



New South Wales

Business Names Amendment (Fees) Regulation 2008

under the

Business Names Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Business Names Act 2002*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Business Names Regulation 2004 (the Principal Regulation)* as follows:

- (a) to increase certain fees payable in connection with the administration of the *Business Names Act 2002 (the Act)*,
- (b) to reduce the processing component fee for the replacement of a certificate of registration under the *Licensing and Registration (Uniform Procedures) Act 2002* (item 4 of Schedule 2 (Fees) to the Principal Regulation—*the Schedule*),
- (c) to reduce the overall fee for an application for the Minister's direction under section 6 (2) of the Act on whether a business name is to be registered, and to correct an inadvertent error relating to the basic component of the fee by setting it to "Nil" so as to indicate that registration activity is not involved in the making of such a direction (item 5 of the Schedule),
- (d) to simplify the Schedule by replacing existing items 7–10 with one item, being an application fee for an extract (either certified or not) from the Register of business names (not being an application associated with the application to inspect that Register) (item 7 of the Schedule),
- (e) to clarify that the fee for an application for an evidentiary certificate as to the contents of the Register of business names relates to a certificate provided under section 26 (Evidentiary certificates) of the Act (item 8 of the Schedule),
- (f) to clarify that if a person's application for registration of a business name is refused because of an order under section 21 (1) of the Act, the power to waive part of the fee for a subsequent application for registration made by the same person within

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one month after the refusal does not extend to the processing component of that fee (clause 12 (1) of the Principal Regulation).

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Business Names Act 2002*, including sections 5 and 40 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Business Names Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Business Names Regulation 2004

The *Business Names Regulation 2004* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 12 Circumstances in which fees may be waived or refunded

Omit “\$24” from clause 12 (1).

Insert instead “the processing component of that fee”.

[2] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 11)

Column 1	Column 2	Column 3	Column 4
Matter	Basic component	Processing component	Total fee
Fees relating to registration under the Licensing and Registration (Uniform Procedures) Act 2002			
1 Application for granting of registration of a business name	\$121	\$25	\$146
2 Application for renewal of registration of a business name	\$94	\$16	\$110
3 Application for restoration of business name	\$94	\$32	\$126
4 Application for replacement of certificate of registration	Nil	\$16	\$16
Other fees			
5 Application for Minister’s direction under section 6 (2) of the Act	Nil	\$100	\$100
6 Application to inspect Register (including the provision of an extract of a registered business name from the Register)	Nil	\$14 for each registered business name inspected	\$14 for each registered business name inspected

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Amendments

Schedule 1

Column 1	Column 2	Column 3	Column 4
Matter	Basic component	Processing component	Total fee
7 Application for an extract (either certified or not) of a registered business name from the Register (not being associated with an application to inspect Register under item 6)	Nil	\$14 for each extract provided	\$14 for each extract provided
8 Application for evidentiary certificate under section 26 of the Act as to contents of Register	Nil	\$24	\$24
