provides that an application for renewal of a business name may not be made where the registration is scheduled to expire on or after the change over date. In the unlikely event that the change over date is set by proclamation, but the actual transfer date slips for technical reasons, the Commissioner may still accept renewal applications.

Clause 5 Applications and notifications not resolved on or

before change-over-day

Any applications for renewal of a business name which are still not registered by the change over day will lapse.

Clause 6 Information

Allows data to be transferred to the Commonwealth to ensure an effective transition to the new national system.

Clause 7 References to existing Act

Provides that any reference in any State legislation to the *Business Names Act 1962* is taken to be a reference to the national business names legislation.

Clause 8 Savings and transitional regulations

Provides that the Governor may make relevant savings and transitional regulations consequent on the Referral Bill.

Clause 9 Administration of Act

The Act is administered by the Minister for Corrections and Consumer Protection. The Department of Justice is responsible for the Act.

Clause 10 Consequential amendments – Schedule 1

The renewal provisions, detailed in section 11, are amended to allow the time-frame for business names renewals to be effectively aligned to the change over date.

Clause 11 Legislation repealed – Schedule 2

The *Business Names Act 1962* is repealed on the day that this Act is proclaimed.

Clause 12 Legislation rescinded – Schedule 3

The *Business Names Regulations 2007* are rescinded on the day that this Act is proclaimed

Clause 12 Legislation revoked – Schedule 4

The following legislation is revoked on the day that this Act is proclaimed:

- *Proclamation under the Business Names Act 1962;*
- *Business Names (Sydney 2000 Olympic and Paralympic Games) Direction 1994*
- *Business Names Direction 1999.*