

EXPOSURE DRAFT

2016-2017-2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

EXPOSURE DRAFT

Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2018

No. , 2018

(Treasury)

A Bill for an Act to amend the law relating to corporations, business names registration and consumer credit and to deal with consequential matters relating to the enactment of the *Commonwealth Registers Act 2018*, and for related purposes

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No. , 2018 Treasury Laws Amendment (Registries Modernisation and Other

Measures) Bill 2018

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1 **A Bill for an Act to amend the law relating to**
2 **corporations, business names registration and**
3 **consumer credit and to deal with consequential**
4 **matters relating to the enactment of the**
5 ***Commonwealth Registers Act 2018*, and for related**
6 **purposes**

7 The Parliament of Australia enacts:

8 **1 Short title**

9 *This Act is the Treasury Laws Amendment (Registries*
10 *Modernisation and Other Measures) Act 2018.*

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2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedules 1 and 2	A day or days to be fixed by Proclamation. However, if any of the provisions do not commence within the period of 24 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

1 **Schedule 1—Amendments relating to the**
2 **Registrar**

3 **Part 1—Main amendments**

4 ***Business Names Registration Act 2011***

5 **1 Section 3**

6 Insert:

7 ***Australian business law*** means a law of the Commonwealth, or of
8 a State or Territory, that is a law that regulates, or relates to the
9 regulation of, business or persons engaged in business.

10 ***Commonwealth body*** means:

- 11 (a) an Agency (within the meaning of the *Public Service Act*
12 *1999*); or
13 (b) a body, whether incorporated or not, established for a public
14 purpose by or under a law of the Commonwealth; or
15 (c) a person:
16 (i) holding or performing the duties of an office established
17 by or under a law of the Commonwealth; or
18 (ii) holding an appointment made under a law of the
19 Commonwealth.

20 ***data standards*** means standards made by the Registrar under
21 section 62H.

22 ***designated secrecy provision*** has the meaning given by
23 subsection 62N(3).

24 ***disclosure framework*** means the disclosure framework made
25 under section 62L.

26 ***government entity*** has the meaning given by section 41 of the *A*
27 *New Tax System (Australian Business Number) Act 1999*.

28 ***official employment*** means:

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

- 1 (a) appointment or employment by the Commonwealth, or the
2 performance of services for the Commonwealth; or
3 (b) the exercise of powers or performance of functions under a
4 delegation by the Registrar.

5 ***protected information*** means information:

- 6 (a) obtained by a person in the course of the person's official
7 employment; and
8 (b) disclosed to the person or another person, or obtained by the
9 person or another person:
10 (i) under, or in relation to, this Act or the Transitional Act;
11 or
12 (ii) under another law of the Commonwealth;
13 in connection with particular functions or powers of the
14 Registrar.

15 ***Registrar*** has the meaning given by section 6A.

16 ***secrecy provision*** has the meaning given by subsection 62N(2).

17 ***taxation law*** has the same meaning as in the *Income Tax*
18 *Assessment Act 1997*.

19 2 After section 6

20 Insert:

21 6A Meaning of Registrar

22 A reference in this Act to the Registrar is a reference to:

- 23 (a) if only one Commonwealth body is appointed as Registrar
24 under section 62A—that body; or
25 (b) if more than one Commonwealth body is appointed under
26 that section, but only one Commonwealth body is appointed
27 under that section with functions and powers in connection
28 with this Act or the Transitional Act—the Commonwealth
29 body appointed under that section with those functions and
30 powers; or
31 (c) if more than one Commonwealth body is appointed under
32 that section, and more than one Commonwealth body is

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

1 appointed under that section with functions and powers in
2 connection with this Act or the Transitional Act:

- 3 (i) if the reference relates to one or more particular
4 functions or powers—any Commonwealth body so
5 appointed with any of those particular functions or
6 powers; or
7 (ii) otherwise—any of the Commonwealth bodies appointed
8 under that section with functions and powers in
9 connection with this Act or the Transitional Act.

10 **3 Section 56**

11 Before “A decision”, insert “(1)”.

12 **4 At the end of section 56**

13 Add:

- 14 (2) A decision by the Registrar under a provision of the data standards
15 or the disclosure framework is *reviewable* on the application of an
16 entity whose interests are affected by the decision.

17 **5 Before section 63**

18 Insert:

19 **Division 1—Matters relating to handling records and** 20 **information**

21 **Subdivision A—The Registrar**

22 **62A Appointment of Registrar**

- 23 (1) The Minister may, by notifiable instrument, appoint a
24 Commonwealth body to be the Registrar.
- 25 (2) The Minister may, by notifiable instrument, appoint a
26 Commonwealth body to be the Registrar in relation to one or more
27 functions or powers of the Registrar.
- 28 (3) If more than one appointment under this section is in force, a
29 reference in this Act or the Transitional Act to the Registrar that

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

1 does not relate to particular functions or powers of the Registrar is
2 taken to be a reference to each Registrar in relation to the functions
3 or powers for which it is the Registrar.

4 **62B Functions**

5 The Registrar's functions are:

- 6 (a) such functions as are conferred on the Registrar by or under
7 this Act or the Transitional Act; and
- 8 (b) such functions as are prescribed by rules made for the
9 purposes of this paragraph under section 62U; and
- 10 (c) such functions as are incidental to the functions mentioned in
11 paragraph (a) or (b).

12 **62C Powers**

13 The Registrar's powers include:

- 14 (a) such powers as are conferred:
 - 15 (i) on the Registrar in relation to the functions mentioned
16 in section 62B; and
 - 17 (ii) by or under this Act or the Transitional Act; and
- 18 (b) the power to do all things necessary or convenient to be done
19 for or in connection with the performance of those functions.

20 **62D Directions by Minister**

- 21 (1) The Minister may, by legislative instrument, give written directions
22 to the Registrar about the performance of its functions and the
23 exercise of its powers.

24 Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the
25 *Legislation Act 2003* do not apply to the directions (see regulations
26 made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that
27 Act).

- 28 (2) Without limiting subsection (1), a direction under that subsection
29 may relate to any of the following:
 - 30 (a) matters to be dealt with in the data standards or disclosure
31 framework;

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

- 1 (b) consultation processes to be followed prior to making data
2 standards or the disclosure framework.
- 3 (3) A direction under subsection (1) must be of a general nature only.
- 4 (4) Subsection (3) does not prevent a direction under subsection (1)
5 from relating to a particular matter to be dealt with in the data
6 standards or disclosure framework. However, the direction must
7 not direct the Registrar how to apply the data standards or
8 disclosure framework in a particular case.
- 9 (5) The Registrar must comply with a direction under subsection (1).

10 **62E Delegation**

- 11 (1) The Registrar may, in writing, delegate all or any of the Registrar's
12 functions or powers under this Act or the Transitional Act (other
13 than the power to make data standards or the disclosure
14 framework) to:
- 15 (a) any person to whom it may delegate any of its other
16 functions, as a Commonwealth body, under a law of the
17 Commonwealth; or
- 18 (b) any person of a kind specified in rules made under
19 section 62U.
- 20 Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain
21 provisions relating to delegations.
- 22 (2) In performing a delegated function or exercising a delegated
23 power, the delegate must comply with any written directions of the
24 Registrar.

25 **62F Assisted decision making**

- 26 (1) The Registrar may arrange for the use, under the Registrar's
27 control, of processes to assist decision making (such as computer
28 applications and systems) for any purposes for which the Registrar
29 may make decisions in the performance or exercise of the
30 Registrar's functions or powers under this Act or the Transitional
31 Act, other than decisions reviewing other decisions.

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

- 1 (2) A decision the making of which is assisted by the operation of such
2 a process under an arrangement made under subsection (1) is taken
3 to be a decision made by the Registrar.
- 4 (3) The Registrar may substitute a decision for a decision (the *initial*
5 *decision*) the making of which is assisted by the operation of such
6 a process under an arrangement under subsection (1) if the
7 Registrar is satisfied that the initial decision is incorrect.

8 **62G Liability for damages**

9 None of the following:

- 10 (a) the Registrar;
- 11 (b) if the Registrar is a Commonwealth body that has members—
12 a member of the Registrar;
- 13 (c) a member of the staff of the Registrar;
- 14 (d) a person who is, or is a member of or a member of the staff
15 of, a delegate of the Registrar;
- 16 (e) a person who is authorised to perform or exercise a function
17 or power of, or on behalf of, the Registrar;
- 18 (f) an APS employee, or an officer or employee of a
19 Commonwealth body, whose services are made available to
20 the Registrar in connection with the performance or exercise
21 of any of its functions or powers;

22 is liable to an action or other proceeding for damages for or in
23 relation to an act done, or omitted to be done, in good faith in
24 performance or purported performance of any function, or in
25 exercise or purported exercise of any power, conferred or
26 expressed to be conferred by or under this Division.

27 **Subdivision B—How the Registrar is to perform and exercise** 28 **functions and powers**

29 **62H Data standards**

- 30 (1) The Registrar may, by legislative instrument, make data standards
31 on matters relating to the performance of the Registrar's functions
32 and the exercise of the Registrar's powers under this Act or the
33 Transitional Act.

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

- 1 (2) Without limiting subsection (1), the data standards may provide for
2 any of the following:
- 3 (a) what information may be collected for the purposes of the
4 performance of the Registrar's functions and the exercise of
5 the Registrar's powers under this Act or the Transitional Act;
 - 6 (b) how such information may be collected;
 - 7 (c) the manner and form in which such information is given to
8 the Registrar;
 - 9 (d) when information is to be given to the Registrar;
 - 10 (e) how information held by the Registrar is to be authenticated,
11 verified or validated;
 - 12 (f) how information held by the Registrar is to be stored;
 - 13 (g) correction of information held by the Registrar;
 - 14 (h) the manner and form of communication between the
15 Registrar and persons who give information to the Registrar
16 or seek to access information held by the Registrar;
 - 17 (i) integrating or linking information held by the Registrar.
- 18 (3) Without limiting subsection (1), the data standards may include
19 different provisions relating to different functions or powers of the
20 Registrar.
- 21 (4) If:
- 22 (a) a Commonwealth body (the *new Registrar*) is appointed as
23 the Registrar with particular functions or powers under this
24 Act or the Transitional Act; and
 - 25 (b) immediately before that appointment, another
26 Commonwealth body was the Registrar with those functions
27 or powers; and
 - 28 (c) the new Registrar does not have data standards that would
29 apply to those functions or powers;
- 30 any data standards applying to those functions or powers
31 immediately before that appointment continue to apply until the
32 new Registrar makes data standards that apply to those functions or
33 powers, or amends its existing data standards to apply to those
34 functions or powers.

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

- 1 (a) circumstances in which information must not be disclosed
2 without the consent of the person to whom it relates;
3 (b) circumstances in which de-identified information may be
4 disclosed;
5 (c) circumstances in which information may be disclosed to the
6 general public;
7 (d) circumstances in which confidentiality agreements are
8 required for the disclosure of information;
9 (e) imposing conditions on disclosure of information.
- 10 (3) Without limiting subsection (1), the disclosure framework may
11 include different provisions relating to particular functions or
12 powers of the Registrar under this Act or the Transitional Act.
- 13 (4) The disclosure framework must not provide for disclosure of
14 protected information unless the Registrar is satisfied that the
15 benefits of the disclosure would outweigh the risks of the
16 disclosure (taking into account any mitigation of those risks in
17 accordance with the disclosure framework).
- 18 (5) If:
- 19 (a) a Commonwealth body (the *new Registrar*) is appointed as
20 the Registrar with particular functions or powers under this
21 Act or the Transitional Act; and
22 (b) immediately before that appointment, another
23 Commonwealth body was the Registrar with those functions
24 or powers; and
25 (c) the new Registrar does not have a disclosure framework that
26 would apply to those functions or powers;
27 the disclosure framework applying to those functions or powers
28 immediately before that appointment continues to apply until the
29 new Registrar makes a disclosure framework that applies to those
30 functions or powers, or amends its existing disclosure framework
31 to apply to those functions or powers.

62M Protection of confidentiality of protected information

- 32 (1) A person (the *first person*) commits an offence if:
33 (a) the first person is, or has been, in official employment; and
34
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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

- 1 (b) the first person makes a record of information, or discloses
2 information to another person; and
3 (c) the information is protected information that was obtained by
4 the first person in the course of the first person's official
5 employment.

6 Penalty: Imprisonment for 2 years.

- 7 (2) However, subsection (1) does not apply if:
8 (a) the recording or disclosure is for the purposes of this
9 Division; or
10 (b) the recording or disclosure happens in the course of the
11 performance of the duties of the first person's official
12 employment; or
13 (c) in the case of a disclosure—the disclosure is to another
14 person for use, in the course of the performance of the duties
15 of the other person's official employment, in relation to the
16 performance or exercise of the functions or powers of a
17 government entity; or
18 (d) in the case of a disclosure—each person to whom the
19 information relates consents to the disclosure; or
20 (e) in the case of a disclosure—the disclosure is in accordance
21 with the disclosure framework.

22 Note: A defendant bears an evidential burden in relation to the matter in
23 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

24 **62N Authorisation of recording or disclosure**

- 25 (1) A person is not liable to any proceedings for contravening a
26 secrecy provision in respect of a recording or disclosure permitted
27 by subsection 62M(2), unless the secrecy provision is a designated
28 secrecy provision.
- 29 (2) A *secrecy provision* is a provision that:
30 (a) is a provision of a law of the Commonwealth (other than this
31 Act); and
32 (b) prohibits or regulates the use or disclosure of information.
- 33 (3) A *designated secrecy provision* is any of the following:
-

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

- 1 (a) sections 18, 18A, 18B and 92 of the *Australian Security*
2 *Intelligence Organisation Act 1979*;
3 (b) section 34 of the *Inspector-General of Intelligence and*
4 *Security Act 1986*;
5 (c) sections 39, 39A, 40, 40A to 40M and 41 of the *Intelligence*
6 *Services Act 2001*;
7 (d) section 8WB of the *Taxation Administration Act 1953*;
8 (e) a provision of a law of the Commonwealth prescribed by
9 rules made for the purposes of this paragraph under
10 section 62U;
11 (f) a provision of a law of the Commonwealth of a kind
12 prescribed by rules made for the purposes of this paragraph
13 under section 62U.

14 **62P Preventing disclosure of particular protected information**

- 15 (1) If:
16 (a) a person applies to the Registrar for particular protected
17 information relating to the person not to be disclosed; and
18 (b) the Registrar is satisfied that it is not appropriate to disclose
19 that information;
20 a disclosure of that information is taken, for the purposes of this
21 Act, not to be in accordance with the disclosure framework.
- 22 (2) Without limiting section 62L, the disclosure framework may
23 provide for:
24 (a) how applications referred to in paragraph (1)(a) are to be
25 made; and
26 (b) how those applications are to be decided.

27 **62Q Authorisation for purposes of Privacy Act**

- 28 A disclosure of personal information (within the meaning of the
29 *Privacy Act 1988*) is taken to be authorised by law for the purposes
30 of paragraph 6.2(b) of Schedule 1 to that Act if:
31 (a) the information is protected information; and
32 (b) subsection 62M(2) of this Act applies to the disclosure.

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

1 **62R Disclosure to a court**

- 2 A person is not to be required:
- 3 (a) to produce to a court any document that:
- 4 (i) contains protected information; and
- 5 (ii) was made or given under, or for the purposes of, this
- 6 Act or the Transitional Act; and
- 7 (iii) was obtained by the person in the course of the person's
- 8 official employment; or
- 9 (b) to disclose to a court any protected information that the
- 10 person obtained in the course of the person's official
- 11 employment;
- 12 unless the production or disclosure is necessary for the purpose of
- 13 giving effect to a taxation law or an Australian business law.

14 **Subdivision D—Miscellaneous**

15 **62S Extracts of information to be admissible in evidence**

- 16 (1) In any proceedings, a document, or a copy of a document, that
- 17 purports (irrespective of the form of wording used) to be an extract
- 18 of information held by the Registrar under, or for the purposes of,
- 19 this Act or the Transitional Act:
- 20 (a) is proof, in the absence of evidence to the contrary, of
- 21 information that is stated in it and that purports to be held by
- 22 the Registrar; and
- 23 (b) is admissible without any further proof of, or the production
- 24 of, the original;
- 25 if it does not appear to the Court to have been revised or tampered
- 26 with in a way that affects, or is likely to affect, the information.
- 27 (2) The Registrar may give a person a certified copy of, or extract
- 28 from, the information held by the Registrar under, or for the
- 29 purposes of, this Act or the Transitional Act on payment of the fee
- 30 (if any) prescribed by rules made under section 62U.
- 31 (3) In any proceedings, the certified copy:

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

- 1 (a) is prima facie evidence of information that is stated in it and
2 that purports to be held by the Registrar under, or for the
3 purposes of, this Act or the Transitional Act; and
4 (b) is admissible without any further proof of, or the production
5 of, the original.
- 6 (4) This section does not limit the manner in which evidence may be
7 adduced, or the admissibility of evidence, under the *Evidence Act*
8 *1995*.

9 **62T Annual report**

10 Each annual report by the Registrar for a period must include
11 information about the performance of the Registrar's functions and
12 exercise of the Registrar's powers under, or for the purposes of,
13 this Act or the Transitional Act during that period.

14 **62U Rules**

- 15 (1) The Minister may, by legislative instrument, make rules
16 prescribing matters:
17 (a) required or permitted by this Division to be prescribed by
18 rules made under this section; or
19 (b) necessary or convenient to be prescribed for carrying out or
20 giving effect to this Division.
- 21 (2) To avoid doubt, rules made under this section may not do the
22 following:
23 (a) create an offence or civil penalty;
24 (b) provide powers of:
25 (i) arrest or detention; or
26 (ii) entry, search or seizure;
27 (c) impose a tax;
28 (d) set an amount to be appropriated from the Consolidated
29 Revenue Fund under an appropriation in this Act;
30 (e) directly amend the text of this Act.

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

1 **Division 2—Miscellaneous**

2 ***Business Names Registration (Transitional and***
3 ***Consequential Provisions) Act 2011***

4 **6 Item 27 of Schedule 1**

5 Before “A decision”, insert “(1)”.

6 **7 At the end of item 27 of Schedule 1**

7 Add:

- 8 (2) A decision by the Registrar under a provision of the data standards or
9 the disclosure framework is reviewable on the application of an entity
10 whose interests are affected by the decision.

11 ***Corporations Act 2001***

12 **8 Section 9**

13 Insert:

14 ***Australian business law*** means a law of the Commonwealth, or of
15 a State or Territory, that is a law that regulates, or relates to the
16 regulation of, business or persons engaged in business.

17 ***Commonwealth body*** means:

- 18 (a) an Agency (within the meaning of the *Public Service Act*
19 *1999*); or
20 (b) a body, whether incorporated or not, established for a public
21 purpose by or under a law of the Commonwealth; or
22 (c) a person:
23 (i) holding or performing the duties of an office established
24 by or under a law of the Commonwealth; or
25 (ii) holding an appointment made under a law of the
26 Commonwealth.

27 ***data standards*** means standards made by the Registrar under
28 section 1257.

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Amendments relating to the Registrar **Schedule 1**
Main amendments **Part 1**

1 *designated secrecy provision* has the meaning given by
2 subsection 1262(3).

3 *disclosure framework* means the disclosure framework made
4 under section 1260.

5 *government entity* has the meaning given by section 41 of the *A*
6 *New Tax System (Australian Business Number) Act 1999*.

7 *official employment* means:

- 8 (a) appointment or employment by the Commonwealth, or the
9 performance of services for the Commonwealth; or
10 (b) the exercise of powers or performance of functions under a
11 delegation by the Registrar.

12 *protected information* means information:

- 13 (a) obtained by a person in the course of the person's official
14 employment; and
15 (b) disclosed to the person or another person, or obtained by the
16 person or another person:
17 (i) under, or in relation to, this Act; or
18 (ii) under another law of the Commonwealth;
19 in connection with particular functions or powers of the
20 Registrar.

21 *Registrar* has the meaning given by section 9C.

22 *secrecy provision* has the meaning given by subsection 1262(2).

23 *taxation law* has the same meaning as in the *Income Tax*
24 *Assessment Act 1997*.

25 **9 At the end of Division 1 of Part 1-2**

26 Add:

27 **9C Meaning of Registrar**

28 A reference in this Act to the Registrar is a reference to:

- 29 (a) if only one Commonwealth body is appointed as Registrar
30 under section 1250—that body; or

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Schedule 1 Amendments relating to the Registrar

Part 1 Main amendments

- 1 (b) if more than one Commonwealth body is appointed under
2 that section, but only one Commonwealth body is appointed
3 under that section with functions and powers in connection
4 with this Act—the Commonwealth body appointed under that
5 section with those functions and powers; or
6 (c) if more than one Commonwealth body is appointed under
7 that section, and more than one Commonwealth body is
8 appointed under that section with functions and powers in
9 connection with this Act:
10 (i) if the reference relates to one or more particular
11 functions or powers—any Commonwealth body so
12 appointed with any of those particular functions or
13 powers; or
14 (ii) otherwise—any of the Commonwealth bodies appointed
15 under that section with functions and powers in
16 connection with this Act.

17 **10 Part 9.1 (heading)**

18 Repeal the heading, substitute:

19 **Part 9.1—Matters relating to handling records and** 20 **information**

21 **Division 1—The Registrar**

22 **Subdivision A—Appointment etc. of the Registrar**

23 **1250 Appointment of Registrar**

- 24 (1) The Minister may, by notifiable instrument, appoint a
25 Commonwealth body to be the Registrar.
26 (2) The Minister may, by notifiable instrument, appoint a
27 Commonwealth body to be the Registrar in relation to one or more
28 functions or powers of the Registrar.
29 (3) If more than one appointment under this section is in force, a
30 reference in this Act to the Registrar that does not relate to

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Main amendments **Part 1**

1 particular functions or powers of the Registrar is taken to be a
2 reference to each Registrar in relation to the functions or powers
3 for which it is the Registrar.

4 **1251 Functions**

5 The Registrar's functions are:

- 6 (a) such functions as are conferred on the Registrar by or under
7 this Act; and
- 8 (b) such functions as are prescribed by rules made for the
9 purposes of this paragraph under section 1268; and
- 10 (c) such functions as are incidental to the functions mentioned in
11 paragraph (a) or (b).

12 **1252 Powers**

13 The Registrar's powers include:

- 14 (a) such powers as are conferred:
 - 15 (i) on the Registrar in relation to the functions mentioned
 - 16 in section 1251; and
 - 17 (ii) by or under this Act; and
- 18 (b) the power to do all things necessary or convenient to be done
19 for or in connection with the performance of those functions.

20 **1253 Directions by Minister**

- 21 (1) The Minister may, by legislative instrument, give written directions
22 to the Registrar about the performance of its functions and the
23 exercise of its powers.

24 Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the
25 *Legislation Act 2003* do not apply to the directions (see regulations
26 made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that
27 Act).

- 28 (2) Without limiting subsection (1), a direction under that subsection
29 may relate to any of the following:
 - 30 (a) matters to be dealt with in the data standards or disclosure
31 framework;

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- 1 (b) consultation processes to be followed prior to making data
2 standards or the disclosure framework.
- 3 (3) A direction under subsection (1) must be of a general nature only.
- 4 (4) Subsection (3) does not prevent a direction under subsection (1)
5 from relating to a particular matter to be dealt with in the data
6 standards or disclosure framework. However, the direction must
7 not direct the Registrar how to apply the data standards or
8 disclosure framework in a particular case.
- 9 (5) The Registrar must comply with a direction under subsection (1).

10 **1254 Delegation**

- 11 (1) The Registrar may, in writing, delegate all or any of the Registrar's
12 functions or powers under this Act (other than the power to make
13 data standards or the disclosure framework) to:
- 14 (a) any person to whom it may delegate any of its other
15 functions, as a Commonwealth body, under a law of the
16 Commonwealth; or
- 17 (b) any person of a kind specified in rules made under
18 section 1268.
- 19 Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain
20 provisions relating to delegations.
- 21 (2) In performing a delegated function or exercising a delegated
22 power, the delegate must comply with any written directions of the
23 Registrar.

24 **1255 Assisted decision making**

- 25 (1) The Registrar may arrange for the use, under the Registrar's
26 control, of processes to assist decision making (such as computer
27 applications and systems) for any purposes for which the Registrar
28 may make decisions in the performance or exercise of the
29 Registrar's functions or powers under this Act, other than decisions
30 reviewing other decisions.

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- 1 (2) A decision the making of which is assisted by the operation of such
2 a process under an arrangement made under subsection (1) is taken
3 to be a decision made by the Registrar.
- 4 (3) The Registrar may substitute a decision for a decision (the *initial*
5 *decision*) the making of which is assisted by the operation of such
6 a process under an arrangement under subsection (1) if the
7 Registrar is satisfied that the initial decision is incorrect.

8 **1256 Liability for damages**

9 None of the following:

- 10 (a) the Minister;
11 (b) the Registrar;
12 (c) if the Registrar is a Commonwealth body that has members—
13 a member of the Registrar;
14 (d) a member of the staff of the Registrar;
15 (e) a person who is, or is a member of or a member of the staff
16 of, a delegate of the Registrar;
17 (f) a person who is authorised to perform or exercise a function
18 or power of, or on behalf of, the Registrar;
19 (g) an APS employee, or an officer or employee of a
20 Commonwealth body, whose services are made available to
21 the Registrar in connection with the performance or exercise
22 of any of its functions or powers;
- 23 is liable to an action or other proceeding for damages for or in
24 relation to an act done, or omitted to be done, in good faith in
25 performance or purported performance of any function, or in
26 exercise or purported exercise of any power, conferred or
27 expressed to be conferred by or under this Division.

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1 **Subdivision B—How the Registrar is to perform and exercise**
2 **functions and powers**

3 **1257 Data standards**

- 4 (1) The Registrar may, by legislative instrument, make data standards
5 on matters relating to the performance of the Registrar's functions
6 and the exercise of the Registrar's powers under this Act.
- 7 (2) Without limiting subsection (1), the data standards may provide for
8 any of the following:
- 9 (a) what information may be collected for the purposes of the
10 performance of the Registrar's functions and the exercise of
11 the Registrar's powers under this Act;
 - 12 (b) how such information may be collected;
 - 13 (c) the manner and form in which such information is given to
14 the Registrar;
 - 15 (d) when information is to be given to the Registrar;
 - 16 (e) how information held by the Registrar is to be authenticated,
17 verified or validated;
 - 18 (f) how information held by the Registrar is to be stored;
 - 19 (g) correction of information held by the Registrar;
 - 20 (h) the manner and form of communication between the
21 Registrar and persons who give information to the Registrar
22 or seek to access information held by the Registrar;
 - 23 (i) integrating or linking information held by the Registrar.
- 24 (3) Without limiting subsection (1), the data standards may include
25 different provisions relating to different functions or powers of the
26 Registrar.
- 27 (4) If:
- 28 (a) a Commonwealth body (the *new Registrar*) is appointed as
29 the Registrar with particular functions or powers under this
30 Act; and
 - 31 (b) immediately before that appointment, another
32 Commonwealth body was the Registrar with those functions
33 or powers; and

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- 1 (c) the new Registrar does not have data standards that would
2 apply to those functions or powers;
3 any data standards applying to those functions or powers
4 immediately before that appointment continue to apply until the
5 new Registrar makes data standards that apply to those functions or
6 powers, or amends its existing data standards to apply to those
7 functions or powers.

8 **1258 Giving information to the Registrar**

- 9 (1) Without limiting section 1257, the data standards may provide that
10 information is to be given to the Registrar in electronic form, or
11 any other specified form.
- 12 (2) A requirement under this Act that information is to be provided to
13 the Registrar in a particular form or manner (however described),
14 including a requirement:
15 (a) that the information is to be “lodged” or “furnished”; and
16 (b) that the information is to be “written” or “in writing”; and
17 (c) that a “copy” of a document containing the information is to
18 be provided;
19 is not taken to restrict by implication what the data standards may
20 provide under subsection (1) in relation to that information.

21 **1259 How the Registrar is to perform and exercise functions and** 22 **powers**

- 23 (1) The Registrar must perform its functions and exercise its powers
24 under this Act in accordance with:
25 (a) the data standards; or
26 (b) if there are no data standards that apply to particular
27 functions or powers—any requirement relating to those
28 functions or powers as in force immediately before those
29 functions or powers became functions or powers of the
30 Registrar.
- 31 (2) This section does not affect the application to the Registrar of any
32 other law of the Commonwealth.

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1 **Subdivision C—Disclosure of information**

2 **1260 Disclosure framework**

- 3 (1) The Registrar may, by legislative instrument, make a disclosure
4 framework relating to disclosing protected information.
- 5 (2) Without limiting subsection (1), the disclosure framework may
6 provide for any of the following:
- 7 (a) circumstances in which information must not be disclosed
8 without the consent of the person to whom it relates;
- 9 (b) circumstances in which de-identified information may be
10 disclosed;
- 11 (c) circumstances in which information may be disclosed to the
12 general public;
- 13 (d) circumstances in which confidentiality agreements are
14 required for the disclosure of information;
- 15 (e) imposing conditions on disclosure of information.
- 16 (3) Without limiting subsection (1), the disclosure framework may
17 include different provisions relating to particular functions or
18 powers of the Registrar under this Act.
- 19 (4) The disclosure framework must not provide for disclosure of
20 protected information unless the Registrar is satisfied that the
21 benefits of the disclosure would outweigh the risks of the
22 disclosure (taking into account any mitigation of those risks in
23 accordance with the disclosure framework).
- 24 (5) If:
- 25 (a) a Commonwealth body (the *new Registrar*) is appointed as
26 the Registrar with particular functions or powers under this
27 Act; and
- 28 (b) immediately before that appointment, another
29 Commonwealth body was the Registrar with those functions
30 or powers; and
- 31 (c) the new Registrar does not have a disclosure framework that
32 would apply to those functions or powers;

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1 the disclosure framework applying to those functions or powers
2 immediately before that appointment continues to apply until the
3 new Registrar makes a disclosure framework that applies to those
4 functions or powers, or amends its existing disclosure framework
5 to apply to those functions or powers.

6 **1261 Protection of confidentiality of protected information**

- 7 (1) A person (the *first person*) commits an offence if:
8 (a) the first person is, or has been, in official employment; and
9 (b) the first person makes a record of information, or discloses
10 information to another person; and
11 (c) the information is protected information that was obtained by
12 the first person in the course of the first person's official
13 employment.

14 Penalty: Imprisonment for 2 years.

- 15 (2) However, subsection (1) does not apply if:
16 (a) the recording or disclosure is for the purposes of this
17 Division; or
18 (b) the recording or disclosure happens in the course of the
19 performance of the duties of the first person's official
20 employment; or
21 (c) in the case of a disclosure—the disclosure is to another
22 person for use, in the course of the performance of the duties
23 of the other person's official employment, in relation to the
24 performance or exercise of the functions or powers of a
25 government entity; or
26 (d) in the case of a disclosure—each person to whom the
27 information relates consents to the disclosure; or
28 (e) in the case of a disclosure—the disclosure is in accordance
29 with the disclosure framework.

30 Note: A defendant bears an evidential burden in relation to the matter in
31 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

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1262 Authorisation of recording or disclosure

- 1
- 2 (1) A person is not liable to any proceedings for contravening a
- 3 secrecy provision in respect of a recording or disclosure permitted
- 4 by subsection 1261(2), unless the secrecy provision is a designated
- 5 secrecy provision.
- 6 (2) A *secrecy provision* is a provision that:
- 7 (a) is a provision of a law of the Commonwealth (other than this
- 8 Act); and
- 9 (b) prohibits or regulates the use or disclosure of information.
- 10 (3) A *designated secrecy provision* is any of the following:
- 11 (a) sections 18, 18A, 18B and 92 of the *Australian Security*
- 12 *Intelligence Organisation Act 1979*;
- 13 (b) section 34 of the *Inspector-General of Intelligence and*
- 14 *Security Act 1986*;
- 15 (c) sections 39, 39A, 40, 40A to 40M and 41 of the *Intelligence*
- 16 *Services Act 2001*;
- 17 (d) section 8WB of the *Taxation Administration Act 1953*;
- 18 (e) a provision of a law of the Commonwealth prescribed by
- 19 rules made for the purposes of this paragraph under
- 20 section 1268;
- 21 (f) a provision of a law of the Commonwealth of a kind
- 22 prescribed by rules made for the purposes of this paragraph
- 23 under section 1268.

1263 Preventing disclosure of particular protected information

- 24
- 25 (1) If:
- 26 (a) a person applies to the Registrar for particular protected
- 27 information relating to the person not to be disclosed; and
- 28 (b) the Registrar is satisfied that it is not appropriate to disclose
- 29 that information;
- 30 a disclosure of that information is taken, for the purposes of this
- 31 Act, not to be in accordance with the disclosure framework.
- 32 (2) Without limiting section 1260, the disclosure framework may
- 33 provide for:
-

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- 1 (a) how applications referred to in paragraph (1)(a) are to be
2 made; and
3 (b) how those applications are to be decided.

4 **1264 Authorisation for purposes of Privacy Act**

5 A disclosure of personal information (within the meaning of the
6 *Privacy Act 1988*) is taken to be authorised by law for the purposes
7 of paragraph 6.2(b) of Schedule 1 to that Act if:

- 8 (a) the information is protected information; and
9 (b) subsection 1261(2) of this Act applies to the disclosure.

10 **1265 Disclosure to a court**

11 A person is not to be required:

- 12 (a) to produce to a court any document that:
13 (i) contains protected information; and
14 (ii) was made or given under, or for the purposes of, this
15 Act; and
16 (iii) was obtained by the person in the course of the person's
17 official employment; or
18 (b) to disclose to a court any protected information that the
19 person obtained in the course of the person's official
20 employment;

21 unless the production or disclosure is necessary for the purpose of
22 giving effect to a taxation law or an Australian business law.

23 **Subdivision D—Miscellaneous**

24 **1266 Extracts of information to be admissible in evidence**

25 (1) In any proceedings, a document, or a copy of a document, that
26 purports (irrespective of the form of wording used) to be an extract
27 of information held by the Registrar under, or for the purposes of,
28 this Act:

- 29 (a) is proof, in the absence of evidence to the contrary, of
30 information that is stated in it and that purports to be held by
31 the Registrar; and

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- 1 (b) is admissible without any further proof of, or the production
2 of, the original;
3 if it does not appear to the Court to have been revised or tampered
4 with in a way that affects, or is likely to affect, the information.
- 5 (2) The Registrar may give a person a certified copy of, or extract
6 from, the information held by the Registrar under, or for the
7 purposes of, this Act on payment of the fee (if any) prescribed by
8 rules made under section 1268.
- 9 (3) In any proceedings, the certified copy:
10 (a) is prima facie evidence of information that is stated in it and
11 that purports to be held by the Registrar under, or for the
12 purposes of, this Act; and
13 (b) is admissible without any further proof of, or the production
14 of, the original.
- 15 (4) This section does not limit the manner in which evidence may be
16 adduced, or the admissibility of evidence, under the *Evidence Act*
17 *1995*.

18 **1267 Annual report**

19 Each annual report by the Registrar for a period must include
20 information about the performance of the Registrar's functions and
21 exercise of the Registrar's powers under, or for the purposes of,
22 this Act during that period.

23 **1268 Rules**

- 24 (1) The Minister may, by legislative instrument, make rules under this
25 section prescribing matters:
26 (a) required or permitted by this Division to be prescribed by
27 rules made under this section; or
28 (b) necessary or convenient to be prescribed for carrying out or
29 giving effect to this Division.
- 30 (2) To avoid doubt, rules made under this section may not do the
31 following:
32 (a) create an offence or civil penalty;

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- 1 (b) provide powers of:
2 (i) arrest or detention; or
3 (ii) entry, search or seizure;
4 (c) impose a tax;
5 (d) set an amount to be appropriated from the Consolidated
6 Revenue Fund under an appropriation in this Act;
7 (e) directly amend the text of this Act.

8 **Division 2—Registers kept by ASIC**

9 **11 After section 1274A**

10 Insert:

11 **Division 3—Miscellaneous**

12 **12 After subsection 1317B(1)**

13 Insert:

- 14 (1A) Subject to this Part, applications may also be made to the Tribunal
15 for review of a decision made by the Registrar under the data
16 standards or disclosure framework.

17 **13 After paragraph 1317C(ge)**

18 Insert:

- 19 (gf) a decision by the Registrar to make, amend or repeal data
20 standards under section 1257; or
21 (gg) a decision by the Registrar to make, amend or repeal the
22 disclosure framework under section 1260; or

23 ***National Consumer Credit Protection Act 2009***

24 **14 Subsection 5(1)**

25 Insert:

26 ***Australian business law*** means a law of the Commonwealth, or of
27 a State or Territory, that is a law that regulates, or relates to the
28 regulation of, business or persons engaged in business.

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1

Commonwealth body means:

2

(a) an Agency (within the meaning of the *Public Service Act 1999*); or

3

4

(b) a body, whether incorporated or not, established for a public purpose by or under a law of the Commonwealth; or

5

6

(c) a person:

7

(i) holding or performing the duties of an office established by or under a law of the Commonwealth; or

8

9

(ii) holding an appointment made under a law of the Commonwealth.

10

11

data standards means standards made by the Registrar under section 211H.

12

13

designated secrecy provision has the meaning given by subsection 211N(3).

14

15

disclosure framework means the disclosure framework made under section 211L.

16

17

government entity has the meaning given by section 41 of the *New Tax System (Australian Business Number) Act 1999*.

18

19

official employment means:

20

(a) appointment or employment by the Commonwealth, or the performance of services for the Commonwealth; or

21

22

(b) the exercise of powers or performance of functions under a delegation by the Registrar.

23

24

protected information means information:

25

(a) obtained by a person in the course of the person's official employment; and

26

27

(b) disclosed to the person or another person, or obtained by the person or another person:

28

29

(i) under, or in relation to, this Act; or

30

(ii) under another law of the Commonwealth;

31

in connection with particular functions or powers of the Registrar.

32

33

Registrar has the meaning given by section 16A.

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Part 1 Main amendments

1 **Part 5-1A—Matters relating to handling records**
2 **and information**

3 **Division 1—The Registrar**

4 **211A Appointment of Registrar**

- 5 (1) The Minister may, by notifiable instrument, appoint a
6 Commonwealth body to be the Registrar.
- 7 (2) The Minister may, by notifiable instrument, appoint a
8 Commonwealth body to be the Registrar in relation to one or more
9 functions or powers of the Registrar.
- 10 (3) If more than one appointment under this section is in force, a
11 reference in this Act to the Registrar that does not relate to
12 particular functions or powers of the Registrar is taken to be a
13 reference to each Registrar in relation to the functions or powers
14 for which it is the Registrar.

15 **211B Functions**

- 16 The Registrar's functions are:
- 17 (a) such functions as are conferred on the Registrar by or under
18 this Act; and
- 19 (b) such functions as are prescribed by rules made for the
20 purposes of this paragraph under section 211U; and
- 21 (c) such functions as are incidental to the functions mentioned in
22 paragraph (a) or (b).

23 **211C Powers**

- 24 The Registrar's powers include:
- 25 (a) such powers as are conferred:
- 26 (i) on the Registrar in relation to the functions mentioned
27 in section 211B; and
- 28 (ii) by or under this Act; and

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- 1 (b) the power to do all things necessary or convenient to be done
2 for or in connection with the performance of those functions.

3 **211D Directions by Minister**

- 4 (1) The Minister may, by legislative instrument, give written directions
5 to the Registrar about the performance of its functions and the
6 exercise of its powers.

7 Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the
8 *Legislation Act 2003* do not apply to the directions (see regulations
9 made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that
10 Act).

- 11 (2) Without limiting subsection (1), a direction under that subsection
12 may relate to any of the following:
13 (a) matters to be dealt with in the data standards or disclosure
14 framework;
15 (b) consultation processes to be followed prior to making data
16 standards or the disclosure framework.
- 17 (3) A direction under subsection (1) must be of a general nature only.
- 18 (4) Subsection (3) does not prevent a direction under subsection (1)
19 from relating to a particular matter to be dealt with in the data
20 standards or disclosure framework. However, the direction must
21 not direct the Registrar how to apply the data standards or
22 disclosure framework in a particular case.
- 23 (5) The Registrar must comply with a direction under subsection (1).

24 **211E Delegation**

- 25 (1) The Registrar may, in writing, delegate all or any of the Registrar's
26 functions or powers under this Act (other than the power to make
27 data standards or the disclosure framework) to:
28 (a) any person to whom it may delegate any of its other
29 functions, as a Commonwealth body, under a law of the
30 Commonwealth; or
31 (b) any person of a kind specified in rules made under
32 section 211U.

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1 Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain
2 provisions relating to delegations.

3 (2) In performing a delegated function or exercising a delegated
4 power, the delegate must comply with any written directions of the
5 Registrar.

6 **211F Assisted decision making**

7 (1) The Registrar may arrange for the use, under the Registrar's
8 control, of processes to assist decision making (such as computer
9 applications and systems) for any purposes for which the Registrar
10 may make decisions in the performance or exercise of the
11 Registrar's functions or powers under this Act, other than decisions
12 reviewing other decisions.

13 (2) A decision the making of which is assisted by the operation of such
14 a process under an arrangement made under subsection (1) is taken
15 to be a decision made by the Registrar.

16 (3) The Registrar may substitute a decision for a decision (the *initial*
17 *decision*) the making of which is assisted by the operation of such
18 a process under an arrangement under subsection (1) if the
19 Registrar is satisfied that the initial decision is incorrect.

20 **211G Liability for damages**

21 None of the following:

- 22 (a) the Minister;
23 (b) the Registrar;
24 (c) if the Registrar is a Commonwealth body that has members—
25 a member of the Registrar;
26 (d) a member of the staff of the Registrar;
27 (e) a person who is, or is a member of or a member of the staff
28 of, a delegate of the Registrar;
29 (f) a person who is authorised to perform or exercise a function
30 or power of, or on behalf of, the Registrar;
31 (g) an APS employee, or an officer or employee of a
32 Commonwealth body, whose services are made available to

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1 the Registrar in connection with the performance or exercise
2 of any of its functions or powers;
3 is liable to an action or other proceeding for damages for or in
4 relation to an act done, or omitted to be done, in good faith in
5 performance or purported performance of any function, or in
6 exercise or purported exercise of any power, conferred or
7 expressed to be conferred by or under this Part.

8 **Division 2—How the Registrar is to perform and exercise** 9 **functions and powers**

10 **211H Data standards**

- 11 (1) The Registrar may, by legislative instrument, make data standards
12 on matters relating to the performance of the Registrar's functions
13 and the exercise of the Registrar's powers under this Act.
- 14 (2) Without limiting subsection (1), the data standards may provide for
15 any of the following:
- 16 (a) what information may be collected for the purposes of the
17 performance of the Registrar's functions and the exercise of
18 the Registrar's powers under this Act;
 - 19 (b) how such information may be collected;
 - 20 (c) the manner and form in which such information is given to
21 the Registrar;
 - 22 (d) when information is to be given to the Registrar;
 - 23 (e) how information held by the Registrar is to be authenticated,
24 verified or validated;
 - 25 (f) how information held by the Registrar is to be stored;
 - 26 (g) correction of information held by the Registrar;
 - 27 (h) the manner and form of communication between the
28 Registrar and persons who give information to the Registrar
29 or seek to access information held by the Registrar;
 - 30 (i) integrating or linking information held by the Registrar.
- 31 (3) Without limiting subsection (1), the data standards may include
32 different provisions relating to different functions or powers of the
33 Registrar.

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- 1 (4) If:
- 2 (a) a Commonwealth body (the *new Registrar*) is appointed as
- 3 the Registrar with particular functions or powers under this
- 4 Act; and
- 5 (b) immediately before that appointment, another
- 6 Commonwealth body was the Registrar with those functions
- 7 or powers; and
- 8 (c) the new Registrar does not have data standards that would
- 9 apply to those functions or powers;
- 10 any data standards applying to those functions or powers
- 11 immediately before that appointment continue to apply until the
- 12 new Registrar makes data standards that apply to those functions or
- 13 powers, or amends its existing data standards to apply to those
- 14 functions or powers.

15 **211J Giving information to the Registrar**

- 16 (1) Without limiting section 211H, the data standards may provide that
- 17 information is to be given to the Registrar in electronic form, or
- 18 any other specified form.
- 19 (2) A requirement under this Act that information is to be provided to
- 20 the Registrar in a particular form or manner (however described),
- 21 including a requirement:
- 22 (a) that the information is to be “lodged” or “furnished”; and
- 23 (b) that the information is to be “written” or “in writing”; and
- 24 (c) that a “copy” of a document containing the information is to
- 25 be provided;
- 26 is not taken to restrict by implication what the data standards may
- 27 provide under subsection (1) in relation to that information.

28 **211K How the Registrar is to perform and exercise functions and**

29 **powers**

- 30 (1) The Registrar must perform its functions and exercise its powers
- 31 under this Act in accordance with:
- 32 (a) the data standards; or

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1 (b) if there are no data standards that apply to particular
2 functions or powers—any requirement relating to those
3 functions or powers as in force immediately before those
4 functions or powers became functions or powers of the
5 Registrar.

6 (2) This section does not affect the application to the Registrar of any
7 other law of the Commonwealth.

8 **Division 3—Disclosure of information**

9 **211L Disclosure framework**

10 (1) The Registrar may, by legislative instrument, make a disclosure
11 framework relating to disclosing protected information.

12 (2) Without limiting subsection (1), the disclosure framework may
13 provide for any of the following:

14 (a) circumstances in which information must not be disclosed
15 without the consent of the person to whom it relates;

16 (b) circumstances in which de-identified information may be
17 disclosed;

18 (c) circumstances in which information may be disclosed to the
19 general public;

20 (d) circumstances in which confidentiality agreements are
21 required for the disclosure of information;

22 (e) imposing conditions on disclosure of information.

23 (3) Without limiting subsection (1), the disclosure framework may
24 include different provisions relating to particular functions or
25 powers of the Registrar under this Act.

26 (4) The disclosure framework must not provide for disclosure of
27 protected information unless the Registrar is satisfied that the
28 benefits of the disclosure would outweigh the risks of the
29 disclosure (taking into account any mitigation of those risks in
30 accordance with the disclosure framework).

31 (5) If:

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- 1 (a) a Commonwealth body (the *new Registrar*) is appointed as
2 the Registrar with particular functions or powers under this
3 Act; and
4 (b) immediately before that appointment, another
5 Commonwealth body was the Registrar with those functions
6 or powers; and
7 (c) the new Registrar does not have a disclosure framework that
8 would apply to those functions or powers;
9 the disclosure framework applying to those functions or powers
10 immediately before that appointment continues to apply until the
11 new Registrar makes a disclosure framework that applies to those
12 functions or powers, or amends its existing disclosure framework
13 to apply to those functions or powers.

14 **211M Protection of confidentiality of protected information**

- 15 (1) A person (the *first person*) commits an offence if:
16 (a) the first person is, or has been, in official employment; and
17 (b) the first person makes a record of information, or discloses
18 information to another person; and
19 (c) the information is protected information that was obtained by
20 the first person in the course of the first person's official
21 employment.

22 Penalty: Imprisonment for 2 years.

- 23 (2) However, subsection (1) does not apply if:
24 (a) the recording or disclosure is for the purposes of this Part; or
25 (b) the recording or disclosure happens in the course of the
26 performance of the duties of the first person's official
27 employment; or
28 (c) in the case of a disclosure—the disclosure is to another
29 person for use, in the course of the performance of the duties
30 of the other person's official employment, in relation to the
31 performance or exercise of the functions or powers of a
32 government entity; or
33 (d) in the case of a disclosure—each person to whom the
34 information relates consents to the disclosure; or

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1 (e) in the case of a disclosure—the disclosure is in accordance
2 with the disclosure framework.

3 Note: A defendant bears an evidential burden in relation to the matter in
4 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

5 **211N Authorisation of recording or disclosure**

6 (1) A person is not liable to any proceedings for contravening a
7 secrecy provision in respect of a recording or disclosure permitted
8 by subsection 211M(2), unless the secrecy provision is a
9 designated secrecy provision.

10 (2) A **secrecy provision** is a provision that:

11 (a) is a provision of a law of the Commonwealth (other than this
12 Act); and

13 (b) prohibits or regulates the use or disclosure of information.

14 (3) A **designated secrecy provision** is any of the following:

15 (a) sections 18, 18A, 18B and 92 of the *Australian Security*
16 *Intelligence Organisation Act 1979*;

17 (b) section 34 of the *Inspector-General of Intelligence and*
18 *Security Act 1986*;

19 (c) sections 39, 39A, 40, 40A to 40M and 41 of the *Intelligence*
20 *Services Act 2001*;

21 (d) section 8WB of the *Taxation Administration Act 1953*;

22 (e) a provision of a law of the Commonwealth prescribed by
23 rules made for the purposes of this paragraph under
24 section 211U;

25 (f) a provision of a law of the Commonwealth of a kind
26 prescribed by rules made for the purposes of this paragraph
27 under section 211U.

28 **211P Preventing disclosure of particular protected information**

29 (1) If:

30 (a) a person applies to the Registrar for particular protected
31 information relating to the person not to be disclosed; and

32 (b) the Registrar is satisfied that it is not appropriate to disclose
33 that information;

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1 a disclosure of that information is taken, for the purposes of this
2 Act, not to be in accordance with the disclosure framework.

3 (2) Without limiting section 211L, the disclosure framework may
4 provide for:

5 (a) how applications referred to in paragraph (1)(a) are to be
6 made; and

7 (b) how those applications are to be decided.

8 **211Q Authorisation for purposes of Privacy Act**

9 A disclosure of personal information (within the meaning of the
10 *Privacy Act 1988*) is taken to be authorised by law for the purposes
11 of paragraph 6.2(b) of Schedule 1 to that Act if:

12 (a) the information is protected information; and

13 (b) subsection 211M(2) of this Act applies to the disclosure.

14 **211R Disclosure to a court**

15 A person is not to be required:

16 (a) to produce to a court any document that:

17 (i) contains protected information; and

18 (ii) was made or given under, or for the purposes of, this
19 Act; and

20 (iii) was obtained by the person in the course of the person's
21 official employment; or

22 (b) to disclose to a court any protected information that the
23 person obtained in the course of the person's official
24 employment;

25 unless the production or disclosure is necessary for the purpose of
26 giving effect to a taxation law or an Australian business law.

27 **Division 4—Miscellaneous**

28 **211S Extracts of information to be admissible in evidence**

29 (1) In any proceedings, a document, or a copy of a document, that
30 purports (irrespective of the form of wording used) to be an extract

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- 1 of information held by the Registrar under, or for the purposes of,
2 this Act:
- 3 (a) is proof, in the absence of evidence to the contrary, of
4 information that is stated in it and that purports to be held by
5 the Registrar; and
- 6 (b) is admissible without any further proof of, or the production
7 of, the original;
8 if it does not appear to the Court to have been revised or tampered
9 with in a way that affects, or is likely to affect, the information.
- 10 (2) The Registrar may give a person a certified copy of, or extract
11 from, the information held by the Registrar under, or for the
12 purposes of, this Act on payment of the fee (if any) prescribed by
13 rules made under section 211U.
- 14 (3) In any proceedings, the certified copy:
- 15 (a) is prima facie evidence of information that is stated in it and
16 that purports to be held by the Registrar under, or for the
17 purposes of, this Act; and
- 18 (b) is admissible without any further proof of, or the production
19 of, the original.
- 20 (4) This section does not limit the manner in which evidence may be
21 adduced, or the admissibility of evidence, under the *Evidence Act*
22 *1995*.

211T Annual report

24 Each annual report by the Registrar for a period must include
25 information about the performance of the Registrar's functions and
26 exercise of the Registrar's powers under, or for the purposes of,
27 this Act during that period.

211U Rules

- 29 (1) The Minister may, by legislative instrument, make rules
30 prescribing matters:
- 31 (a) required or permitted by this Part to be prescribed by rules
32 made under this section; or

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- 1 (b) necessary or convenient to be prescribed for carrying out or
2 giving effect to this Part.
- 3 (2) To avoid doubt, rules made under this section may not do the
4 following:
- 5 (a) create an offence or civil penalty;
- 6 (b) provide powers of:
- 7 (i) arrest or detention; or
- 8 (ii) entry, search or seizure;
- 9 (c) impose a tax;
- 10 (d) set an amount to be appropriated from the Consolidated
11 Revenue Fund under an appropriation in this Act;
- 12 (e) directly amend the text of this Act.

17 After subsection 327(1)

14 Insert:

- 15 (1A) An application may also be made to the Administrative Appeals
16 Tribunal for review of a decision (within the meaning of the
17 *Administrative Appeals Tribunal Act 1975*) made by the Registrar
18 under the data standards or disclosure framework.

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1 **Part 2—Other amendments**

2 *A New Tax System (Australian Business Number) Act 1999*

3 **18 Title**

4 Omit “establishing a Register of Australian Business and”.

5 **19 Subsection 3(3)**

6 Repeal the subsection.

7 **20 Subsection 9(1)**

8 Omit “in the *Australian Business Register”.

9 **21 Subsection 9(1) (note 1)**

10 Omit “Note 1”, substitute “Note”.

11 **22 Subsection 9(1) (note 2)**

12 Repeal the note.

13 **23 Subsection 9(2)**

14 Omit “be in the *approved form”, substitute “meet any requirements of
15 the *data standards”.

16 **24 Subsection 9(3)**

17 Omit “That form”, substitute “The *Registrar”.

18 **25 Subsection 9A(1)**

19 Omit “in the *Australian Business Register”, substitute “under
20 section 10”.

21 **26 Subsection 9A(2)**

22 Repeal the subsection, substitute:

23 (2) *Your application must meet any requirements of the *data
24 standards.

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Part 2 Other amendments

1 **27 Subsection 9A(3)**

2 Omit “That form”, substitute “The *Registrar”.

3 **28 Subsection 10(1)**

4 Omit “in the *Australian Business Register”.

5 **29 Paragraph 10(1)(ca)**

6 Omit “*approved form”, substitute “process”.

7 **30 Paragraph 10(1)(d)**

8 Omit “in the Register”, substitute “under this section”.

9 **31 Subsection 10A(1)**

10 Omit “in the *Australian Business Register”.

11 **32 Paragraph 10A(1)(d)**

12 Omit “in the *Australian Business Register”.

13 **33 Paragraph 11(1)(b)**

14 Repeal the paragraph, substitute:

15 (b) making a record of:

16 (i) your registration; and

17 (ii) the date of effect of the registration.

18 **34 Subsection 11(3)**

19 Omit “must give *you a written notice of”, substitute “must notify *you
20 of”.

21 **35 Paragraph 11(3)(d)**

22 Repeal the paragraph, substitute:

23 (d) such other information about your registration as the *data
24 standards require.

25 **36 Subsection 11(3) (note)**

26 Repeal the note.

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1 **37 Section 11A**

2 Omit all the words after “by”, substitute “making a record of
3 information about your representative”.

4 **38 Section 12**

5 Repeal the section.

6 **39 Subsection 13(1)**

7 Omit “must give you written notice of”, substitute “must notify you of”.

8 **40 Subsection 13(2)**

9 Omit “give the Registrar written notice”, substitute “notify the
10 Registrar”.

11 **41 Subsection 13(3)**

12 Omit “if *you give notice”, substitute “if *you notify the Registrar”.

13 **42 Subsection 13(3)**

14 Omit “on which the notice is given”, substitute “of the notification”.

15 **43 Subsections 13(4) and (5)**

16 Repeal the subsections, substitute:

17 (4) For the purposes of measuring the 28 days mentioned in
18 subsection (2) for *your application under section 9 or 9A,
19 disregard each period (if any):

20 (a) starting on the day on which the *Registrar requests you, or
21 your proposed representative, to give the Registrar
22 information; and

23 (b) ending on the day you give the Registrar that information.

24 **44 Section 14 (heading)**

25 Repeal the heading, substitute:

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Part 2 Other amendments

1 **14 You must notify the Registrar of changes to certain matters**

2 **45 Paragraph 14(1)(b)**

3 Repeal the paragraph.

4 **46 Subsection 14(1) (note 1)**

5 Omit “notice under this subsection or section 15”, substitute
6 “notification under this subsection or request under section 15”.

7 **47 Subsection 14(2)**

8 Repeal the subsection, substitute:

9 (2) The notification must meet any requirements of the *data
10 standards.

11 **48 Subsection 15(1) (table item 1, column headed “These
12 entities ...”)**

13 Omit “in the *Australian Business Register”, substitute “under
14 section 10”.

15 **49 Subsection 15(1) (table item 1, column headed “can be
16 requested to give this information ...”, paragraph (c))**

17 Repeal the paragraph, substitute:

(c) information recorded about you in relation to your registration

18 **50 Subsection 15(1) (table item 2, column headed “These
19 entities ...”)**

20 Omit all the words after “(if any)”.

21 **51 Subsection 15(1) (table item 3, column headed “These
22 entities ...”, paragraph (a))**

23 Omit “in the *Australian Business Register”.

24 **52 Subsection 15(1) (table item 3, column headed “can be
25 requested to give this information ...”, paragraph (b))**

26 Repeal the paragraph, substitute:

(b) information recorded about the representative in relation to your

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registration

1 **53 Subsections 15(2) and (3)**

2 Repeal the subsections, substitute:

3 (2) A request under subsection (1) to an *entity must specify the period
4 within which the entity is to give the information. The period
5 specified must end at least 14 days after the request is given.

6 (3) In giving the information, the *entity must meet any requirements
7 of the *data standards.

8 **54 Paragraph 17(1)(a)**

9 Omit “*Australian Business Register”, substitute “information recorded
10 about your registration”.

11 **55 Paragraph 17(1)(b)**

12 Repeal the paragraph, substitute:

13 (b) notifying you of the new ABN and the date from which the
14 new ABN has effect.

15 **56 Subsection 17(1) (note)**

16 Repeal the note.

17 **57 Subsection 17(2)**

18 Repeal the subsection.

19 **58 Subsection 17(3)**

20 Omit “stated in the *Australian Business Register”, substitute
21 “mentioned in paragraph (1)(a)”.

22 **59 Subsection 18(1)**

23 Omit “in the *Australian Business Register”, substitute “under
24 section 10”.

25 **60 Subsection 18(1) (note 1)**

26 Omit “(see the definition of *ABN* in section 41)”.

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Part 2 Other amendments

1 **61 Subsection 18(1A)**

2 Omit “in the *Australian Business Register”, substitute “under
3 section 10A”.

4 **62 Subsection 18(2)**

5 Repeal the subsection, substitute:

6 (2) The *Registrar must notify *you of the cancellation. The
7 notification must state:

8 (a) the reasons for the cancellation; and

9 (b) the date of effect of the cancellation.

10 Note: A decision setting the date of effect of a cancellation is a reviewable
11 ABN decision.

12 **63 Paragraph 18(3)(a)**

13 Repeal the paragraph, substitute:

14 (a) the date on which *you are notified of the cancellation under
15 subsection (2);

16 **64 Paragraph 18(3)(c)**

17 Repeal the paragraph, substitute:

18 (c) a date before the date on which you are notified of the
19 cancellation.

20 **65 Paragraph 18(4)(a)**

21 Omit “in the *approved form”.

22 **66 Paragraph 18(4)(b)**

23 Omit “in the approved form”.

24 **67 After subsection 18(4)**

25 Insert:

26 (4A) The application must meet any requirements of the *data standards.

27 **68 Subsection 18(5)**

28 Repeal the subsection, substitute:

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1 (5) The *Registrar must notify *you of the cancellation and the date of
2 effect of the cancellation.

3 Note: A decision setting the date of effect of a cancellation is a reviewable
4 ABN decision.

5 **69 Paragraph 18(6)(a)**

6 Repeal the paragraph, substitute:

7 (a) the date on which *you are notified of the cancellation under
8 subsection (5);

9 **70 Paragraph 18(6)(c)**

10 Repeal the paragraph, substitute:

11 (c) a date before the date on which you are notified of the
12 cancellation.

13 **71 Subsection 19(1)**

14 Omit “in the *Australian Business Register”.

15 **72 Subsection 19(2)**

16 Repeal the subsection, substitute:

17 (2) The *Registrar must notify *you of the reinstatement.

18 **73 Subsection 21(2) (table item 7)**

19 Repeal the item.

20 **74 Division 10 of Part 3 (heading)**

21 Repeal the heading, substitute:

22 **Division 10—Record keeping**

23 **75 Section 24**

24 Repeal the section.

25 **76 Section 25**

26 Repeal the section, substitute:

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1 that they relate to the Registrar's functions or powers in connection
2 with this Act.

3 Note: The data standards deal with how the Registrar's functions and powers
4 are performed and exercised. For example, they may provide for:
5 (a) the collection of information; and
6 (b) the manner and form in which information is given to the
7 Registrar; and
8 (c) the manner and form of communication between the Registrar
9 and persons who give information to the Registrar or seek to
10 access information held by the Registrar.

11 **85 Section 41**

12 Repeal the following definitions:

- 13 (a) definition of *entrusted person*;
- 14 (b) definition of *official employment*;
- 15 (c) definition of *protected document*;
- 16 (d) definition of *protected information*.

17 **86 Section 41 (definition of Registrar)**

18 Repeal the definition, substitute:

19 *Registrar* has the meaning given by subsection (2).

20 **87 At the end of section 41**

21 Add:

- 22 (2) A reference in this Act to the Registrar is a reference to:
- 23 (a) if only one Commonwealth body is appointed as Registrar
24 under section 6 of the *Commonwealth Registers Act 2018*—
25 that body; or
 - 26 (b) if more than one Commonwealth body is appointed under
27 that section, but only one Commonwealth body is appointed
28 under that section with functions and powers in connection
29 with this Act—the Commonwealth body appointed under that
30 section with those functions and powers; or
 - 31 (c) if more than one Commonwealth body is appointed under
32 that section, and more than one Commonwealth body is
33 appointed under that section with functions and powers in
34 connection with this Act:

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- 1 (i) if the reference relates to one or more particular
2 functions or powers—any Commonwealth body so
3 appointed with any of those particular functions or
4 powers; or
5 (ii) otherwise—any of the Commonwealth bodies appointed
6 under that section with functions and powers in
7 connection with this Act.

8 *A New Tax System (Goods and Services Tax) Act 1999*

9 **88 Subsection 25-10(2)**

10 Repeal the subsection, substitute:

- 11 (2) The *Registrar must maintain a record of information relating to
12 *registrations under this Division.

13 **89 Subsection 25-60(2)**

14 Repeal the subsection, substitute:

- 15 (2) The *Registrar must maintain a record of information relating to
16 cancellations of *registrations under this Division.

17 **90 Section 146-20 (heading)**

18 Repeal the heading, substitute:

19 **146-20 Recorded information about registration and cancellation**

20 **91 Subsection 146-20(1) (note)**

21 Repeal the note, substitute:

22 Note: Subsection 25-10(2) requires the Registrar to record information
23 relating to your registration.

24 **92 Paragraph 146-20(3)(b)**

25 Omit all the words after “this section”, substitute “information about
26 your registration was not recorded by the *Registrar”.

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1 **93 Subsection 146-20(3) (note)**

2 Repeal the note, substitute:

3 Note: Subsection 25-60(2) requires the Registrar to record information
4 relating to the cancellation of your registration.

5 **94 Section 195-1 (definition of *Australian Business Register*)**

6 Repeal the definition.

7 **95 Section 195-1 (definition of *Australian Business Registrar*)**

8 Repeal the definition.

9 **96 Section 195-1**

10 Insert:

11 *data standards* means standards made by the Registrar under
12 section 13 of the *Commonwealth Registers Act 2018* to the extent
13 that they relate to the Registrar's functions or powers in connection
14 with the *A New Tax System (Australian Business Number) Act*
15 *1999*.

16 Note: The data standards deal with how the Registrar's functions and powers
17 are performed and exercised. For example, they may provide for:

- 18 (a) the collection of information; and
19 (b) the manner and form in which information is given to the
20 Registrar; and
21 (c) the manner and form of communication between the Registrar
22 and persons who give information to the Registrar or seek to
23 access information held by the Registrar.

24 *Registrar* has the same meaning as in the *A New Tax System*
25 *(Australian Business Number) Act 1999*.

26 ***Australian Prudential Regulation Authority Act 1998***

27 **97 Subsection 56(1)**

28 Insert:

29 *Registrar* has the same meaning as in the *A New Tax System*
30 *(Australian Business Number) Act 1999*.

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Part 2 Other amendments

1 **98 Subsection 56(7C)**

2 Omit “of the Australian Business Register established under section 24
3 of the *A New Tax System (Australian Business Number) Act 1999*”.

4 **99 Subsection 56(7C)**

5 Omit “enter the information in that Register”, substitute “record the
6 information”.

7 ***Australian Securities and Investments Commission Act 2001***

8 **100 Paragraph 12A(1)(k)**

9 Repeal the paragraph.

10 ***Business Names Registration Act 2011***

11 **101 Section 3 (definition of ABM)**

12 Repeal the definition.

13 **102 Section 3**

14 Insert:

15 *ABN: see Australian Business Number.*

16 **103 Section 3 (definition of application fee)**

17 Repeal the definition.

18 **104 Section 3 (definition of ASIC Act)**

19 Repeal the definition.

20 **105 Section 3 (definition of ASIC member)**

21 Repeal the definition.

22 **106 Section 3**

23 Insert:

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1 **117 Subsections 23(2) and (3)**

2 Repeal the subsections, substitute:

3 (2) The application must meet any requirements of the data standards.

4 **118 Subsections 23(5) and (6)**

5 Repeal the subsections.

6 **119 Subsection 24(1)**

7 Omit “ASIC” (first occurring), substitute “The Registrar”.

8 **120 Subsection 24(1)**

9 Omit “if ASIC”, substitute “if the Registrar”.

10 **121 Subsection 24(2)**

11 Repeal the subsection, substitute:

12 (2) The Registrar may request the entity to give the Registrar, within
13 the period specified in the request, such information as is required
14 by the data standards.

15 **122 Subsections 24(3) and (4)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **123 Subparagraphs 25(a)(iv), (v), (vi) and (vii)**

18 Omit “ASIC”, substitute “the Registrar”.

19 **124 Paragraph 25(e)**

20 Omit “either”, substitute “any of the following applies”.

21 **125 Subparagraph 25(e)(i)**

22 Omit “expression; or”, substitute “expression;”.

23 **126 At the end of paragraph 25(e)**

24 Add:

25 ; (iii) the name is constituted by or includes a word or
26 expression that is restricted but the Minister has

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1 determined under subsection 28(2A) that the name is
2 available to the entity.

3 **127 After subsection 28(2)**

4 Insert:

5 (2A) The Minister may determine in writing that a business name
6 specified in the determination is to be available to an entity
7 specified in the determination, even though the name is constituted
8 by or includes a word or expression that is restricted.

9 **128 Subsection 28(3)**

10 After “subsection (2)”, insert “or (2A)”.

11 **129 Paragraph 29(1)(a)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **130 Paragraph 29(4)(b)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **131 Subsections 29(5), (6) and (7)**

16 Omit “ASIC”, substitute “The Registrar”.

17 **132 Subsection 30(1)**

18 Omit “ASIC”, substitute “the Registrar”.

19 **133 Subsection 31(1)**

20 Omit “in accordance with subsection (2)”.

21 **134 Subsection 31(2)**

22 Repeal the subsection, substitute:

23 (2) The consent notice must meet any requirements of the data
24 standards.

25 **135 Paragraph 31(3)(a)**

26 Omit “ASIC”, substitute “the Registrar”.

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1 **136 Paragraph 31(3)(b)**

2 Repeal the paragraph, substitute:

- 3 (b) the entity to whom the business name is registered has:
- 4 (i) consented to the registration of the business name to the
- 5 applicant; and
- 6 (ii) requested the Registrar, under subsection 42(1), to
- 7 cancel the registration of the business name to the
- 8 entity;

9 **137 Subsection 31(4)**

10 Omit “ASIC in accordance with subsection (5)”, substitute “the

11 Registrar”.

12 **138 Subsection 31(5)**

13 Repeal the subsection, substitute:

- 14 (5) The notice must meet any requirements of the data standards.

15 **139 Subsection 31(6) (note 2)**

16 Omit “Subsections (4) to (6)”, substitute “Subsections (4) and (6)”.

17 **140 Subsection 32(3)**

18 Omit “in writing”.

19 **141 Subsection 32(4)**

20 Repeal the subsection.

21 **142 Section 33 (heading)**

22 Omit “ASIC”, substitute “the Registrar”.

23 **143 Subsection 33(1)**

24 Repeal the subsection, substitute:

- 25 (1) The Registrar registers a business name to an entity by making a
- 26 record of such information as is required by the data standards.

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1 **144 Subsection 33(2)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **145 Subsection 33(3)**

4 Omit “ASIC may”, substitute “The Registrar may”.

5 **146 Paragraph 33(3)(a)**

6 Repeal the paragraph, substitute:

7 (a) the entity requests the Registrar to do so; and

8 (ab) the request meets any requirements of the data standards; and

9 **147 Subsection 33(4)**

10 Omit “ASIC may”, substitute “The Registrar may”.

11 **148 Paragraph 33(4)(a)**

12 Repeal the paragraph, substitute:

13 (a) the entity requests the Registrar to do so; and

14 (ab) the request meets any requirements of the data standards; and

15 **149 Subsection 33(7)**

16 Repeal the subsection.

17 **150 Subsection 33(8)**

18 Omit “ASIC must give the entity notice in writing”, substitute “The
19 Registrar must notify the entity”.

20 **151 Paragraph 33(8)(c)**

21 Repeal the paragraph, substitute:

22 (c) any other details, held by the Registrar in relation to the
23 business name and the entity, that the Registrar considers
24 should be given to the entity.

25 **152 Subsection 34(1)**

26 Omit “ASIC”, substitute “the Registrar”.

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1 **153 Subsection 34(1)**

2 Omit “it must”, substitute “the Registrar must”.

3 **154 Paragraph 34(1)(a)**

4 Omit “give written notice to the applicant”, substitute “notify the
5 applicant”.

6 **155 Subsection 34(2)**

7 Omit “ASIC has”, substitute “the Registrar has”.

8 **156 Subsection 34(2)**

9 Omit “lodge with ASIC notice”, substitute “notify the Registrar”.

10 **157 Subsection 34(3)**

11 Repeal the subsection, substitute:

12 (3) The notification must meet any requirements of the data standards.

13 **158 Subsection 34(4)**

14 Omit “lodges notice”, substitute “notifies the Registrar”.

15 **159 Paragraph 34(4)(a)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **160 Paragraph 34(4)(a)**

18 Omit “notice is lodged”, substitute “notification is given”.

19 **161 Paragraph 34(4)(b)**

20 Omit “ASIC”, substitute “the Registrar”.

21 **162 Paragraph 34(5)(a)**

22 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

23 **163 Paragraph 34(5)(a)**

24 Omit “specified information or a specified document”, substitute
25 “information”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **164 Paragraph 34(5)(b)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **165 Paragraph 34(5)(b)**

4 Omit “specified information or specified document”, substitute
5 “information”.

6 **166 At the end of Part 3**

7 Add:

8 **34A The Registrar must maintain records**

9 The Registrar must, in the performance or exercise of the
10 Registrar’s functions or powers in connection with this Act,
11 maintain a record of information relating to registrations under this
12 Part.

13 **167 Part 4 (heading)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **168 Section 35 (heading)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **169 Subsection 35(1)**

18 Omit “(1)”.

19 **170 Paragraph 35(1)(a)**

20 Omit “ASIC”, substitute “the Registrar”.

21 **171 Paragraph 35(1)(b)**

22 Omit “in the Business Names Register”.

23 **172 Subsection 35(1)**

24 Omit “lodge with ASIC notice”, substitute “notify the Registrar”.

25 **173 Subsection 35(2)**

26 Repeal the subsection, substitute:

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 (2) The notification must meet any requirements of the data standards.

2 **174 Section 36 (heading)**

3 Omit “ASIC”, substitute “the Registrar”.

4 **175 Subsection 36(1)**

5 Omit “(1)”.

6 **176 Subsection 36(1)**

7 Omit “lodge with ASIC notice”, substitute “notify the Registrar”.

8 **177 Subsection 36(2)**

9 Repeal the subsection, substitute:

10 (2) The notification must meet any requirements of the data standards.

11 **178 Section 37 (heading)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **179 Subsections 37(1) and (2)**

14 Repeal the subsections, substitute:

15 (1) The Registrar may request an entity (other than a government
16 body) to give the Registrar information relevant to the Registrar’s
17 powers and functions in connection with this Act or the
18 Transitional Act.

19 (2) The request must specify:

- 20 (a) the information the entity is to give; and
21 (b) a period of at least 28 days, beginning on the day on which
22 the request is given, within which the entity is to give the
23 information.

24 **180 Subsection 37(3)**

25 Omit “ASIC”, substitute “the Registrar”.

26 **181 Subsection 37(5)**

27 Repeal the subsection, substitute:

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

- 1 (5) In complying with the request, the entity must meet any
2 requirements of the data standards.

3 **182 Subsections 37(6) to (8)**

4 Repeal the subsections, substitute:

5 (6) If:

- 6 (a) an entity fails to comply with a request under this section;
7 and
8 (b) the Registrar reasonably believes that information held by the
9 Registrar to which the request relates is not correct;
10 the Registrar may delete, correct or annotate the information.

11 (7) If:

- 12 (a) an entity gives the Registrar information in purported
13 compliance with a request under this section; and
14 (b) the Registrar reasonably believes that the information is
15 incorrect;
16 the Registrar may decide not to record the information, or to record
17 the information in a corrected or annotated form.

18 (8) If the Registrar deletes, corrects or annotates information under
19 subsection (6), or decides not to record information or to record it
20 in a corrected or annotated form under subsection (7), the Registrar
21 must notify the entity to whom the business name is registered of
22 the following:

- 23 (a) the action the Registrar has taken;
24 (b) in the case of a correction or annotation—the details of that
25 correction or annotation;
26 (c) the Registrar’s reasons for its decision.

27 **183 Section 38 (heading)**

28 Omit “ASIC”, substitute “**the Registrar**”.

29 **184 Subsection 38(1)**

30 Omit “lodge with ASIC notice of that fact in accordance with
31 subsection (2)”, substitute “, within 28 days of the appointment or
32 authorisation, notify the Registrar of that fact”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **185 Subsection 38(2)**

2 Repeal the subsection, substitute:

3 (2) The notification must meet any requirements of the data standards.

4 **186 Section 39 (heading)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **187 Subsection 39(1)**

7 Omit “lodge with ASIC notice”, substitute “notify the Registrar”.

8 **188 Subsection 39(2)**

9 Repeal the subsection, substitute:

10 (2) The notification must meet any requirements of the data standards.

11 **189 Subsection 39(3)**

12 Omit “ASIC receives notice”, substitute “the Registrar is notified”.

13 **190 Paragraph 39(3)(a)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **191 Paragraph 39(3)(a)**

16 Omit “Business Name”, substitute “business name”.

17 **192 Paragraph 39(3)(b)**

18 Repeal the paragraph, substitute:

19 (b) record the legal personal representative’s details.

20 **193 Subsection 40(1)**

21 Omit “lodge with ASIC notice”, substitute “notify the Registrar”.

22 **194 Subsection 40(2)**

23 Repeal the subsection, substitute:

24 (2) The notification must meet any requirements of the data standards.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **195 Subsections 40(3) and (4)**

2 Repeal the subsections, substitute:

3 (3) If an entity notifies the Registrar under subsection (1), the
4 Registrar must:

5 (a) register the business name to the estate of the deceased; and

6 (b) record:

7 (i) the name of the entity as a notified successor; and

8 (ii) such other information as is required by the data
9 standards.

10 **196 Subsection 40(5)**

11 Omit “ASIC may refuse to enter”, substitute “The Registrar may refuse
12 to record”.

13 **197 Subsection 40(5)**

14 Omit “if ASIC”, substitute “if the Registrar”.

15 **198 Subsections 40(6) and (7)**

16 Repeal the subsections, substitute:

17 (6) The Registrar must delete the record of a notified successor in
18 relation to a business name if the Registrar is notified in relation to
19 the business name under section 39.

20 (7) If one or more entities is recorded as a notified successor, the
21 Registrar is taken to satisfy an obligation under this Act or the
22 Transitional Act to notify the entity to whom the business name is
23 registered if the Registrar notifies each notified successor.

24 **199 Section 41 (heading)**

25 Omit “ASIC”, substitute “**the Registrar**”.

26 **200 Subsection 41(1)**

27 Repeal the subsection, substitute:

28 (1) If an entity has failed to comply with any provision of this Act or
29 the Transitional Act that requires the entity to give the Registrar

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 any information, the Registrar may notify the entity that the entity
2 must comply with the requirement within 10 business days after
3 the notification is given.

4 **201 Subsection 41(2)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **202 Subsection 42(1)**

7 Repeal the subsection, substitute:

8 (1) The Registrar must cancel the registration of a business name to an
9 entity if the entity requests the Registrar to do so. The request must
10 meet any requirements of the data standards.

11 **203 Subsection 42(2)**

12 Repeal the subsection.

13 **204 Subsection 42(3)**

14 Omit “ASIC” (first occurring), substitute “The Registrar”.

15 **205 Subsection 42(3)**

16 Omit “give notice in writing to the entity informing the entity that
17 ASIC”, substitute “notify the entity that the Registrar”.

18 **206 Section 43 (heading)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **207 Subsection 43(1)**

21 Omit “ASIC may”, substitute “The Registrar may”.

22 **208 Paragraphs 43(1)(a), (b) and (c)**

23 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **209 Subsection 43(2)**

2 Omit “ASIC must, at least 28 days before cancelling the registration,
3 give notice in writing to the entity informing the entity”, substitute “The
4 Registrar must, at least 28 days before cancelling the registration, notify
5 the entity”.

6 **210 Paragraphs 43(2)(a) and (b)**

7 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

8 **211 Subsection 44(1)**

9 Omit “ASIC” (first occurring), substitute “The Registrar”.

10 **212 Subsection 44(1)**

11 Omit “if ASIC”, substitute “if the Registrar”.

12 **213 Subsection 44(2)**

13 Omit “ASIC must”, substitute “The Registrar must”.

14 **214 Subsection 44(2)**

15 Omit “give notice in writing to the entity informing the entity”,
16 substitute “notify the entity”.

17 **215 Paragraphs 44(2)(a) and (b)**

18 Omit “ASIC”, substitute “the Registrar”.

19 **216 Subsection 45(1)**

20 Omit “ASIC”, substitute “The Registrar”.

21 **217 Subsection 45(2)**

22 Omit “ASIC must”, substitute “The Registrar must”.

23 **218 Subsection 45(2)**

24 Omit “give notice in writing to the entity informing the entity”,
25 substitute “notify the entity”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **219 Paragraph 45(2)(b)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **220 Subsection 46(1)**

4 Omit “ASIC”, substitute “The Registrar”.

5 **221 Subsection 46(2)**

6 Omit “ASIC must”, substitute “The Registrar must”.

7 **222 Subsection 46(2)**

8 Omit “give notice in writing to the entity information the entity”,
9 substitute “notify the entity”.

10 **223 Paragraphs 46(2)(a) and (b)**

11 Omit “ASIC”, substitute “the Registrar”.

12 **224 Subsection 47(1)**

13 Omit “ASIC may”, substitute “The Registrar may”.

14 **225 Paragraphs 47(1)(a) and (c)**

15 Omit “ASIC”, substitute “the Registrar”.

16 **226 Subsection 47(2)**

17 Omit “ASIC must”, substitute “The Registrar must”.

18 **227 Subsection 47(2)**

19 Omit “give notice in writing to the entity”, substitute “notify the entity”.

20 **228 Paragraph 47(2)(a)**

21 Omit “informing the entity that ASIC”, substitute “that the Registrar”.

22 **229 Paragraph 47(2)(b)**

23 Omit “inviting the entity to give ASIC”, substitute “that the entity is
24 invited to give the Registrar”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **230 Subsection 48(1)**

2 Omit “ASIC may”, substitute “The Registrar may”.

3 **231 Paragraphs 48(1)(a) and (b)**

4 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

5 **232 Paragraph 48(1)(b)**

6 Omit “Business Names Register”, substitute “information recorded by
7 the Registrar in performing functions or exercising powers under this
8 Act”.

9 **233 Paragraph 48(1)(c)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **234 Subsection 48(2)**

12 Omit “ASIC must”, substitute “The Registrar must”.

13 **235 Subsection 48(2)**

14 Omit “give notice in writing to the entity information the entity that
15 ASIC”, substitute “notify the entity that the Registrar”.

16 **236 Paragraphs 48(2)(a) and (b)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **237 Subsection 49(1)**

19 Omit “ASIC”, substitute “The Registrar”.

20 **238 Subsection 49(1)**

21 Omit “in writing”.

22 **239 Subsection 49(2)**

23 Omit “ASIC’s”, substitute “the Registrar’s”.

24 **240 Subsection 49(3)**

25 Omit “ASIC may give notice in writing to the entity that ASIC”,
26 substitute “the Registrar may notify the entity that the Registrar”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **241 Subsection 49(4)**

2 Omit “ASIC”, substitute “The Registrar”.

3 **242 Section 50**

4 Omit “ASIC” (first occurring), substitute “The Registrar”.

5 **243 Section 50**

6 Omit “if ASIC”, substitute “if the Registrar”.

7 **244 Subsection 51(2)**

8 Omit “ASIC must”, substitute “The Registrar must”.

9 **245 Paragraphs 51(2)(a) and (b)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **246 Subsection 51(3)**

12 Omit “ASIC’s”, substitute “the Registrar’s”.

13 **247 Section 52**

14 Repeal the section, substitute:

15 **52 Notification of cancellation of business name**

16 (1) If the Registrar cancels the registration of a business name to an
17 entity, the Registrar must notify the entity of the decision and the
18 Registrar’s reasons for the decision.

19 (2) However, if the Registrar is unable to contact the entity, the
20 Registrar must publish a notice of the cancellation in the manner
21 that the Registrar thinks fit.

22 **248 Subsections 53(1) to (4)**

23 Repeal the subsections, substitute:

24 (1) If the Registrar is required, under a provision of this Part, to notify
25 a partnership, the Registrar must also notify each partner within the
26 partnership of whom the Registrar has details.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 (2) If the Registrar is required, under a provision of this Part, to notify
2 an unincorporated association or body, the Registrar must also
3 notify each member of the committee of management of the
4 association or body of whom the Registrar has details.

5 (3) If the Registrar is required, under a provision of this Part, to notify
6 a trust that has 2 or more trustees, the Registrar must also notify
7 each trustee of whom the Registrar has details.

8 (4) If the Registrar is required, under a provision of this Part, to notify
9 a joint venture, the Registrar must also notify each joint venture
10 entity of whom the Registrar has details.

11 **249 Subsection 54(1)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **250 Paragraph 54(2)(b)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **251 Subsections 54(3) and (4)**

16 Omit “ASIC”, substitute “The Registrar”.

17 **252 Subsection 55(1)**

18 Omit “ASIC”, substitute “the Registrar”.

19 **253 Subsection 55(2)**

20 Omit “lodge an application with ASIC”, substitute “apply to the
21 Registrar”.

22 **254 Subsection 55(3)**

23 Repeal the subsection, substitute:

- 24 (3) The application must:
- 25 (a) meet any requirements of the data standards; and
 - 26 (b) be accompanied by the renewal fee appropriate to the period
27 sought.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **255 Subsections 55(4) and (5)**

2 Omit “ASIC”, substitute “The Registrar”.

3 **256 Section 56 (table item 11, column 1)**

4 Omit “include”, substitute “record”.

5 **257 Section 56 (table item 11, column 1)**

6 Omit “on the Business Names Register”.

7 **258 Section 56 (table item 12, column 1)**

8 Omit “enter”, substitute “record”.

9 **259 Section 56 (table item 12, column 1)**

10 Omit “on the Business Names Register”.

11 **260 Section 56 (table items 16 and 17)**

12 Repeal the items.

13 **261 Subsection 57(1)**

14 Omit “by ASIC”, substitute “by the Registrar”.

15 **262 Subsection 57(1)**

16 Omit “lodge an application with ASIC”, substitute “apply to the
17 Registrar”.

18 **263 At the end of subsection 57(1)**

19 Add:

20 The application must meet any requirements of the data standards.

21 **264 Subsection 57(2)**

22 Omit “an ASIC member or staff member”, substitute “the Registrar”.

23 **265 Subsection 57(2)**

24 Omit “lodge an application with”, substitute “apply to”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **266 Subsection 57(3)**

2 After “An application”, insert “under subsection (2)”.

3 **267 Paragraph 57(3)(c)**

4 Omit “lodged”, substitute “made”.

5 **268 Subsection 57(4)**

6 Repeal the subsection, substitute:

7 (4) An application under subsection (2) for review of a decision must
8 be made within 28 days after the entity is notified of the decision.

9 **269 Subsection 57(5)**

10 Omit “lodged”, substitute “made”.

11 **270 Subsection 57(6)**

12 Omit “lodged with a review body”, substitute “made”.

13 **271 Subsection 57(8)**

14 Repeal the subsection, substitute:

15 (8) If the Registrar, as the review body, has not decided an application
16 by an entity for review of a decision within 28 days after the
17 application is made, the entity may, at any time, notify the review
18 body that the entity wishes to treat the decision as having been
19 affirmed.

20 (8A) The notification must meet any requirements of the data standards.

21 (8B) If the Minister, as the review body, has not decided an application
22 by an entity for review of a decision within 60 days after the
23 application is made, the entity may, at any time, give the review
24 body written notice that the entity wishes to treat the decision as
25 having been affirmed.

26 **272 Subsection 57(9)**

27 Omit “notice under subsection (8)”, substitute “a notification under
28 subsection (8) or a notice under subsection (8A)”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **273 Subsection 58(1)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **274 Subsection 58(2)**

4 Omit “lodged”, substitute “made”.

5 **275 Part 8**

6 Repeal the Part.

7 **276 Sections 63 and 64**

8 Repeal the sections.

9 **277 Subsection 65(1)**

10 Omit “ASIC may”, substitute “The Registrar may”.

11 **278 Subsection 65(1)**

12 Omit “by ASIC”, substitute “by the Registrar”.

13 **279 Subsection 65(2)**

14 Omit “ASIC has”, substitute “The Registrar has”.

15 **280 Subsection 65(2)**

16 Omit “ASIC is”, substitute “the Registrar is”.

17 **281 Subsection 65(3)**

18 Omit “ASIC”, substitute “The Registrar”.

19 **282 Sections 66 to 68**

20 Repeal the sections.

21 **283 Section 69 (heading)**

22 Omit “ASIC”, substitute “The Registrar”.

23 **284 Subsection 69(1) (heading)**

24 Omit “ASIC”, substitute “The Registrar”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **285 Subsection 69(1)**

2 Omit “ASIC” (first and second occurring), substitute “the Registrar”.

3 **286 Paragraph 69(1)(c)**

4 Repeal the paragraph, substitute:

5 (c) does not meet the requirements (if any) of the data standards;
6 or

7 **287 Subsection 69(1)**

8 Omit “ASIC may”, substitute “the Registrar may”.

9 **288 Subsection 69(1) (note)**

10 Repeal the note, substitute:

11 Note: The effect of the Registrar refusing to receive the document is that the
12 document is not given to the Registrar (see subsection (6)).

13 **289 Subsection 69(2)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **290 Paragraph 69(2)(c)**

16 Omit “in the prescribed form”.

17 **291 After subsection 69(2)**

18 Insert:

19 (2A) Lodgement of the supplementary document must meet any
20 requirements of the data standards.

21 **292 Subsection 69(3) (heading)**

22 Omit “*Notice*”, substitute “*Request*”.

23 **293 Subsection 69(3)**

24 Omit “ASIC may give a written notice to”, substitute “The Registrar
25 may request”.

26 **294 Subsection 69(3)**

27 Omit “, requiring the entity”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **295 Paragraphs 69(3)(a) and (b)**

2 Omit “to ASIC”, substitute “the Registrar”.

3 **296 Subsection 69(3)**

4 Omit “ASIC considers”, substitute “the Registrar considers”.

5 **297 Subsection 69(4) (heading)**

6 Omit “*Notice*”, substitute “*Request*”.

7 **298 Subsection 69(4)**

8 Omit “notice” (first, second and third occurring), substitute “request”.

9 **299 Subsection 69(4)**

10 Omit “ASIC may specify a later day by giving a written notice”,
11 substitute “The Registrar may specify a later day”.

12 **300 Subsection 69(5) (heading)**

13 Omit “*notice*”, substitute “*request*”.

14 **301 Subsection 69(5)**

15 Omit “notice” (wherever occurring), substitute “request”.

16 **302 Subsection 69(5)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **303 Subsection 69(6)**

19 Omit “If ASIC”, substitute “If the Registrar”.

20 **304 Subsection 69(6)**

21 Omit “lodged with ASIC”, substitute “given to the Registrar”.

22 **305 Section 70 (heading)**

23 Omit “ASIC”, substitute “**the Registrar**”.

24 **306 Section 70**

25 Omit “ASIC”, substitute “the Registrar”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **307 Section 71**

2 Omit “ASIC”, substitute “The Registrar”.

3 **308 Section 72**

4 Omit “ASIC”, substitute “the Registrar”.

5 **309 Paragraph 73(a)**

6 Omit “shown in the Business Names Register as the address for
7 service”, substitute “recorded by the Registrar in connection with the
8 performance of the Registrar’s functions under this Act or the
9 Transitional Act”.

10 **310 Paragraph 73(b)**

11 Omit “on the Business Names Register”, substitute “recorded by the
12 Registrar in connection with the performance of the Registrar’s
13 functions under this Act or the Transitional Act”.

14 **311 Section 74**

15 Repeal the section.

16 **312 Section 75 (heading)**

17 Omit “ASIC”, substitute “**The Registrar**”.

18 **313 Section 75**

19 Omit “ASIC” (first and second occurring), substitute “the Registrar”.

20 **314 Section 75**

21 Omit “, by written notice given to the entity”.

22 **315 Paragraph 75(b)**

23 Omit “ASIC”, substitute “the Registrar”.

24 **316 Sections 76 and 77**

25 Repeal the sections.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **317 Section 78**

2 Omit all the words before “liable”, substitute “The Minister is not”.

3 **318 Section 79**

4 Repeal the section.

5 **319 Subsection 80(1)**

6 Omit all the words after “delegate”, substitute “to the Registrar such of
7 the Minister’s functions and powers under this Act or the Transitional
8 Act as are prescribed”.

9 **320 Subsection 82(1)**

10 Omit “A notice, signed by all the partners in a partnership, may be
11 lodged with ASIC, nominating”, substitute “All the partners in a
12 partnership may nominate”.

13 **321 Subsection 82(4)**

14 Omit “A notice, signed by all the partners in a partnership, may be
15 lodged with ASIC, withdrawing”, substitute “All the partners in a
16 partnership may withdraw”.

17 **322 Subsection 82(5)**

18 Repeal the subsection, substitute:

19 (5) A nomination or withdrawal of a nomination under this section
20 must meet any requirements of the data standards.

21 **323 Subsection 84(1)**

22 Omit “A notice, signed by all the members of the committee of
23 management of an unincorporated association or body, may be lodged
24 with ASIC, nominating”, substitute “All the members of the committee
25 of management of an unincorporated association or body may
26 nominate”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **324 Subsection 84(4)**

2 Omit “A notice, signed by all the members of the committee of
3 management of an unincorporated association or body, may be lodged
4 with ASIC, withdrawing”, substitute “All the members of the
5 committee of management of an unincorporated association or body
6 may withdraw”.

7 **325 Subsection 84(5)**

8 Repeal the subsection, substitute:

9 (5) A nomination or withdrawal of a nomination under this section
10 must meet any requirements of the data standards.

11 **326 Subsection 86(2)**

12 Omit “A notice, signed by all the trustees of a trust, may be lodged with
13 ASIC, nominating”, substitute “All the trustees of a trust may
14 nominate”.

15 **327 Subsection 86(5)**

16 Omit “A notice, signed by all the trustees of a trust, may be lodged with
17 ASIC, withdrawing”, substitute “All the trustees of a trust may
18 withdraw”.

19 **328 Subsection 86(6)**

20 Repeal the subsection, substitute:

21 (6) A nomination or withdrawal of a nomination under this section
22 must meet any requirements of the data standards.

23 **329 Subsection 87(6)**

24 Omit “A notice, signed by all the joint venture entities, may be lodged
25 with ASIC, nominating”, substitute “All the joint venture entities may
26 nominate”.

27 **330 Subsection 87(8)**

28 Omit “A notice, signed by all the joint venture entities, may be lodged
29 with ASIC, withdrawing”, substitute “All the joint venture entities may
30 withdraw”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **331 Subsection 87(9)**

2 Repeal the subsection, substitute:

3 (9) A nomination or withdrawal of a nomination under this section
4 must meet any requirements of the data standards.

5 **332 Subsection 87(11)**

6 Omit “ASIC”, substitute “The Registrar”.

7 **333 Subsection 88(4)**

8 Omit “ASIC” (first occurring), substitute “The Registrar”.

9 **334 Subsection 88(4)**

10 Omit all the words after “ABN” (first occurring).

11 ***Business Names Registration (Transitional and***
12 ***Consequential Provisions) Act 2011***

13 **335 Item 13 of Schedule 1**

14 Repeal the item.

15 **336 Item 14 of Schedule 1 (heading)**

16 Omit “ASIC”, substitute “The Registrar”.

17 **337 Item 14 of Schedule 1**

18 Omit “ASIC may record and use information disclosed to ASIC”,
19 substitute “The Registrar may record and use information disclosed to
20 the Registrar”.

21 **338 Item 14 of Schedule 1 (note)**

22 Repeal the note, substitute:

23 Note: The Registrar may also request information under section 37 of the
24 Business Names Registration Act.

25 **339 Items 15 and 16 of Schedule 1**

26 Repeal the items, substitute:

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **340 The Registrar may rely on information disclosed by**
2 **States and Territories**

3 In exercising powers or performing functions under this Act, the
4 Registrar may rely on information disclosed to it by a State or Territory.

5 **341 What the Registrar must do if information available on**
6 **transition deficient**

7 (1) This item applies if:

- 8 (a) a business name is registered under this Act to an entity or
9 entities; and
10 (b) the Registrar is satisfied that, because of a deficiency in the
11 information available to ASIC before registration:
12 (i) the business name has not been registered to the correct
13 entity or entities; or
14 (ii) other information recorded by ASIC in relation to the
15 registration under this Act is incorrect.

16 (2) The Registrar must:

- 17 (a) correct the information mentioned in subparagraph (1)(b)(i)
18 or (ii), as the case requires; and
19 (b) notify:
20 (i) each entity to whom the business name was registered
21 before the correction; and
22 (ii) each entity to whom the business name is registered
23 after the correction; and
24 (iii) any other person to whom corrected information relates.

25 **342 Items 18 to 20 of Schedule 1**

26 Repeal the items, substitute:

27 **343 Distinguishing words and expressions**

- 28 (1) This item applies if 2 or more business names that are identical or
29 nearly identical are registered under this Act.
30 (2) This item also applies if one or more of the business names are
31 subsequently registered under the Business Names Registration Act
-

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- 1 under an application to which an entity to whom the business name or
2 names were previously registered has consented by notification under
3 section 31 of that Act.
- 4 (3) The Registrar may, by notifying each entity to whom one of the
5 business names is registered, nominate a word or expression to be
6 recorded in relation to the business name registered to that entity.
- 7 (4) The Registrar may only nominate a word or expression to an entity if
8 the Registrar is reasonably satisfied the inclusion of the word or
9 expression would assist in distinguishing a business or businesses
10 carried on by the entity from a business or businesses carried on by
11 another entity.
- 12 (5) Without limiting subitem (4), a word or expression nominated by the
13 Registrar may be a word or expression identifying the location at which
14 a business is, or businesses are, carried on by the entity under one or
15 more of the business names.
- 16 (6) If the Registrar notifies an entity of a nomination, the entity must,
17 within 28 days after the notification, notify the Registrar:
18 (a) of the entity's acceptance of the nomination; or
19 (b) of an objection to the nomination, and a nomination of an
20 alternative word or expression.
- 21 The notification by the entity must meet any requirements of the data
22 standards.
- 23 (7) If an entity fails to comply with subitem (6), the entity is taken to have
24 accepted the nomination.
- 25 (8) The Registrar must accept the alternative word or expression nominated
26 by the entity unless reasonably satisfied that, if:
27 (a) the word or expression were added to the business name; and
28 (b) the entity made application to register the business name as
29 altered;
30 the business name as altered would not be available to the entity under
31 section 25 of the Business Names Registration Act.
- 32 (9) The Registrar must:

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- 1 (a) notify the entity whether it accepts or rejects the alternative
2 word or expression; and
3 (b) if the Registrar rejects the alternative—specify in the
4 notification the word or expression that is to be recorded
5 under item 20.

6 **344 Meaning of *distinguishing word or expression***

7 A word or expression is the *distinguishing word or expression* that
8 relates to a business carried on by an entity under a business name, if:

- 9 (a) the word or expression is nominated by the Registrar in
10 relation to the business name by notification to the entity
11 under subitem 18(3) and accepted by the entity under
12 paragraph 18(6)(a); or
13 (b) the word or expression is nominated by the Registrar in
14 relation to the business name by notification to the entity
15 under subitem 18(3) and taken to have been accepted by the
16 entity under subitem 18(7); or
17 (c) the word or expression is nominated by the entity in relation
18 to the business name by notification under
19 paragraph 18(6)(b) and accepted by the Registrar under
20 subitem 18(8); or
21 (d) in a case where an alternative word or expression is
22 nominated in relation to the business name by the entity
23 under paragraph 18(6)(b) and rejected by ASIC under
24 subitem 18(8)—the word or expression is specified in the
25 Registrar’s notification under subitem 18(9).

26 **345 The Registrar must record the distinguishing word or** 27 **expression**

- 28 (1) The Registrar must record the distinguishing word or expression that
29 relates to a business or businesses carried on by an entity under a
30 business name.
31 (2) However, the distinguishing word or expression does not form part of
32 the business name.
33 (3) The Registrar may remove the record of a distinguishing word or
34 expression in relation to a business name if the Registrar is reasonably

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1 satisfied that the removal would not lead to confusion about who is
2 carrying on a business or businesses under that business name.

3 (4) If the Registrar removes the record, the Registrar must notify the
4 following entities of the removal:

5 (a) the entity to whom the business name is registered;

6 (b) each entity for whom the Registrar has contact details to
7 whom the business name, or a nearly identical business
8 name, was formerly registered.

9 (5) The Registrar may also notify any other entity of the removal of the
10 distinguishing word or expression if the Registrar is reasonably satisfied
11 that the other entity's interests might be affected by the removal.

12 **346 Item 21 of Schedule 1**

13 Omit "entered on the Business Names Register", substitute "recorded
14 by the Registrar".

15 **347 Subitem 22(2) of Schedule 1**

16 Omit "ASIC must", substitute "The Registrar must".

17 **348 Paragraph 22(2)(a) of Schedule 1**

18 Omit "lodges a request with ASIC, in the prescribed form and manner",
19 substitute "requests the Registrar".

20 **349 After subitem 22(2) of Schedule 1**

21 Insert:

22 (2A) The request must meet any requirements of the data standards.

23 **350 Item 26 of Schedule 1**

24 Repeal the item.

25 **351 Item 27 of Schedule 1 (table item 3, column 2)**

26 Omit "Subitem 18(9) ", substitute "Subitem 18(8)".

27 **352 Item 27 of Schedule 1 (table item 4, column 2)**

28 Omit "Paragraph 18(10)(b)", substitute "Paragraph 18(9)(b)".

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Amendments relating to the Registrar **Schedule 1**
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1 **353 Item 27 of Schedule 1 (cell at table item 5, column 1)**

2 Repeal the cell, substitute:
Removing the record of a word or
expression to distinguish an entity

3 **354 Item 28 of Schedule 1 (at the end of the heading)**

4 Add “made by ASIC”.

5 **355 After item 28 of Schedule 1**

6 Insert:

7 **356 Internal review of certain decisions made by the**
8 **Registrar**

- 9 (1) If a reviewable decision is made by the Registrar other than as a
10 delegate of the Minister, an entity on whose application the decision is
11 reviewable may apply to the Registrar (the *review body*) for review of
12 the decision. The application must meet any requirements of the data
13 standards.
- 14 (2) If a reviewable decision is made by the Registrar as a delegate of the
15 Minister, an entity on whose application the decision is reviewable may
16 apply to the Minister (the *review body*) for review of the decision.
- 17 (3) An application under subitem (2):
18 (a) must set out the reasons for making the application; and
19 (b) must be in the prescribed form; and
20 (c) must be made in the prescribed manner.
- 21 (4) An application under subitem (1) or (2) must be made within 28 days
22 after the entity is notified of the decision.
- 23 (5) Despite subitem (4), an application for review may be made within such
24 longer period as the review body allows.
- 25 (6) After an application for review is made, the review body must review
26 the decision and:
27 (a) affirm the decision under review; or
28 (b) vary the decision under review; or

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- 1 (c) set aside the decision under review and make a decision in
2 substitution for it.
- 3 (7) A decision of the review body under subitem (6) takes effect:
4 (a) on a day, provided in the decision, that is after the decision is
5 made; or
6 (b) if a day is not so provided—on the day on which the decision
7 is made.
- 8 (8) If the Registrar, as the review body, has not decided an application by
9 an entity for review within 28 days after the application is made, the
10 entity may, at any time, notify the review body that the entity wishes to
11 treat the decision as having been affirmed. The notification must meet
12 any requirements of the data standards.
- 13 (9) If the Minister, as the review body, has not decided an application by an
14 entity for review within 60 days after the application is made, the entity
15 may, at any time, give the review body written notice that the entity
16 wishes to treat the decision as having been affirmed.
- 17 (10) For the purposes of item 29, if an entity gives a notification under
18 subitem (8) or a notice under subitem (9), the review body is taken to
19 have refused the entity's application on the day on which the
20 notification or notice is given.

21 **357 Subitem 29(1) of Schedule 1**

- 22 Omit all the words after “been made”, substitute:
23 by:
24 (a) ASIC or the Minister under item 28; or
25 (b) the Registrar or the Minister under item 28A.

26 **358 Subitem 29(2) of Schedule 1**

- 27 Omit all the words after “subitem 28(1)”, substitute “or could have
28 made an application under subitem 28A(1), as the case requires”.

29 **359 At the end of the Act**

- 30 Add:
-

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **Schedule 3—Transitional provisions relating**
2 **to the Treasury Laws Amendment**
3 **(Registries Modernisation and Other**
4 **Measures) Act 2018**
5

6 **1 Definition**

7 In this Schedule:

8 **commencement time** means the commencement of item ? of Schedule 1
9 to the *Treasury Laws Amendment (Registries Modernisation and Other*
10 *Measures) Act 2018*.

11 **2 Application of amendments relating to the Business Names**
12 **Register**

13 The amendments made by items 100 to 358 of Schedule 1 to the
14 *Treasury Laws Amendment (Registries Modernisation and Other*
15 *Measures) Act 2018* apply on and after the day the Minister appoints,
16 under section 6 of the *Commonwealth Registers Act 2018*:

- 17 (a) a Commonwealth body to be the Registrar; or
18 (b) if more than one such body is appointed—the body or bodies
19 appointed under that section with functions and powers in
20 connection with the *Business Names Registration Act 2011* or
21 the *Business Names Registration (Transitional and*
22 *Consequential Provisions) Act 2011*.

23 **3 Liability for damages**

24 Section 78 of the *Business Names Registration Act 2011*, as in force
25 immediately before the commencement time, continues to apply, at and
26 after the commencement time, in relation to an act done or omitted to be
27 done before the commencement time by ASIC or a person mentioned in
28 paragraphs (c) to (e) of that section.

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Schedule 1 Amendments relating to the Registrar

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1 **4 Delegation of prescribed functions and powers**

2 A delegation of functions or powers by the Minister in force under
3 section 80 of the *Business Names Registration Act 2011* immediately
4 before the commencement time continues in force (and may be dealt
5 with) at and after the commencement time as if the delegation were a
6 delegation to the Registrar.

7 **5 Things started but not finished by ASIC**

8 If:

- 9 (a) before the commencement time, ASIC started doing a thing
10 under Schedule 1 to the *Business Names Registration*
11 *(Transitional and Consequential Provisions) Act 2011* as in
12 force immediately before the commencement time; and
13 (b) immediately before the commencement time, ASIC had not
14 finished doing that thing;

15 then, on and after the commencement time:

- 16 (c) ASIC may finish doing the thing as if the thing were being
17 done by the Registrar in the performance or exercise of the
18 Registrar's functions or powers; or
19 (d) if ASIC does not finish doing the thing under paragraph (c)—
20 the Registrar may finish doing the thing in the performance
21 or exercise of the Registrar's functions or powers.

22 ***Corporations Act 2001***

23 **360 Subsection 5H(2)**

24 Repeal the subsection, substitute:

- 25 (2) A notice must be given to the Registrar before the registration day.
26 The notice must meet any requirements of the data standards.

27 **361 Section 9 (definition of ACM)**

28 Omit "ASIC", substitute "the Registrar".

29 **362 Section 9 (definition of ARBN)**

30 Omit "ASIC", substitute "the Registrar".

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Amendments relating to the Registrar **Schedule 1**
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1 **363 Section 9 (definition of *ASIC database*)**

2 Repeal the definition.

3 **364 Section 9 (definition of *Business Names Register*)**

4 Repeal the definition.

5 **365 Section 9 (note at the end of the definition of *director*)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **366 Section 9 (definition of *extract of particulars*)**

8 Omit “ASIC” (first occurring), substitute “the Registrar”.

9 **367 Section 9 (paragraph (a) of the definition of *extract of***
10 ***particulars*)**

11 Repeal the paragraph, substitute:

12 (a) some or all of the particulars in relation to the company,
13 scheme or fund that are:

14 (i) recorded by the Registrar in the performance or exercise
15 of the Registrar’s functions or powers in connection
16 with this Act; or

17 (ii) recorded in the register or registers maintained by ASIC
18 under subsection 1274(1);

19 **368 Section 9 (definition of *lodge*)**

20 Repeal the definition, substitute:

21 *lodge* means:

22 (a) if the context mentions ASIC—lodge with ASIC in this
23 jurisdiction; or

24 (b) if the context mentions the Registrar—lodge with the
25 Registrar in this jurisdiction; or

26 (c) otherwise—lodge with ASIC in this jurisdiction.

27 **369 Section 9 (definition of *offer information statement*)**

28 Omit “ASIC”, substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

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1 **370 Section 9 (definition of *profile statement*)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **371 Section 9 (definition of *prospectus*)**

4 Omit “ASIC”, substitute “the Registrar”.

5 **372 Section 9 (definition of *return of particulars*)**

6 Omit “ASIC” (first occurring), substitute “the Registrar”.

7 **373 Section 9 (paragraph (a) of the definition of *return of***
8 ***particulars*)**

9 Repeal the paragraph, substitute:

10 (a) some or all of the particulars in relation to the company,
11 scheme or fund that are:

12 (i) recorded by the Registrar in the performance or exercise
13 of the Registrar’s functions or powers in connection
14 with this Act; or

15 (ii) recorded in the register or registers maintained by ASIC
16 under subsection 1274(1);

17 **374 Paragraph 100(1)(d)**

18 Omit “written”.

19 **375 At the end of section 100**

20 Add:

21 (3) The Registrar may require a person who has lodged a notice or
22 application that includes a statement under paragraph (1)(d) to
23 produce to the Registrar the consent referred to in the statement.

24 **376 Section 106 (heading)**

25 Omit “**Commission delegate**”, substitute “**delegates**”.

26 **377 Section 106**

27 Before “For”, insert “(1)”.

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Amendments relating to the Registrar **Schedule 1**
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1 **378 At the end of section 106**

2 Add:

3 (2) For the purpose of the performance of a function, or the exercise of
4 a power, under this Act by a person to whom the Registrar has
5 delegated functions or powers, a reference to the Registrar in a
6 provision of this Act relating to the performance of the function, or
7 the exercise of the power, includes a reference to the delegate.

8 Note: For delegations by the Registrar, see section 10 of the *Commonwealth*
9 *Registers Act 2018*.

10 **379 Paragraphs 109X(1)(c) and (d)**

11 Omit “ASIC”, substitute “the Registrar”.

12 **380 Subsection 109X(2)**

13 Omit “ASIC under subsection 5H(2), 117(2), 205B(1) or (4) or
14 601BC(2)”, substitute “the Registrar under section 5H, 117, 205B or
15 601BC”.

16 **381 Paragraph 111AF(1)(a)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **382 Paragraph 1.1 of the small business guide in Part 1.5**

19 Omit “ASIC (Australian Securities and Investments Commission)”,
20 substitute “the Registrar”.

21 **383 Paragraph 1.10 of the small business guide in Part 1.5**

22 Omit “ASIC”, substitute “the Registrar”.

23 **384 Paragraph 3.2 of the small business guide in Part 1.5**

24 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

25 **385 Paragraph 3.2 of the small business guide in Part 1.5**

26 Omit “form” (wherever occurring).

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- 1 **386 Paragraphs 3.3, 3.7, 3.8 and 3.9 of the small business**
2 **guide in Part 1.5**
3 Omit “ASIC” (wherever occurring), substitute “the Registrar”.
- 4 **387 Paragraph 4.1 of the small business guide in Part 1.5**
5 After “ASIC”, insert “or the Registrar”.
- 6 **388 Paragraph 4.2 of the small business guide in Part 1.5**
7 Omit “ASIC” (first occurring), substitute “the Registrar”.
- 8 **389 Paragraph 4.2 of the small business guide in Part 1.5**
9 Omit “on ASIC’s database”, substitute “by the Registrar”.
- 10 **390 Paragraph 4.2 of the small business guide in Part 1.5**
11 Omit “ASIC on a printed form or, if an agreement is in place to lodge
12 electronically, in accordance with the agreement”, substitute “the
13 Registrar”.
- 14 **391 Paragraph 4.3 of the small business guide in Part 1.5**
15 Omit “ASIC”, substitute “the Registrar (on behalf of the
16 Commonwealth)”.
- 17 **392 Paragraph 4.4 of the small business guide in Part 1.5**
18 **(heading)**
19 Omit “ASIC”, substitute “*the Registrar*”.
- 20 **393 Paragraph 4.4 of the small business guide in Part 1.5**
21 Omit “ASIC”, substitute “the Registrar”.
- 22 **394 Paragraph 4.4 of the small business guide in Part 1.5**
23 **(table, heading to column headed “the company must**
24 **notify ASIC of the change...”)**
25 Omit “ASIC”, substitute “the Registrar”.
-

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Amendments relating to the Registrar **Schedule 1**
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- 1 **395 Paragraph 4.4 of the small business guide in Part 1.5**
2 **(table item 4, column headed “the company must notify**
3 **ASIC of the change...”)**
4 Omit “ASIC”, substitute “the Registrar”.
- 5 **396 Paragraph 5.1 of the small business guide in Part 1.5**
6 Omit “ASIC” (first occurring), substitute “the Registrar”.
- 7 **397 Paragraph 5.1 of the small business guide in Part 1.5**
8 Omit “ASIC” (third and fourth occurring), substitute “the Registrar”.
- 9 **398 Paragraph 5.4 of the small business guide in Part 1.5**
10 Omit “ASIC” (wherever occurring), substitute “the Registrar”.
- 11 **399 Paragraph 6.1 of the small business guide in Part 1.5**
12 Omit “ASIC cancels the company’s registration”, substitute “the
13 Registrar deregisters the company”.
- 14 **400 Paragraph 10.3 of the small business guide in Part 1.5**
15 Omit “ASIC” (last occurring), substitute “the Registrar”.
- 16 **401 Paragraph 12.6 of the small business guide in Part 1.5**
17 **(heading)**
18 Repeal the heading, substitute:
19 *12.6 Deregistration of a company*
- 20 **402 Paragraph 12.6 of the small business guide in Part 1.5**
21 Omit “ASIC cancels the company’s registration”, substitute “the
22 Registrar deregisters the company”.
- 23 **403 Subsection 111L(1) (table item 1, column 2)**
24 Omit “ASIC”, substitute “the Registrar”.
-

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **404 Subsection 111L(1) (table item 2, column 2)**

2 Omit “ASIC may direct company to lodge consolidated constitution”,
3 substitute “Directing company to lodge or give consolidated
4 constitution”.

5 **405 Subsection 111L(1) (table item 4, column 2)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **406 Subsection 111L(1) (table item 11, column 2)**

8 Omit “ASIC”.

9 **407 Subsection 111L(1) (table item 13, column 2)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **408 Subsections 111N(1), (2), (3) and (4)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **409 Subsection 117(1)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **410 Subsection 117(2)**

16 Repeal the subsection, substitute:

17 *Contents of the application*

18 (2) The application must meet any requirements of the data standards.

19 (2A) Without limiting subsection (2), the application must specify the
20 State or Territory in this jurisdiction in which the company is to be
21 taken to be registered.

22 **411 Subsection 117(4)**

23 Repeal the subsection.

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Amendments relating to the Registrar **Schedule 1**
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1 **412 Subsection 117(5)**

2 Omit “have the consents and agreements referred to in subsection (2)
3 when the application is lodged”, substitute “, when the application is
4 lodged, have any consents and agreements required by the data
5 standards in relation to applications under this section”.

6 **413 Section 118 (heading)**

7 Omit “ASIC”, substitute “**The Registrar**”.

8 **414 Subsection 118(1)**

9 Omit “ASIC”, substitute “the Registrar”.

10 **415 Paragraph 118(1)(c)**

11 Repeal the paragraph, substitute:

12 (c) give the company a certificate of registration that meets any
13 requirements of the data standards.

14 **416 Subsection 118(2)**

15 Repeal the subsection, substitute:

16 *The Registrar must record registration*

17 (2) The Registrar must make a record of the registration.

18 **417 Subparagraph 119A(2)(a)(i)**

19 Omit “paragraph 117(2)(n)”, substitute “subsection 117(2A)”.

20 **418 Subparagraph 119A(2)(a)(ii)**

21 Omit “paragraph 601BC(2)(o)”, substitute “subsection 601BC(2A)”.

22 **419 Subsection 119A(2) (note 1)**

23 Repeal the note.

24 **420 Subsection 129(2)**

25 Omit “ASIC”, substitute “the Registrar”.

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1 **421 Section 130 (heading)**

2 After “ASIC”, insert “or the Registrar”.

3 **422 Section 130**

4 After “ASIC”, insert “or the Registrar”.

5 **423 Subsection 136(5)**

6 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

7 **424 Section 138**

8 Omit “ASIC” (last occurring), substitute “the Registrar”.

9 **425 Section 138**

10 Repeal the section, substitute:

11 **138 ASIC may direct company to lodge consolidated constitution**

12 ASIC may do either or both of the following:

13 (a) direct a company to lodge a consolidated copy of its
14 constitution with ASIC;

15 (b) direct a company to lodge a consolidated copy of its
16 constitution with the Registrar.

17 **426 Subsection 142(1) (note 2)**

18 After “ASIC”, insert “or the Registrar”.

19 **427 Subsection 142(2)**

20 Omit “ASIC”, substitute “the Registrar”.

21 **428 Subsection 142(2)**

22 Omit “be in the prescribed form”, substitute “meet any requirements of
23 the data standards”.

24 **429 Section 143 (heading)**

25 Omit “ASIC”, substitute “The Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **430 Subsection 143(1)**

2 After “ASIC”, insert “or the Registrar”.

3 **431 Subsection 143(1) (note)**

4 After “ASIC”, insert “or the Registrar”.

5 **432 Subsections 143(2) and (3)**

6 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

7 **433 Paragraph 145(2)(b)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **434 Subsection 145(3)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **435 Subsection 145(3)**

12 Omit “be in the prescribed form”, substitute “meet any requirements of
13 the data standards”.

14 **436 Subsection 146(1)**

15 Omit “ASIC”, substitute “the Registrar”.

16 **437 Subsection 146(1)**

17 Omit “be in the prescribed form”, substitute “meet any requirements of
18 the data standards”.

19 **438 Subsection 146A(1)**

20 After “ASIC”, insert “or the Registrar”.

21 **439 Subsection 146A(2)**

22 Omit “in the prescribed form”, substitute “with the Registrar”.

23 **440 At the end of section 146A**

24 Add:

25 (3) The notice must meet any requirements of the data standards.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **441 Paragraph 147(1)(b)**

2 Omit “on the Business Names Register”, substitute “under the *Business*
3 *Names Registration Act 2011*”.

4 **442 Subsections 147(3) and (4) (note)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **443 Subsection 150(2)**

7 Omit “ASIC”, substitute “the Registrar”.

8 **444 At the end of subsection 150(2)**

9 Add:

10 The notification must meet any requirements of the data standards.

11 **445 Subsection 151(2)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **446 At the end of subsection 151(2)**

14 Add:

15 The notification must meet any requirements of the data standards.

16 **447 Subsection 151(2AA)**

17 Omit “to notify ASIC as soon as practicable of the modification”,
18 substitute “to give ASIC, as soon as practicable, a notification of the
19 modification that meets any requirements of the data standards”.

20 **448 Subsection 151(3)**

21 Omit “ASIC”, substitute “The Registrar”.

22 **449 Paragraph 151(3)(b)**

23 Omit “ASIC”, substitute “the Registrar”.

24 **450 Subsection 152(1)**

25 Repeal the subsection, substitute:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 (1) A person may lodge an application with the Registrar to reserve a
2 name for a company. If the name is available, the Registrar must
3 reserve it.

4 Note: For available names, see section 147.

5 (1A) The application must meet any requirements of the data standards.

6 **451 Subsection 152(2)**

7 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

8 **452 At the end of subsection 152(2)**

9 Add “The applicant’s request must meet any requirements of the data
10 standards.”.

11 **453 Subsection 152(3)**

12 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

13 **454 At the end of subsection 152(3)**

14 Add “The applicant’s request must meet any requirements of the data
15 standards.”.

16 **455 Paragraph 157(1)(b)**

17 Repeal the paragraph, substitute:

18 (b) lodge an application with the Registrar that meets any
19 requirements of the data standards.

20 **456 Subsections 157(2) and (3) and 157A(1) to (7)**

21 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

22 **457 Section 158 (heading)**

23 Omit “ASIC’s power”, substitute “Power”.

24 **458 Subsection 158(1)**

25 Omit “ASIC may direct a company in writing”, substitute “The
26 Registrar may direct a company”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **459 Subsections 158(3) and (4)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **460 Section 159 (heading)**

4 Omit “ASIC’s power”, substitute “Power”.

5 **461 Subsection 159(1)**

6 Omit “ASIC”, substitute “The Registrar”.

7 **462 Paragraph 159(1)(c)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **463 Subsection 159(2)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **464 Section 160 (heading)**

12 Omit “ASIC”, substitute “The Registrar”.

13 **465 Section 160**

14 Omit “ASIC”, substitute “the Registrar”.

15 **466 Subsection 161A(6A)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **467 Subsection 161A(6A)**

18 Omit “be in the prescribed form”, substitute “meet any requirements of
19 the data standards”.

20 **468 Subsections 162(3) and 163(1)**

21 Omit “ASIC”, substitute “the Registrar”.

22 **469 Subparagraph 163(2)(c)(i)**

23 Omit “in the prescribed form”.

24 **470 After subsection 163(2)**

25 Insert:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 (2A) An assent of a kind mentioned in subparagraph (2)(c)(i) must meet
2 any requirements of the data standards.

3 **471 Subsection 163(4)**

4 Repeal the subsection, substitute:

5 (4) The application must meet any requirements of the data standards.

6 **472 Section 164 (heading)**

7 Omit “ASIC changes”, substitute “Changes to”.

8 **473 Subsection 164(1)**

9 Omit “ASIC” (first occurring), substitute “The Registrar”.

10 **474 Paragraphs 164(1)(a) and (b)**

11 Omit “ASIC”, substitute “the Registrar”.

12 **475 Subsection 164(2)**

13 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

14 **476 Subsection 164(3)**

15 Repeal the subsection, substitute:

16 (3) The notice that the Registrar intends to alter the details of the
17 company’s registration:

- 18 (a) must be included in the records of the Registrar; and
19 (b) must be made accessible to the public; and
20 (c) must meet any requirements of the data standards that relate
21 to the notice (including requirements relating to including the
22 notice in the records of the Registrar and making the notice
23 accessible to the public); and
24 (d) without limiting paragraph (c), must state that the Registrar
25 will alter the details of the company’s registration one month
26 after the notice has been made accessible to the public unless
27 an order by a court or the Administrative Appeals Tribunal
28 prevents it from doing so.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **477 Subsections 164(4) and (5)**

2 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

3 **478 Subsection 164(6)**

4 Omit “ASIC”, substitute “The Registrar”.

5 **479 Subsection 164(7)**

6 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

7 **480 Subsection 165(3)**

8 After “ASIC may”, insert “direct the Registrar to”.

9 **481 At the end of subsection 165(3)**

10 Add “The Registrar must comply with the direction.”.

11 **482 Subsection 165(4)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **483 Subsection 165(5)**

14 Omit “ASIC”, substitute “The Registrar”.

15 **484 Paragraphs 172(1)(d) and (1A)(d)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **485 Subsection 172(2) (heading)**

18 Omit “ASIC”, substitute “*the Registrar*”.

19 **486 Subsection 172(2)**

20 Omit “with ASIC”, substitute “with the Registrar”.

21 **487 Subsection 175(3)**

22 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

23 **488 Subsection 178A(1)**

24 Omit “ASIC”, substitute “the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **489 Subsection 178A(1)**

2 Omit “in the prescribed form”.

3 **490 After subsection 178A(1)**

4 Insert:

5 (1A) The notification must meet any requirements of the data standards.

6 **491 Subsection 178C(1)**

7 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

8 **492 Section 178D (heading)**

9 Omit “ASIC”, substitute “**the Registrar**”.

10 **493 Section 178D**

11 Omit “ASIC” (first occurring), substitute “the Registrar”.

12 **494 Section 178D (table heading)**

13 Omit “ASIC”, substitute “**the Registrar**”.

14 **495 Section 178D (table, heading to column headed “The
15 company must notify ASIC within this time...”)**

16 Omit “ASIC”, substitute “**the Registrar**”.

17 **496 Section 178D (table items 1, 2, 3 and 4, column headed
18 “The company must notify ASIC within this time...”)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **497 Paragraphs 188(1)(f), (h) and (i)**

21 Omit “ASIC”, substitute “the Registrar”.

22 **498 Subsection 199A(3)**

23 Omit “ASIC or” (wherever occurring), substitute “ASIC, the Registrar
24 or”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **499 Subsection 201K(5) (note)**

2 Omit “ASIC”, substitute “The Registrar”.

3 **500 Section 201L (heading)**

4 Omit “ASIC”, substitute “the Registrar”.

5 **501 Section 201L**

6 Omit “ASIC”, substitute “the Registrar”.

7 **502 Subsection 201M(2) (note)**

8 After “ASIC”, insert “or the Registrar”.

9 **503 Section 201S**

10 After “lodge”, insert “with the Registrar”.

11 **504 Section 204D (note 1)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **505 Subsection 204E(2) (note)**

14 After “ASIC”, insert “or the Registrar”.

15 **506 Section 205A (heading)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **507 Subsection 205A(1)**

18 Omit “ASIC written”, substitute “the Registrar”.

19 **508 Subsection 205A(1)**

20 Omit “be in the prescribed form”, substitute “meet any requirements of
21 the data standards”.

22 **509 Subsection 205A(2) (note)**

23 Omit “ASIC”, substitute “the Registrar”.

24 **510 Section 205B (heading)**

25 Omit “ASIC”, substitute “the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **511 Subsection 205B(1)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **512 Subsection 205B(1)**

4 Omit “be in the prescribed form”, substitute “meet any requirements of
5 the data standards”.

6 **513 Subsection 205B(2)**

7 Omit “ASIC”, substitute “the Registrar”.

8 **514 Subsection 205B(2)**

9 Omit “be in the prescribed form”, substitute “meet any requirements of
10 the data standards”.

11 **515 Subsection 205B(3)**

12 Repeal the subsection.

13 **516 Subsection 205B(4)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **517 Subsection 205B(4)**

16 Omit “be in the prescribed form”, substitute “meet any requirements of
17 the data standards”.

18 **518 Subsection 205B(5)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **519 Subsection 205B(5)**

21 Omit “be in the prescribed form”, substitute “meet any requirements of
22 the data standards”.

23 **520 Paragraphs 205B(6)(b) and 205D(2)(b) and (3)(a) and (b)**

24 Omit “ASIC”, substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **521 Subsection 205D(3)**

2 Omit “be in the prescribed form”, substitute “meet any requirements of
3 the data standards”.

4 **522 Subsection 205D(4)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **523 Section 205E (heading)**

7 Omit “ASIC’s”, substitute “the Registrar’s”.

8 **524 Subsection 205E(1)**

9 Omit “ASIC” (first occurring), substitute “The Registrar”.

10 **525 Subsection 205E(1)**

11 Omit “ASIC” (second occurring), substitute “the Registrar”.

12 **526 Subsection 205E(2)**

13 Omit “ASIC”, substitute “the Registrar”.

14 **527 Subsections 206A(1) and (2) (note)**

15 After “ASIC”, insert “or the Registrar”.

16 **528 Subsection 206G(2)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **529 Subsection 206G(2)**

19 Omit “be in the prescribed form”, substitute “meet any requirements of
20 the data standards”.

21 **530 Subsection 206G(4)**

22 Omit “ASIC”, substitute “the Registrar”.

23 **531 Subsections 206GA(2) and (3)**

24 Repeal the subsections, substitute:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 *Notice lodged with the Registrar before leave application*

2 (2) If the person lodges a notice with the Registrar under
3 subsection 206G(2), the Registrar must give the ACCC and ASIC a
4 copy of the notice.

5 *Leave orders*

6 (3) If the person lodges a copy of an order with the Registrar under
7 subsection 206G(4), the Registrar must give the ACCC and ASIC a
8 copy of the order.

9 **532 Section 226**

10 After “lodge”, insert “with the Registrar”.

11 **533 Subsection 235(1)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **534 Subparagraph 246C5(b)(ii)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **535 Subsection 246D(6)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **536 Section 246F (heading)**

18 Omit “ASIC”, substitute “**the Registrar**”.

19 **537 Subsection 246F(1)**

20 Omit “ASIC a notice in the prescribed form”, substitute “the Registrar a
21 notice”.

22 **538 Subsection 246F(2)**

23 After “notice”, insert “must meet any requirements of the data
24 standards, and”.

25 **539 Subsection 246F(3)**

26 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **540 Paragraphs 247C(2)(a) and 249A(5)(b)**

2 After “ASIC”, insert “or the Registrar”.

3 **541 Subsection 249B(2)**

4 After “ASIC”, insert “or the Registrar”.

5 **542 Paragraphs 251A(5)(c) and 253M(3)(c)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **543 Subsection 254B(1) (note 1)**

8 Omit “ASIC by a notice in the prescribed form (see
9 subsection 246F(1))”, substitute “the Registrar by a notice that meets
10 the requirements of the data standards (see subsections 246F(1)
11 and(2))”.

12 **544 Subsection 254B(1) (note 2)**

13 Omit “ASIC”, substitute “the Registrar”.

14 **545 Subsections 254E(2), 254H(4) and 254N(2)**

15 Omit “ASIC”, substitute “the Registrar”.

16 **546 Section 254X (heading)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **547 Subsection 254X(1)**

19 Repeal the subsection, substitute:

20 (1) Within 28 days after issuing shares, a company must give a notice
21 to the Registrar. The notice must meet any requirements of the data
22 standards.

23 **548 Subsection 254X(2)**

24 Omit “ASIC” (first occurring), substitute “the Registrar”.

25 **549 Subsection 254X(3) (note)**

26 Omit “ASIC”, substitute “the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **550 Section 254Y (heading)**

2 Omit “ASIC”, substitute “**the Registrar**”.

3 **551 Subsection 254Y(1)**

4 Repeal the subsection, substitute:

5 (1) Within one month after shares are cancelled, the company must
6 give a notice to the Registrar. The notice must meet any
7 requirements of the data standards.

8 **552 Subsection 256C(3)**

9 Omit “ASIC”, substitute “the Registrar”.

10 **553 Subsection 256C(5) (heading)**

11 Omit “ASIC”, substitute “*the Registrar*”.

12 **554 Subsection 256C(5)**

13 Omit “ASIC”, substitute “the Registrar”.

14 **555 Subsection 257B(1) (table)**

15 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

16 **556 Subsection 257C(3) (heading)**

17 Omit “ASIC”, substitute “*the Registrar*”.

18 **557 Subsection 257C(3)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **558 Subsection 257D(3) (heading)**

21 Omit “ASIC”, substitute “*the Registrar*”.

22 **559 Subsection 257D(3)**

23 Omit “ASIC”, substitute “the Registrar”.

24 **560 Section 257E (heading)**

25 Omit “ASIC”, substitute “**the Registrar**”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **561 Section 257E**

2 Omit “ASIC”, substitute “the Registrar”.

3 **562 Subsection 257F(2)**

4 Omit “ASIC”, substitute “the Registrar”.

5 **563 Subsection 257H(3) (note)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **564 Paragraph 260A(1)(b)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **565 Subsection 260B(5) (heading)**

10 Omit “ASIC”, substitute “*the Registrar*”.

11 **566 Subsections 260B(5) and (6)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **567 Subsection 260B(5)**

14 Omit “in the prescribed form”.

15 **568 After subsection 260B(6)**

16 Insert:

17 (6A) The notice must meet any requirements of the data standards.

18 **569 Subsection 260B(7)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **570 Section 283BC (heading)**

21 Omit “ASIC”, substitute “**the Registrar**”.

22 **571 Subsection 283BC(1)**

23 Omit “ASIC”, substitute “the Registrar”.

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Other amendments **Part 2**

1 **572 Paragraph 283BC(1)(b)**

2 Omit “prescribed by the regulations”, substitute “required by the data
3 standards”.

4 **573 Subsection 283BC(2)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **574 Subsection 283BC(3)**

7 Omit “be in the prescribed form”, substitute “meet any requirements of
8 the data standards”.

9 **575 Section 283BCA**

10 Repeal the section, substitute:

11 **283BCA Record of trustees for debenture holders**

12 The Registrar must keep a record of trustees for debenture holders.

13 **576 Section 283BF (heading)**

14 Omit “ASIC”, substitute “**the Registrar**”.

15 **577 Paragraph 283BF(1)(b)**

16 Omit “ASIC (see section 351)”, substitute “the Registrar”.

17 **578 At the end of subsection 283BF(1)**

18 Add:

19 The lodgement must meet any requirements of the data standards.

20 **579 Section 283BG (heading)**

21 Omit “ASIC”, substitute “**the Registrar**”.

22 **580 Subsection 285(1) (table item 5)**

23 Omit “ASIC”, substitute “the Registrar”.

24 **581 Subsection 289(2)**

25 Omit “ASIC written notice in the prescribed form”, substitute “the
26 Registrar notice”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **582 At the end of subsection 289(2)**

2 Add “The notice must meet any requirements of the data standards.”.

3 **583 Paragraphs 292(2)(b) and 302(c)**

4 Omit “ASIC”, substitute “the Registrar”.

5 **584 Section 302 (note 2)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **585 Division 5 of Part 2M.3 (heading)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **586 Section 319 (heading)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **587 Subsection 319(1)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **588 At the end of subsection 319(1)**

14 Add “The lodgement of the amended report must meet any
15 requirements of the data standards.”.

16 **589 Section 320 (heading)**

17 Omit “ASIC”, substitute “the Registrar”.

18 **590 Subsection 320(1)**

19 Omit “ASIC”, substitute “the Registrar”.

20 **591 At the end of subsection 320(1)**

21 Add “The lodgement must meet any requirements of the data
22 standards.”.

23 **592 Subsection 321(1)**

24 Omit “ASIC” (last occurring), substitute “the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **593 Subsection 322(1)**

2 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

3 **594 At the end of subsection 322(1)**

4 Add:

5 “The lodgement must meet any requirements of the data
6 standards.”.

7 **595 Paragraph 324BB(6)(a)**

8 Omit “on the Business Names Register”, substitute “under section 24 of
9 the *Business Names Registration Act 2011*”.

10 **596 Paragraph 324BB(6)(b)**

11 Omit “in the prescribed form”, substitute “that meets any requirements
12 of the data standards”.

13 **597 Paragraph 324DAC(a)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **598 At the end of subsection 329(2)**

16 Add “with the Registrar”.

17 **599 Paragraph 329(11)(c)**

18 Omit “ASIC”, substitute “the Registrar”.

19 **600 Paragraph 329(11)(c)**

20 Omit “in the prescribed form”.

21 **601 Paragraph 329(11)(d)**

22 Omit “ASIC”, substitute “the Registrar”.

23 **602 At the end of section 329**

24 Add:

25 (12) The notice must meet any requirements of the data standards.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **603 Subsection 331AC(7)**

2 Omit “ASIC a notice of the removal or resignation in the prescribed
3 form”, substitute “the Registrar a notice of the removal or resignation.
4 The notice must meet any requirements of the data standards”.

5 **604 Subsection 332A(3)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **605 At the end of subsection 332A(3)**

8 Add “The lodgement must meet any requirements of the data
9 standards.”.

10 **606 Chapter 2N (heading)**

11 Omit “ASIC”.

12 **607 Subparagraph 345A(1)(a)(ii)**

13 Omit “in a register maintained by ASIC under section 1274”, substitute
14 “in the record made under section 118”.

15 **608 Paragraph 345A(1A)(b)**

16 Omit “in a register maintained by ASIC under section 1274”, substitute
17 “in the record made under section 118”.

18 **609 Subsection 345A(1A)**

19 Omit “determined by ASIC”, substitute “determined by the Registrar”.

20 **610 Subsections 345B(1) and (2)**

21 Omit “ASIC’s”, substitute “the Registrar’s”.

22 **611 Subsection 345B(3)**

23 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

24 **612 Section 345C**

25 Omit “ASIC” (wherever occurring), substitute “the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **613 Section 346A (heading)**

2 Omit “ASIC”, substitute “**The Registrar**”.

3 **614 Subsection 346A(1)**

4 Omit “ASIC”, substitute “The Registrar”.

5 **615 Subsection 346A(2)**

6 Repeal the subsection.

7 **616 Section 346B (heading)**

8 Omit “ASIC”, substitute “**The Registrar**”.

9 **617 Section 346B**

10 Omit “ASIC”, substitute “The Registrar”.

11 **618 Section 346B**

12 Omit “prescribed by the regulations for the purposes of this section”,
13 substitute “specified in the data standards in relation to this section”.

14 **619 Paragraph 346C(3)(a)**

15 After “lodged”, insert “with the Registrar”.

16 **620 Paragraphs 346C(3)(b) and (c)**

17 Repeal the paragraphs, substitute:

18 (b) must meet any requirements of the data standards; and

19 **621 Subsection 346C(4)**

20 Omit “lodge a prescribed form”, substitute “give notice (however
21 described)”.

22 **622 Subsection 346C(5)**

23 After “lodged”, insert “with the Registrar”.

24 **623 Subsection 347A(2)**

25 Omit “ASIC”, substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **624 Section 347B (heading)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **625 Subsection 347B(1)**

4 Omit “ASIC of that fact, in the prescribed form”, substitute “the
5 Registrar”.

6 **626 At the end of subsection 347B(1)**

7 Add “The notification must meet any requirements of the data
8 standards.”.

9 **627 Subsection 347B(2)**

10 Omit “ASIC of that fact, in the prescribed form”, substitute “the
11 Registrar”.

12 **628 At the end of subsection 347B(2)**

13 Add “The notification must meet any requirements of the data
14 standards.”.

15 **629 Paragraph 347C(1)(c)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **630 Section 348A (heading)**

18 Omit “ASIC”, substitute “The Registrar”.

19 **631 Subsection 348A(1)**

20 Omit “ASIC” (first occurring), substitute “The Registrar”.

21 **632 Subsection 348A(1)**

22 Omit “ASIC suspects”, substitute “the Registrar suspects”.

23 **633 Subsection 348A(1)**

24 Omit “a register maintained by ASIC under subsection 1274(1)”,
25 substitute “records maintained by the Registrar in the performance of
26 functions or the exercise of powers under this Act”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **634 Subsection 348A(2)**

2 Repeal the subsection.

3 **635 Section 348B (heading)**

4 Omit “ASIC”, substitute “**The Registrar**”.

5 **636 Section 348B**

6 Omit “ASIC”, substitute “The Registrar”.

7 **637 Section 348C (heading)**

8 Omit “ASIC”, substitute “**The Registrar**”.

9 **638 Subsection 348C(1)**

10 Omit “ASIC”, substitute “The Registrar”.

11 **639 Paragraph 348D(2)(a)**

12 Omit “ASIC”, substitute “the Registrar”.

13 **640 Paragraphs 348D(2)(b) and (c)**

14 Repeal the paragraphs, substitute:

15 (b) must meet any requirements of the data standards; and

16 **641 Subsection 348D(3)**

17 Omit “lodge a prescribed form”, substitute “give notice (however
18 described)”.

19 **642 Subsection 348D(4)**

20 After “lodged”, insert “with the Registrar”.

21 **643 Section 349A (heading)**

22 Omit “ASIC”, substitute “**the Registrar**”.

23 **644 Subsection 349A(1)**

24 Omit “ASIC, in the prescribed form and”, substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **645 At the end of subsection 349A(1)**

2 Add “The notification must meet any requirements of the data
3 standards.”.

4 **646 Section 349B**

5 Omit “ASIC”, substitute “the Registrar”.

6 **647 At the end of section 349B**

7 Add:
8 The notification must meet any requirements of the data standards.

9 **648 Section 349C**

10 Omit “ASIC”, substitute “the Registrar”.

11 **649 At the end of section 349C**

12 Add:
13 The notification must meet any requirements of the data standards.

14 **650 Section 349D**

15 Omit “ASIC”, substitute “the Registrar”.

16 **651 At the end of section 349D**

17 Add “The notification must meet any requirements of the data
18 standards.”.

19 **652 Subsection 411(10)**

20 Omit “ASIC”, substitute “the Registrar”.

21 **653 After subsection 411(10)**

22 Insert:
23 (10A) Lodgement of the order must meet any requirements of the data
24 standards.

25 **654 Subsection 412(6)**

26 After “registered”, insert “by the Registrar pursuant to a direction”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **655 Subsection 412(7)**

2 Omit “ASIC” (first occurring), substitute “the Registrar”.

3 **656 Subsection 412(8)**

4 Omit “ASIC” (first occurring), substitute “the Registrar”.

5 **657 Subsection 412(8)**

6 After “ASIC must not”, insert “direct the Registrar to”.

7 **658 Paragraph 413(1)(d)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **659 Subsection 413(3)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **660 At the end of subsection 413(3)**

12 Add “The lodgement must meet any requirements of the data
13 standards.”.

14 **661 Subsection 415(1)**

15 After “lodge”, insert “with the Registrar”.

16 **662 At the end of subsection 415(1)**

17 Add “The notice must meet any requirements of the data standards.”.

18 **663 Paragraph 422(1)(c)**

19 After “lodge”, insert “with ASIC”.

20 **664 Subsection 422(2)**

21 After “lodge”, insert “with ASIC”.

22 **665 At the end of subsection 422(3)**

23 Add “with ASIC”.

24 **666 Subsection 422(4)**

25 After “report” (wherever occurring), insert “with ASIC”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **667 Subsection 422A(3)**

2 After “lodge”, insert “with the Registrar”.

3 **668 Subsection 422A(4)**

4 Repeal the subsection (not including the note), substitute:

5 (4) The return must:

6 (a) be lodged with the Registrar within 3 months after the end of
7 the control return year; and

8 (b) meet any requirements of the data standards.

9 **669 Subsection 422B(3)**

10 Repeal the subsection (not including the note), substitute:

11 (3) The return must:

12 (a) be lodged with the Registrar within 1 month after the control
13 of the property of the corporation ends; and

14 (b) meet any requirements of the data standards.

15 **670 Paragraph 426(a)**

16 After “lodges”, insert “with ASIC or the Registrar”.

17 **671 Subsections 427(1) to (2)**

18 After “lodge”, insert “with the Registrar”.

19 **672 Subsection 427(2)**

20 Omit “in the prescribed form”.

21 **673 Subsection 427(3)**

22 Omit “lodge notice in the prescribed form”, substitute “lodge with the
23 Registrar notice”.

24 **674 Subsection 427(4)**

25 After “lodge”, insert “with the Registrar”.

26 **675 At the end of section 427**

27 Add:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 (5) A notice lodged under this section must meet any requirements of
2 the data standards.

3 **676 Subsection 429(4)**

4 After “lodge”, insert “with the Registrar”.

5 **677 At the end of subsection 429(4)**

6 Add “The lodgement must meet any requirements of the data
7 standards.”.

8 **678 Subsection 429(5)**

9 After “lodge”, insert “with the Registrar”.

10 **679 At the end of subsection 429(5)**

11 Add “The lodgement must meet any requirements of the data
12 standards.”.

13 **680 Subsection 432(2)**

14 After “lodged”, insert “with the Registrar”.

15 **681 Paragraph 434(1)(a)**

16 After “document”, insert “with ASIC or the Registrar”.

17 **682 Section 434H (at the end of the heading)**

18 Add “or the Registrar”.

19 **683 At the end of subsection 434H(1)**

20 Add “or the Registrar”.

21 **684 Subsection 436DA(4A)**

22 Omit “ASIC.”, substitute “Registrar. The lodgement must meet any
23 requirements of the data standards.”.

24 **685 At the end of subsection 438B(2A)**

25 Add “in the prescribed form”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **686 Paragraph 438D(1)(c)**

2 After “lodge”, insert “with ASIC”.

3 **687 At the end of subsection 438D(3)**

4 Add “with ASIC”.

5 **688 Paragraph 445FA(1)(e)**

6 Omit “ASIC”, substitute “the Registrar”.

7 **689 Subsection 445FA(2)**

8 Omit “be in the prescribed form”, substitute “meet any requirements of
9 the data standards”.

10 **690 Paragraph 446A(2)(b)**

11 After “lodged”, insert “with the Registrar”.

12 **691 Paragraph 446A(5)(a)**

13 After “notice”, insert “in the prescribed form with the Registrar”.

14 **692 Paragraph 446AA(4)(a)**

15 Omit “ASIC a written notice in the prescribed form”, substitute “the
16 Registrar a notice”.

17 **693 After subsection 446AA(4)**

18 Insert:

19 (4A) The notice must meet any requirements of the data standards.

20 **694 Subsection 446C(7) (heading)**

21 Omit “ASIC”, substitute “the Registrar”.

22 **695 Subsection 446C(7)**

23 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
24 requirements of the data standards.”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **696 Subsection 449CA(4A)**

2 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
3 requirements of the data standards.”.

4 **697 Subsection 449CA(6A)**

5 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
6 requirements of the data standards”.

7 **698 Paragraph 450A(1)(a)**

8 After “lodge”, insert “with the Registrar”.

9 **699 After subsection 450A(1)**

10 Insert:

11 (1AA) A notice under paragraph (1)(a) must meet any requirements of the
12 data standards.

13 **700 Section 450B**

14 Before “As”, insert “(1)”.

15 **701 Paragraph 450B(b)**

16 Omit “in the prescribed form with ASIC”, substitute “with the
17 Registrar”.

18 **702 At the end of section 450B**

19 Add:

20 (2) The notice must meet any requirements of the data standards.

21 **703 Section 450C**

22 Before “As”, insert “(1)”.

23 **704 Paragraph 450C(a)**

24 After “lodge”, insert “with the Registrar”.

25 **705 At the end of section 450C**

26 Add:

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 (2) The notice must meet any requirements of the data standards.

2 **706 Section 450D**

3 Before “Where”, insert “(1)”.

4 **707 Paragraph 450D(a)**

5 After “lodge”, insert “with the Registrar”.

6 **708 At the end of section 450D**

7 Add:

8 (2) The notice must meet any requirements of the data standards.

9 **709 Subsection 461(2)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **710 At the end of subsection 461(2)**

12 Add “The lodgement must meet any requirements of the data
13 standards.”.

14 **711 Paragraph 465A(1)(a)**

15 Omit “notice in the prescribed form”, substitute “with the Registrar
16 notice”.

17 **712 After subsection 465A(1)**

18 Insert:

19 (1A) A notice lodged under paragraph (1)(a) must meet any
20 requirements of the data standards.

21 **713 Section 470 (at the end of the heading)**

22 Add “with the Registrar”.

23 **714 Subsection 470(1)**

24 Omit “(other than ASIC)”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **715 Paragraphs 470(1)(a) to (c)**

2 After “lodge”, insert “with the Registrar”.

3 **716 Paragraph 470(2)(a)**

4 Repeal the paragraph, substitute:

5 (a) lodge the order with the Registrar; and

6 **717 Subsection 470(3)**

7 Repeal the subsection, substitute:

8 (3) A document required to be lodged by subsection (1) or (2) must
9 meet any requirements of the data standards.

10 **718 Subsection 474(3)**

11 Omit “ASIC”, substitute “the Registrar”.

12 **719 At the end of subsection 474(3)**

13 Add “The lodgement must meet any requirements of the data
14 standards.”.

15 **720 Paragraph 481(5)(b)**

16 Omit “ASIC”, substitute “the Registrar”.

17 **721 Subsection 481(5)**

18 After “lodge”, insert “with the Registrar”.

19 **722 At the end of subsection 481(5)**

20 Add “The lodgement must meet any requirements of the data
21 standards.”.

22 **723 Paragraph 482(2A)(b)**

23 After “ASIC”, insert “or the Registrar”.

24 **724 Subsection 482(5)**

25 After “lodge”, insert “with the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **725 At the end of subsection 482(5)**

2 Add “The lodgement must meet any requirements of the data
3 standards.”.

4 **726 Paragraph 489EA(1)(b)**

5 After “documents”, insert “with ASIC or the Registrar”.

6 **727 Paragraph 489EA(3)(a)**

7 Omit “ASIC”, substitute “the Registrar”.

8 **728 Paragraph 489EA(6)(a)**

9 Omit “on ASIC database”, substitute “to the Registrar”.

10 **729 Subsection 496(7)**

11 Omit “in the prescribed form.”, substitute “with the Registrar. The
12 notice must meet any requirements of the data standards.”.

13 **730 Paragraph 497(1)(b)**

14 After “lodge”, insert “with the Registrar”.

15 **731 After subsection 497(1)**

16 Insert:

17 (1A) Lodgement of the copies must meet any requirements of the data
18 standards.

19 **732 At the end of subsection 497(6)**

20 Add “in the prescribed form”.

21 **733 Subsection 506(1B)**

22 Omit “ASIC”, substitute “the Registrar”.

23 **734 At the end of subsection 506(1B)**

24 Add “The lodgement must meet any requirements of the data
25 standards.”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **735 Subsection 506A(3)**

2 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
3 requirements of the data standards.”.

4 **736 Subsection 506A(6)**

5 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
6 requirements of the data standards.”.

7 **737 Subsection 507(11)**

8 Omit “ASIC”, substitute “the Registrar”.

9 **738 At the end of subsection 507(11)**

10 Add “The lodgement must meet any requirements of the data
11 standards.”.

12 **739 Subsection 509(1) (heading)**

13 Omit “ASIC”, substitute “*The Registrar*”.

14 **740 Subsection 509(1)**

15 Omit “with ASIC”, substitute “with the Registrar”.

16 **741 Subsection 509(1)**

17 Omit “ASIC must”, substitute “the Registrar must”.

18 **742 Subsection 509(2) (heading)**

19 Omit “ASIC”, substitute “*The Registrar*”.

20 **743 Subsection 509(2)**

21 Omit “that ASIC”, substitute “that the Registrar”.

22 **744 Subsection 509(3)**

23 After “lodge”, insert “with the Registrar”.

24 **745 At the end of subsection 509(3)**

25 Add “The lodgement must meet any requirements of the data
26 standards.”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **746 Subsection 510(1A)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **747 At the end of subsection 510(1A)**

4 Add “The lodgement must meet any requirements of the data
5 standards.”.

6 **748 Paragraph 533(1)(d)**

7 After “lodge”, insert “with ASIC”.

8 **749 Subsections 537(1) and (2)**

9 Omit “in the prescribed form” (wherever occurring), substitute “with
10 the Registrar”.

11 **750 At the end of section 537**

12 Add:

13 (3) A notice lodged under this section must meet any requirements of
14 the data standards.

15 **751 Subsection 545(3)**

16 After “ASIC”, insert “or the Registrar”.

17 **752 Paragraph 568A(1)(a)**

18 After “lodge”, insert “with the Registrar”.

19 **753 After subsection 568A(1)**

20 Insert:

21 (1A) A notice under paragraph (1)(a) must meet any requirements of the
22 data standards.

23 **754 Paragraph 568B(1)(a)**

24 After “such notice” (first occurring), insert “with the Registrar”.

25 **755 At the end of paragraph 568B(1)(c)**

26 Add “with the Registrar”.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **756 Paragraphs 568C(3)(a) and (b)**

2 After “lodged notice of the disclaimer”, insert “with the Registrar”.

3 **757 Subsection 573(1)**

4 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
5 requirements of the data standards.”.

6 **758 Subsection 573(2)**

7 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
8 requirements of the data standards.”.

9 **759 Paragraph 579A(3)(a)**

10 Omit “ASIC”, substitute “the Registrar”.

11 **760 Subsection 579A(3)**

12 Omit “be in the prescribed form”, substitute “meet any requirements of
13 the data standards”.

14 **761 Paragraph 579B(3)(a)**

15 Omit “ASIC”, substitute “the Registrar”.

16 **762 Subsection 579B(3)**

17 Omit “be in the prescribed form”, substitute “meet any requirements of
18 the data standards”.

19 **763 Paragraph 579C(5)(a)**

20 Omit “ASIC”, substitute “the Registrar”.

21 **764 Subsection 579C(5)**

22 Omit “be in the prescribed form”, substitute “meet any requirements of
23 the data standards”.

24 **765 Paragraph 579C(6)(a)**

25 Omit “ASIC”, substitute “the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **766 Subsection 579C(6)**

2 Omit “be in the prescribed form”, substitute “meet any requirements of
3 the data standards”.

4 **767 Paragraph 579C(7)(a)**

5 Omit “ASIC”, substitute “the Registrar”.

6 **768 Subsection 579C(7)**

7 Omit “be in the prescribed form”, substitute “meet any requirements of
8 the data standards”.

9 **769 Subsections 579E(13), 579F(3), 579G(8) and 579H(5) and
10 (6)**

11 Omit “ASIC.”, substitute “the Registrar. The lodgement must meet any
12 requirements of the data standards.”.

13 **770 Paragraph 589(3)(a)**

14 Omit “ASIC has published in the prescribed manner”.

15 **771 At the end of paragraph 589(3)(a)**

16 Add “has been published”.

17 ***Income Tax Assessment Act 1997***

18 **772 Subsection 30-5(4AA) (note)**

19 Repeal the note, substitute:

20 Note: The fact that gifts to a recipient are deductible will be recorded by the
21 Registrar.

22 **773 Paragraph 30-5(4AB)(b)**

23 Repeal the paragraph, substitute:

24 (b) the *Registrar to keep a record about gifts that are deductible.

25 **774 Section 30-226**

26 Omit:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 If the entity has an ABN, the Australian Business Registrar must
2 state in the Australian Business Register that the entity is a
3 deductible gift recipient.

4 substitute:

5 If the entity has an ABN, the Registrar must keep a record of the
6 fact that the entity is a deductible gift recipient.

7 **775 Section 30-229 (heading)**

8 Repeal the heading, substitute:

9 **30-229 Registrar must keep a record of deductibility of gifts to**
10 **deductible gift recipient**

11 **776 Subsection 30-229(1)**

12 Omit all the words after “*ABN,”, substitute “the *Registrar must make
13 a record to the effect that the deductible gift recipient is a deductible gift
14 recipient for a specified period”.

15 **777 Subsection 30-229(1) (note 1)**

16 Repeal the note, substitute:

17 Note 1: The making (or otherwise) of the record does not affect whether you
18 can deduct a gift to the fund, authority or institution.

19 **778 Subsection 30-229(3)**

20 Repeal the subsection, substitute:

21 (3) The *Registrar may remove the record after the end of the period.

22 **779 Subsection 30-229(4)**

23 Omit “*Australian Business Registrar”, substitute “*Registrar”.

24 **780 Subsection 30-229(4)**

25 Omit “statement appearing in the *Australian Business Register”,
26 substitute “record made”.

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Part 2 Other amendments

1 **781 Subsection 30-229(4)**

2 Omit “true”, substitute “accurate”.

3 **782 Paragraphs 30-229(4)(a) to (c)**

4 Repeal the paragraphs, substitute:

5 (a) alter the record; or

6 (b) remove the record if it is not accurate; or

7 (c) remove the record and make another record for the purposes
8 of this section.

9 **783 Section 30-315 (table item 17A)**

10 Repeal the item, substitute:

17A Registrar to record deductible gift recipients section 30-229

11 **784 Subsection 995-1(1) (definition of *Australian Business***
12 ***Register*)**

13 Repeal the definition.

14 **785 Subsection 995-1(1) (definition of *Australian Business***
15 ***Registrar*)**

16 Repeal the definition.

17 **786 Subsection 995-1(1)**

18 Insert:

19 *data standards* means standards made by the Registrar under
20 section 13 of the *Commonwealth Registers Act 2018* to the extent
21 that they relate to the Registrar’s functions or powers in connection
22 with the *A New Tax System (Australian Business Number) Act*
23 *1999*.

24 Note: The data standards deal with how the Registrar’s functions and powers
25 are performed and exercised. For example, they may provide for:

26 (a) the collection of information; and

27 (b) the manner and form in which information is given to the
28 Registrar; and

29 (c) the manner and form of communication between the Registrar
30 and persons who give information to the Registrar or seek to
31 access information held by the Registrar.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **787 Subsection 995-1(1)**

2 Insert:

3 *Registrar* has the same meaning as in the *A New Tax System*
4 *(Australian Business Number) Act 1999*.

5 **788 Subsection 995-1(1) (at the end of the definition of**
6 ***taxation law*)**

7 Add:

8 ; or (d) the *A New Tax System (Australian Business Number) Act*
9 *1999* or regulations made under that Act.

10 ***National Consumer Credit Protection Act 2009***

11 **789 Section 71 (heading)**

12 Omit “ASIC”, substitute “**the Registrar**”.

13 **790 Subsection 71(1) (heading)**

14 Omit “ASIC”, substitute “*the Registrar*”.

15 **791 Subsection 71(1)**

16 Omit “ASIC a written”, substitute “the Registrar a”.

17 **792 Subsection 71(1)**

18 Omit “subsection (3)”, substitute “subsection (1A)”.

19 **793 After subsection 71(1)**

20 Insert:

21 (1A) A notice under subsection (1) must meet any requirements of the
22 data standards.

23 **794 At the end of subsection 71(2)**

24 Add “and in the approved form”.

25 **795 Subsection 71(3) (at the end of the heading)**

26 Add “*under subsection (2)*”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **796 Subsection 71(4) (heading)**

2 Omit “ASIC”, substitute “the Registrar”.

3 **797 Subparagraph 71(4)(b)(i)**

4 Repeal the subparagraph, substitute:

5 (i) a detail (if any) required by the data standards to be
6 included in a notice under subsection (1) changes; or

7 **798 Subsection 71(4)**

8 Omit “ASIC a written”, substitute “the Registrar a”.

9 **799 Subsection 71(5)**

10 Repeal the subsection, substitute:

11 (5) A notice under subsection (4) must meet any requirements of the
12 data standards.

13 **800 Subsection 72(1)**

14 Omit “ASIC”, substitute “the Registrar”.

15 **801 Subsection 72(2)**

16 Omit “ASIC must give written”, substitute “The Registrar must give”.

17 **802 Part 5-1 of Chapter 5 (heading)**

18 Omit “Registers”, substitute “Recording information”.

19 **803 Section 212**

20 Repeal the section, substitute:

21 **212 Guide to this Part**

22 This Part is about the Registrar’s obligation to record information
23 relating to credit activities.

24 Note: The Registrar is required to exercise functions or powers in
25 connection with this Act in accordance with the data standards: see
26 section 15 of the *Commonwealth Registers Act 2018*.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **804 Division 2 of Part 5-1 of Chapter 5 (heading)**

2 Omit “**Registers**”, substitute “**Recording information**”.

3 **805 Sections 213 and 214**

4 Repeal the sections, substitute:

5 **213 Record keeping**

6 The Registrar must maintain a record of information relating to
7 credit activities.

8 Note: For access to this information, see the disclosure framework under
9 Part 4 of the *Commonwealth Registers Act 2018*.

10 **806 Subparagraph 227(4)(b)(ii)**

11 After “ASIC”, insert “or the Registrar”.

12 **807 Section 233**

13 Omit “or ASIC under this Act, the Minister”, substitute “, ASIC or the
14 Registrar under this Act, the Minister, the Registrar”.

15 **808 Section 236**

16 After “ASIC”, insert “or the Registrar”.

17 **809# Paragraph 237(a)**

18 After “ASIC”, insert “or the Registrar”.

19 **810 Section 240 (heading)**

20 After “ASIC”, insert “, **the Registrar**”.

21 **811 Subsection 240(1)**

22 After “ASIC,”, insert “the Registrar”.

23 **812 Paragraph 240(2)(b)**

24 After “ASIC,”, insert “the Registrar”.

25 **813 Subsection 281(1)**

26 After “ASIC” (last occurring), insert “or the Registrar”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **814 Section 323 (paragraph relating to Division 3)**

2 After “ASIC’s”, insert “or the Registrar’s”.

3 **815 Division 3 of Part 7-1 of Chapter 7 (heading)**

4 Repeal the heading, substitute:

5 **Division 3—Review of decisions of ASIC or the Registrar**

6 **816 Section 327 (heading)**

7 After “ASIC”, insert “or the Registrar”.

8 **817 Subsection 327(1)**

9 After “ASIC” (first occurring), insert “or the Registrar”.

10 **818 Section 328**

11 After “ASIC” (wherever occurring), insert “or the Registrar”.

12 ***National Consumer Credit Protection (Transitional and***
13 ***Consequential Provisions) Act 2009***

14 **819 At the end of the Act**

15 Add:

16 **Schedule 7—Transitional provisions relating**
17 **to the Treasury Laws Amendment**
18 **(Registries Modernisation and Other**
19 **Measures) Act 2018**
20

21 **1 Application of amendments relating to registers under the**
22 ***National Consumer Credit Protection Act 2009***

23 The amendments made by items 787 to 816 of Schedule 1 to the
24 *Treasury Laws Amendment (Registries Modernisation and Other*
25 *Measures) Act 2018* apply on and after the day the Minister appoints,
26 under section 6 of the *Commonwealth Registers Act 2018*:

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

- 1 (a) a Commonwealth body to be the Registrar; or
2 (b) if more than one such body is appointed—the body or bodies
3 appointed under that section with functions and powers in
4 connection with the *National Consumer Credit Protection*
5 *Act 2009*.

6 ***Superannuation Industry (Supervision) Act 1993***

7 **820 Subsection 10(1)**

8 Insert:

9 ***data standards*** means standards made by the Registrar under
10 section 13 of the *Commonwealth Registers Act 2018* to the extent
11 that they relate to the Registrar’s functions or powers in connection
12 with this Act.

13 Note: The data standards deal with how the Registrar’s functions and powers
14 are performed and exercised. For example, they may provide for:

- 15 (a) the collection of information; and
16 (b) the manner and form in which information is given to the
17 Registrar; and
18 (c) the manner and form of communication between the Registrar
19 and persons who give information to the Registrar or seek to
20 access information held by the Registrar.

21 ***Registrar*** has the meaning given by section 21.

22 **821 Subsection 10(1) (paragraph (rg) of the definition of** 23 ***reviewable decision*)**

24 After “Regulator”, insert “or the Registrar”.

25 **822 At the end of Division 2 of Part 1**

26 Add:

27 **21 Meaning of *Registrar***

28 A reference in this Act to the Registrar is a reference to:

- 29 (a) if only one Commonwealth body is appointed as Registrar
30 under section 6 of the *Commonwealth Registers Act 2018*—
31 that body; or

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

- 1 (b) if more than one Commonwealth body is appointed under
2 that section, but only one Commonwealth body is appointed
3 under that section with functions and powers in connection
4 with this Act—the Commonwealth body appointed under that
5 section with those functions and powers; or
6 (c) if more than one Commonwealth body is appointed under
7 that section, and more than one Commonwealth body is
8 appointed under that section with functions and powers in
9 connection with this Act:
10 (i) if the reference relates to one or more particular
11 functions or powers—any Commonwealth body so
12 appointed with any of those particular functions or
13 powers; or
14 (ii) otherwise—any of the Commonwealth bodies appointed
15 under that section with functions and powers in
16 connection with this Act.

17 **823 Section 128H**

18 Before “If”, insert “(1)”.

19 **824 Paragraph 128H(c)**

20 Repeal the paragraph, substitute:

- 21 (c) a change occurs in any matter required to be included in a
22 record of particulars relating to an approved SMSF auditor or
23 suspended SMSF auditor maintained by the Registrar under
24 section 128J; or

25 **825 Section 128H**

26 Omit “give to the Regulator, in the approved form, particulars of that
27 event”, substitute “notify the Registrar of the event”.

28 **826 Section 128H (note)**

29 Repeal the note.

30 **827 At the end of section 128H**

31 Add:

- 32 (2) The notification must meet any requirements of the data standards.
-

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **828 Subdivision C of Division 1A of Part 16**

2 Repeal the Subdivision, substitute:

3 **Subdivision C—Registrar must record certain particulars**

4 **128J Particulars relating to approved SMSF auditors etc.**

5 (1) The Registrar must maintain records of particulars relating to the
6 following persons:

7 (a) a person who is an approved SMSF auditor or suspended
8 SMSF auditor;

9 (b) a person whose registration as an approved SMSF auditor has
10 been cancelled under section 128E;

11 (c) a person for whom an order disqualifying a person from
12 being an approved SMSF auditor is in force under
13 section 130F.

14 (2) Maintaining the records may involve removing a record relating to
15 a particular person.

16 **829 Subsection 128L(1) (table items 6 to 8)**

17 Repeal the items, substitute:

18

6	Notifying the Registrar of an event under section 128H within 1 month after the notification was due	The person giving the notification
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7	Notifying the Registrar of an event under section 128H more than 1 month after the notification was due	The person giving the notification
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19 **830 Subsections 128L(2) and (4)**

20 After “Regulator”, insert “(or, for items 6 and 7 of the table, the
21 Registrar)”.

22 **831 Subsection 128L(4)**

23 After “Regulator’s”, insert “(or, for those table items, the Registrar’s)”.

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Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **832 Subsection 128L(5)**

2 Omit “(other than a matter referred to in item 8 of the table in
3 subsection (1))”.

4 **833 Subsection 128L(6)**

5 After “Regulator”, insert “(or, for items 6 and 7 of the table, the
6 Registrar)”.

7 **834 Section 128M**

8 Repeal the section.

9 **835 Section 285**

10 After “Regulator,”, insert “the Registrar.”.

11 ***Taxation Administration Act 1953***

12 **836 Subsection 6B(6A)**

13 Repeal the subsection, substitute:

14 (6A) For the purposes of subsection (6), if the Commissioner is
15 appointed as the Registrar under section 6 of the *Commonwealth*
16 *Registers Act 2018*, the Commissioner’s powers and functions
17 include powers and functions given to the Commissioner in the
18 Commissioner’s capacity as that Registrar.

19 **837 Subsection 8(1A)**

20 Omit “his or her capacity as Registrar of the Australian Business
21 Register”, substitute “the Commissioner’s capacity as Registrar (within
22 the meaning of the *A New Tax System (Australian Business Number)*
23 *Act 1999)*”.

24 **838 Subsections 16-147(5) and (6) in Schedule 1**

25 Repeal the subsections, substitute:

26 (5) If the Commissioner decides to register the entity, the *Registrar
27 must maintain a record of information relating to registrations
28 under this section.

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Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 (6) A record in relation to the registration of an entity is taken to be a
2 notification of the entity for the purposes of subsection (4).

3 **839 At the end of subsection 16-147(7) in Schedule 1**

4 Add “to register an entity”.

5 **840 Subsection 16-148(7) in Schedule 1**

6 Repeal the subsection, substitute:

7 (7) The *Registrar must maintain a record of information relating to
8 cancellations of registrations under this section.

9 **841 At the end of subsection 16-148(8) in Schedule 1**

10 Add “to cancel an entity’s registration”.

11 **842 Section 426-1 in Schedule 1**

12 Omit “, and entry of the details of endorsement on the Australian
13 Business Register”, substitute “and the recording of information about
14 the endorsement by the Registrar”.

15 **843 Subdivision 426-C of Part 5-35 of Chapter 5 in Schedule 1**
16 **(heading)**

17 Repeal the heading, substitute:

18 **Subdivision 426-C—Registrar must record certain statements**

19 **844 Section 426-65 in Schedule 1 (heading)**

20 Repeal the heading, substitute:

21 **426-65 Registrar must record certain statements**

22 **845 Subsection 426-65(1) in Schedule 1**

23 Omit “an entity that”, substitute “an entity”.

24 **846 Subsection 426-65(1) in Schedule 1**

25 Omit “*Australian Business Registrar must enter in the *Australian
26 Business Register”, substitute “*Registrar must make a record of”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **847 Subsection 426-65(1) in Schedule 1 (note 1)**

2 Omit “An entry (or lack of entry)”, substitute “The recording (or
3 otherwise)”.

4 **848 Subsection 426-65(2) in Schedule 1**

5 Repeal the subsection, substitute:

6 (2) The *Registrar may remove the record of the statement after the
7 end of the period.

8 **849 Subsection 426-65(2A) in Schedule 1**

9 Omit “*Australian Business Registrar must also enter in the *Australian
10 Business Register”, substitute “*Registrar must also maintain a record
11 of”.

12 **850 Subsection 426-65(2B) in Schedule 1**

13 Omit “*Australian Business Registrar may remove the statements from
14 the *Australian Business Register”, substitute “*Registrar may remove
15 the records of the statements”.

16 **851 Subsection 426-65(3) in Schedule 1**

17 Omit “*Australian Business Registrar must take reasonable steps to
18 ensure that a statement appearing in the *Australian Business Register”,
19 substitute “*Registrar must take reasonable steps to ensure that a
20 statement recorded”.

21 **852 Paragraph 426-65(3)(a) in Schedule 1**

22 Before “statement”, insert “record of the”.

23 **853 Paragraph 426-65(3)(b) in Schedule 1**

24 Omit “statement from the Register”, substitute “record of the
25 statement”.

26 **854 Paragraph 426-65(3)(c) in Schedule 1**

27 Repeal the paragraph, substitute:

28 (c) remove the record of the statement and make a record of
29 another statement for the purposes of this section.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Other amendments **Part 2**

1 **855 Subsection 426-65(4) in Schedule 1**

2 Repeal the subsection, substitute:

3 (4) Keeping, changing or removing a record as required or permitted
4 by this section does not contravene section 355-25 or 355-155.

5 **856 Section 426-104 in Schedule 1 (heading)**

6 Repeal the heading, substitute:

7 **426-104 Registrar must record public ancillary fund status**

8 **857 Subsection 426-104(1) in Schedule 1**

9 Omit “*Australian Business Registrar must enter in the *Australian
10 Business Register in relation to the fund”, substitute “*Registrar must
11 make a record of”.

12 **858 Subsection 426-104(1) in Schedule 1 (note 1)**

13 Omit “An entry (or lack of entry)”, substitute “The recording (or
14 otherwise)”.

15 **859 Subsection 426-104(1) in Schedule 1 (note 2)**

16 Omit “Australian Business Register will also show if a public ancillary
17 fund”, substitute “Registrar will also record a statement about a public
18 ancillary fund that”.

19 **860 Subsection 426-104(2) in Schedule 1**

20 Omit “*Australian Business Registrar must take reasonable steps to
21 ensure that a statement appearing in the *Australian Business Register”,
22 substitute “*Registrar must take reasonable steps to ensure that a
23 statement recorded”.

24 **861 Paragraph 426-104(2)(a) in Schedule 1**

25 Before “statement”, insert “record of the”.

26 **862 Paragraph 426-104(2)(b) in Schedule 1**

27 Omit “statement from the Register”, substitute “record of the
28 statement”.

EXPOSURE DRAFT

Schedule 1 Amendments relating to the Registrar

Part 2 Other amendments

1 **863 Section 426-115 in Schedule 1 (heading)**

2 Repeal the heading, substitute:

3 **426-115 Registrar must record private ancillary fund status**

4 **864 Subsection 426-115(1) in Schedule 1**

5 Omit “* Australian Business Registrar must enter in the * Australian
6 Business Register in relation to the fund”, substitute “* Registrar must
7 make a record of”.

8 **865 Subsection 426-115(1) in Schedule 1 (note 1)**

9 Omit “An entry (or lack of entry)”, substitute “The recording (or
10 otherwise)”.

11 **866 Subsection 426-115(1) in Schedule 1 (note 2)**

12 Omit “Australian Business Register will also show if a private ancillary
13 fund”, substitute “Registrar will also record a statement about a private
14 ancillary fund that”.

15 **867 Subsection 426-115(2) in Schedule 1**

16 Omit “* Australian Business Registrar must take reasonable steps to
17 ensure that a statement appearing in the * Australian Business Register”,
18 substitute “* Registrar must take reasonable steps to ensure that a
19 statement recorded”.

20 **868 Paragraph 426-115(2)(a) in Schedule 1**

21 Before “statement”, insert “record of the”.

22 **869 Paragraph 426-115(2)(b) in Schedule 1**

23 Omit “statement from the Register”, substitute “record of the
24 statement”.

EXPOSURE DRAFT

Amendments relating to the Registrar **Schedule 1**
Application of amendments **Part 3**

1 **Part 3—Application of amendments**

2 **870 Application of amendments relating to the Australian**
3 **Business Register**

4 The amendments made by items 18 to 99, 772 to 788 and 836 to
5 869 of this Schedule apply on and after the day the Minister
6 appoints, under section 6 of the *Commonwealth Registers Act*
7 *2018*:

- 8 (a) a Commonwealth body to be the Registrar; or
9 (b) if more than one such body is appointed—the body or bodies
10 appointed under that section with functions and powers in
11 connection with the *A New Tax System (Australian Business*
12 *Number) Act 1999*.

13 **871 Application of amendments relating to certain registers**
14 **under the Superannuation Industry (Supervision) Act**
15 **1993**

16 The amendments made by items 820 to 835 of this Schedule apply on
17 and after the day the Minister appoints, under section 6 of the
18 *Commonwealth Registers Act 2018*:

- 19 (a) a Commonwealth body to be the Registrar; or
20 (b) if more than one such body is appointed—the body or bodies
21 appointed under that section with functions and powers in
22 connection with the *Superannuation Industry (Supervision)*
23 *Act 1993*.

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Schedule 2 Director identification numbers

Schedule 2—Director identification numbers

Corporations (Aboriginal and Torres Strait Islander) Act 2006

1 After Part 6-7

Insert:

Part 6-7A—Director identification numbers

308-1 What this Part is about

Directors of Aboriginal and Torres Strait Islander corporations, and possibly other officers, are required to have director identification numbers. The Commonwealth Registrar gives director identification numbers on application from those directors or other officers.

Note: The Commonwealth Registrar is appointed under the *Commonwealth Registers Act 2018*: see section 694-120 of this Act.

308-5 Giving and cancelling director identification numbers

- (1) The Commonwealth Registrar must, by notifying a person who has applied under section 308-10, give the person a director identification number if the Commonwealth Registrar is satisfied that the person's identity has been established.
- (2) The Commonwealth Registrar must make a record of the person's director identification number.
- (3) The Commonwealth Registrar may, by notifying a person, cancel the person's director identification number if:
 - (a) the Commonwealth Registrar is no longer satisfied that the person's identity has been established; or

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Director identification numbers **Schedule 2**

1 (b) the Commonwealth Registrar has given the person another
2 director identification number.

3 (4) If:

4 (a) at the time the person is given a director identification
5 number under this section, the person is not an eligible
6 officer; and

7 (b) the person does not, within 12 months after that time, become
8 an eligible officer;

9 the person's director identification number is taken to have been
10 cancelled at the end of the 12 month period.

11 **308-10 Applying for a director identification number**

12 (1) An eligible officer may apply to the Commonwealth Registrar for a
13 director identification number if the officer does not already have a
14 director identification number.

15 (2) The Commonwealth Registrar may direct an eligible officer to
16 apply to the Commonwealth Registrar for a director identification
17 number (whether or not the officer already has a director
18 identification number).

19 (3) A person who is not an eligible officer may apply to the
20 Commonwealth Registrar for a director identification number if:

21 (a) the person intends to become an eligible officer within 12
22 months after applying; and

23 (b) the data standards permit the person to apply for a director
24 identification number; and

25 (c) the person does not already have a director identification
26 number.

27 (4) An application for a director identification number must meet any
28 requirements of the data standards.

29 Note: A person may commit an offence if the person knowingly gives false
30 or misleading information (see section 561-1 of this Act and
31 section 137.1 of the *Criminal Code*).

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Schedule 2 Director identification numbers

308-15 Eligible officers

- 1
- 2 (1) An *eligible officer* is:
- 3 (a) a director of an Aboriginal and Torres Strait Islander
- 4 corporation who:
- 5 (i) is appointed to the position of a director; or
- 6 (ii) is appointed to the position of an alternate director and
- 7 is acting in that capacity;
- 8 regardless of the name that is given to that position; or
- 9 (b) any other officer of an Aboriginal and Torres Strait Islander
- 10 corporation who is an officer of a kind prescribed by the
- 11 regulations;
- 12 but does not include a person covered by a determination under
- 13 subsection (2) or (3).
- 14 (2) The Commonwealth Registrar may determine that a particular
- 15 person is not an *eligible officer*. The Commonwealth Registrar
- 16 must notify the person of the determination.
- 17 (3) The Commonwealth Registrar may, by legislative instrument,
- 18 determine that a class of persons are not *eligible officers*.

308-20 Requirement to have a director identification number

- 19
- 20 (1) An eligible officer commits an offence if the officer does not have
- 21 a director identification number.
- 22 Penalty: 25 penalty units.
- 23 (2) Subsection (1) does not apply if:
- 24 (a) the officer applied to the Commonwealth Registrar under
- 25 section 308-10 for a director identification number:
- 26 (i) within 28 days after the day the officer was first
- 27 appointed as an eligible officer in relation to any
- 28 Aboriginal and Torres Strait Islander corporation; or
- 29 (ii) within such longer period as the Commonwealth
- 30 Registrar allows under section 308-30; and
- 31 (b) the application, and any reviews arising out of it, have not
- 32 been finally determined or otherwise disposed of.

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Director identification numbers **Schedule 2**

- 1 Note: A defendant bears an evidential burden in relation to the matter in
2 subsection (2): see subsection 13.3(3) of the *Criminal Code*.
- 3 (3) Subsection (1) does not apply if the officer was appointed as an
4 eligible officer without the officer's knowledge.
- 5 Note: A defendant bears an evidential burden in relation to the matter in
6 subsection (3): see subsection 13.3(3) of the *Criminal Code*.
- 7 (4) An offence against subsection (1) is an offence of strict liability.
8 Note: For strict liability, see section 6.1 of the *Criminal Code*.
- 9 (5) A person who contravenes, or is involved in a contravention of,
10 subsection (1) contravenes this subsection.
- 11 Note 1: This subsection is a civil penalty provision (see section 386-1).
12 Note 2: Section 694-55 defines *involved in*.

13 **308-25 Requirement to apply for a director identification number**

- 14 (1) An eligible officer commits an offence if:
15 (a) the Commonwealth Registrar has, under
16 subsection 308-10(2), directed the officer to apply for a
17 director identification number; and
18 (b) the officer does not apply to the Commonwealth Registrar
19 under section 308-10 for a director identification number:
20 (i) within 28 days after being so directed; or
21 (ii) within such longer period as the Commonwealth
22 Registrar allows under section 308-30.
- 23 Penalty: 25 penalty units.
- 24 (2) An offence against subsection (1) is an offence of strict liability.
25 Note: For strict liability, see section 6.1 of the *Criminal Code*.
- 26 (3) A person who contravenes, or is involved in a contravention of,
27 subsection (1) contravenes this subsection.
- 28 Note 1: This subsection is a civil penalty provision (see section 386-1).
29 Note 2: Section 694-55 defines *involved in*.

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Schedule 2 Director identification numbers

1 **308-30 Commonwealth Registrar may extend application periods**

2 (1) The Commonwealth Registrar may, on the application of an
3 eligible officer, allow, as a longer period for applying to the
4 Commonwealth Registrar under section 308-10 for a director
5 identification number:

- 6 (a) the period specified in the application; or
7 (b) such other period as the Commonwealth Registrar considers
8 reasonable.

9 Note: An application for an extension of the period for applying can be
10 made, and the period can be extended, after the period has ended: see
11 section 694-50.

12 (2) The Commonwealth Registrar may, by legislative instrument,
13 allow, for persons included in a specified class of persons, a longer
14 period for applying to the Commonwealth Registrar under
15 section 308-10 for a director identification number.

16 **308-35 Infringement notices**

17 (1) Subsections 308-20(1) and 308-25(1) are subject to an
18 infringement notice under Part 5 of the Regulatory Powers Act.

19 *Infringement officer*

20 (2) For the purposes of Part 5 of the Regulatory Powers Act, each
21 member of the staff of the Commonwealth Registrar who holds, or
22 is acting in, an office or position that is equivalent to an SES
23 employee is an infringement officer in relation to
24 subsections 308-20(1) and 308-25(1) of this Act.

25 *Relevant chief executive*

26 (3) For the purposes of Part 5 of the Regulatory Powers Act, the
27 relevant chief executive in relation to subsections 308-20(1) and
28 308-25(1) of this Act is:

- 29 (a) the person specified as the relevant chief executive in the
30 Commonwealth Registrar's instrument of appointment under
31 section 6 of the *Commonwealth Registers Act 2018*; or

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- 1 (b) if there is no person specified—the Commonwealth
2 Registrar.

3 **308-40 Applying for additional director identification numbers**

- 4 (1) A person commits an offence if:
5 (a) the person applies for a director identification number; and
6 (b) the person knows that the person already has a director
7 identification number.

8 Penalty: 100 penalty units or imprisonment for 12 months, or
9 both.

- 10 (2) Subsection (1) does not apply if the Commonwealth Registrar
11 directed the person under subsection 308-10(2) to make the
12 application.

13 Note: A defendant bears an evidential burden in relation to the matter in
14 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

- 15 (3) Subsection (1) does not apply if the person purports to make the
16 application only in relation to Part 9.1A of the *Corporations Act*
17 *2001*.

18 Note: A defendant bears an evidential burden in relation to the matter in
19 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

- 20 (4) A person who contravenes, or is involved in a contravention of,
21 subsection (1) contravenes this subsection.

22 Note 1: This subsection is a civil penalty provision (see section 386-1).

23 Note 2: Section 694-55 defines *involved in*.

24 **308-45 Misrepresenting director identification numbers**

- 25 (1) A person commits an offence if the person intentionally represents
26 to an Aboriginal and Torres Strait Islander corporation, as the
27 director identification number of the person or another person, a
28 number that is not that director identification number.

29 Penalty: 100 penalty units or imprisonment for 12 months, or
30 both.

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1 (2) A person who contravenes, or is involved in a contravention of,
2 subsection (1) contravenes this subsection.

3 Note 1: This subsection is a civil penalty provision (see section 386-1).

4 Note 2: Section 694-55 defines *involved in*.

5 **2 After paragraph 386-1(1)(b)**

6 Insert:

7 (ba) subsections 308-20(5), 308-25(3), 308-40(4) and 308-45(2)
8 (director identification numbers);

9 **3 At the end of Part 17-2**

10 Add:

11 **694-120 Commonwealth Registrar**

12 A reference in this Act to the Commonwealth Registrar is a
13 reference to:

14 (a) if only one Commonwealth body is appointed under
15 section 30 of the *Commonwealth Registers Act 2018*—that
16 body; or

17 (b) if more than one Commonwealth body is appointed under
18 that section, but only one Commonwealth body is appointed
19 under that section with functions and powers in connection
20 with this Act—the Commonwealth body appointed under that
21 section with those functions and powers; or

22 (c) if more than one Commonwealth body is appointed under
23 that section, and more than one Commonwealth body is
24 appointed under that section with functions and powers in
25 connection with this Act:

26 (i) if the reference relates to one or more particular
27 functions or powers—any Commonwealth body
28 appointed with any of those particular functions or
29 powers; or

30 (ii) otherwise—any of the Commonwealth bodies appointed
31 under that section with functions and powers in
32 connection with this Act.

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4 Section 700-1

Insert:

Commonwealth body has the same meaning as in the *Commonwealth Registers Act 2018*.

Commonwealth Registrar has the same meaning as in section 694-120.

data standards means standards made by the Registrar under section 40 of the *Commonwealth Registers Act 2018* to the extent that they relate to the Registrar's functions or powers in connection with this Act.

director identification number means a director identification number given under:

(a) section 308-5; or

(b) section 1230 of the *Corporations Act 2001*.

eligible officer has the meaning given by section 308-15.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

5 Application of amendments

(1) The amendments of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* made by this Schedule apply on and after the day (the **application day**) the Minister appoints, under section 30 of the *Commonwealth Registers Act 2018*:

(a) a Commonwealth body (within the meaning of that Act) to be the Registrar (within the meaning of that Act); or

(b) if more than one such body is appointed—such a body with functions and powers in connection with Part 6.7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

(2) Section 308-20 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* applies to a person who was, immediately before the application day, an eligible officer as if the reference in paragraph 308-20(2)(a) of that Act to the period of 28 days after the

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1 appointment mentioned in that paragraph were a reference to the period
2 of 15 months after the application day.

3 *Corporations Act 2001*

4 **6 Section 9**

5 Insert:

6 *director identification number* means a director identification
7 number given under:

8 (a) section 1230; or

9 (b) section 308-5 of the *Corporations (Aboriginal and Torres*
10 *Strait Islander) Act 2006*.

11 *eligible officer* has the meaning given by section 1232.

12 **7 Before Part 9.1**

13 Insert:

14 **Part 9.1A—Director identification numbers**

15

16 **1230 Giving and cancelling director identification numbers**

17 (1) The Registrar must, by notifying a person who has applied under
18 section 1231, give the person a director identification number if the
19 Registrar is satisfied that the person's identity has been established.

20 (2) The Registrar must make a record of the person's director
21 identification number.

22 (3) The Registrar may, by notifying a person, cancel the person's
23 director identification number if:

24 (a) the Registrar is no longer satisfied that the person's identity
25 has been established; or

26 (b) the Registrar has given the person another director
27 identification number.

28 (4) If:

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- 1 (a) at the time the person is given a director identification
2 number under this section, the person is not an eligible
3 officer; and
4 (b) the person does not, within 12 months after that time, become
5 an eligible officer;
6 the person's director identification number is taken to have been
7 cancelled at the end of the 12 month period.

8 **1231 Applying for a director identification number**

- 9 (1) An eligible officer may apply to the Registrar for a director
10 identification number if the officer does not already have a director
11 identification number.
- 12 (2) The Registrar may direct an eligible officer to apply to the
13 Registrar for a director identification number (whether or not the
14 officer already has a director identification number).
- 15 (3) A person who is not an eligible officer may apply to the Registrar
16 for a director identification number if:
17 (a) the person intends to become an eligible officer within 12
18 months after applying; and
19 (b) the data standards permit the person to apply for a director
20 identification number; and
21 (c) the person does not already have a director identification
22 number.
- 23 (4) An application for a director identification number must meet any
24 requirements of the data standards.

25 Note: A person may commit an offence if the person knowingly gives false
26 or misleading information (see section 1308 of this Act and
27 section 137.1 of the *Criminal Code*).

28 **1232 Eligible officers**

- 29 (1) An *eligible officer* is:
30 (a) a director of a company, or of a body corporate that is a
31 registered Australian body or registered foreign company,
32 who:
-

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- 1 (i) is appointed to the position of a director; or
2 (ii) is appointed to the position of an alternate director and
3 is acting in that capacity;
4 regardless of the name that is given to that position; or
5 (b) any other officer of a company, or of a body corporate that is
6 a registered Australian body or registered foreign company,
7 who is an officer of a kind prescribed by the regulations;
8 but does not include a person covered by a determination under
9 subsection (2) or (3).
- 10 (2) The Registrar may determine that a particular person is not an
11 *eligible officer*. The Registrar must notify the person of the
12 determination.
- 13 (3) The Registrar may, by legislative instrument, determine that a class
14 of persons are not *eligible officers*.

1233 Requirement to have a director identification number

- 16 (1) An eligible officer must have a director identification number.
- 17 (2) Subsection (1) does not apply if:
- 18 (a) the officer applied to the Registrar under section 1231 for a
19 director identification number:
- 20 (i) within 28 days after the day the officer was first
21 appointed as an eligible officer in relation to any
22 company, registered Australian body or registered
23 foreign company; or
24 (ii) within such longer period as the Registrar allows under
25 section 1235; and
- 26 (b) the application, and any reviews arising out of it, have not
27 been finally determined or otherwise disposed of.

28 Note: A defendant bears an evidential burden in relation to the matter in
29 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

- 30 (3) Subsection (1) does not apply if the officer was appointed as an
31 eligible officer without the officer's knowledge.

32 Note: A defendant bears an evidential burden in relation to the matter in
33 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

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1 (4) An offence based on subsection (1) is an offence of strict liability.

2 Note: For strict liability, see section 6.1 of the *Criminal Code*.

3 (5) A person who contravenes, or is involved in a contravention of,
4 subsection (1) contravenes this subsection.

5 Note 1: Subsection (5) is a civil penalty provision (see section 1317E).

6 Note 2: Section 79 defines *involved*.

7 **1234 Requirement to apply for a director identification number**

8 (1) An eligible officer whom the Registrar has directed under
9 subsection 1231(2) to apply for a director identification number
10 must apply to the Registrar under section 1231 for a director
11 identification number:

12 (a) within 28 days after being so directed; or

13 (b) within such longer period as the Registrar allows under
14 section 1235.

15 (2) An offence based on subsection (1) is an offence of strict liability.

16 Note: For strict liability, see section 6.1 of the *Criminal Code*.

17 (3) A person who contravenes, or is involved in a contravention of,
18 subsection (1) contravenes this subsection.

19 Note 1: Subsection (3) is a civil penalty provision (see section 1317E).

20 Note 2: Section 79 defines *involved*.

21 **1235 Registrar may extend application periods**

22 (1) The Registrar may, on the application of an eligible officer, allow,
23 as a longer period for applying to the Registrar under section 1231
24 for a director identification number:

25 (a) the period specified in the application; or

26 (b) such other period as the Registrar considers reasonable.

27 Note: An application for an extension of the period for applying can be
28 made, and the period can be extended, after the period has ended: see
29 section 70.

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- 1 (2) The Registrar may, by legislative instrument, allow, for persons
2 included in a specified class of persons, a longer period for
3 applying to the Registrar under section 1231 for a director
4 identification number.

5 **1236 Infringement notices**

- 6 (1) Subsections 1233(1) and 1234(1) are subject to an infringement
7 notice under Part 5 of the Regulatory Powers Act.

8 *Infringement officer*

- 9 (2) For the purposes of Part 5 of the Regulatory Powers Act, each
10 member of the staff of the Registrar who holds, or is acting in, an
11 office or position that is equivalent to an SES employee is an
12 infringement officer in relation to subsections 1233(1) and 1234(1)
13 of this Act.

14 *Relevant chief executive*

- 15 (3) For the purposes of Part 5 of the Regulatory Powers Act, the
16 relevant chief executive in relation to subsections 1233(1) and
17 1234(1) of this Act is:
18 (a) the person specified as the relevant chief executive in the
19 Registrar's instrument of appointment under section 30 of the
20 *Commonwealth Registers Act 2018*; or
21 (b) if there is no person specified—the Registrar.

22 **1237 Applying for additional director identification numbers**

- 23 (1) A person must not apply for a director identification number if the
24 person knows that the person already has a director identification
25 number.

26 Note: Failure to comply with this subsection is an offence: see
27 subsection 1311(1).

- 28 (2) Subsection (1) does not apply if the Registrar directed the person
29 under subsection 1231(2) to make the application.

30 Note: A defendant bears an evidential burden in relation to the matter in
31 subsection (2): see subsection 13.3(3) of the *Criminal Code*.

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1 (3) Subsection (1) does not apply if the person purports to make the
2 application only in relation to Part 6.7A of the *Corporations*
3 *(Aboriginal and Torres Strait Islander) Act 2006*.

4 Note: A defendant bears an evidential burden in relation to the matter in
5 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

6 (4) A person who contravenes, or is involved in a contravention of,
7 subsection (1) contravenes this subsection.

8 Note 1: Subsection (4) is a civil penalty provision (see section 1317E).

9 Note 2: Section 79 defines *involved*.

10 **1238 Misrepresenting director identification numbers**

11 (1) A person must not intentionally represent to a Commonwealth
12 body (within the meaning of the *Commonwealth Registers Act*
13 *2018*), company or registered body, as the director identification
14 number of the person or another person, a number that is not that
15 director identification number.

16 Note: Failure to comply with this subsection is an offence: see
17 subsection 1311(1).

18 (2) A person who contravenes, or is involved in a contravention of,
19 subsection (1) contravenes this subsection.

20 Note 1: Subsection (2) is a civil penalty provision (see section 1317E).

21 Note 2: Section 79 defines *involved*.

22 **8 Subsection 1317E(1) (after table item 45A)**

23 Insert:

45B	subsection 1233(5)	requirement to have a director identification number
45C	subsection 1234(3)	requirement to apply for a director identification number
45D	subsection 1237(4)	applying for additional director identification numbers
45E	subsection 1238(2)	misrepresenting a director identification number

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Schedule 2 Director identification numbers

1 **9 In the appropriate position in Chapter 10**

2 Insert:

3 **Part 10.32—Transitional provisions relating to the**
4 **Treasury Laws Amendment (Registries**
5 **Modernisation and Other Measures) Act**
6 **2018**
7

8 **1645 Director identification numbers**

- 9 (1) Part 9.1A applies on and after the day (the *application day*) the
10 Minister appoints, under section 30 of the *Commonwealth*
11 *Registers Act 2018*:
- 12 (a) a Commonwealth body (within the meaning of that Act) to be
13 the Registrar; or
14 (b) if more than one such body is appointed—such a body with
15 functions and powers in connection with Part 9.1A.
- 16 (2) Section 1233 applies to a person who was, immediately before the
17 application day, an eligible officer as if the reference in
18 paragraph 1233(2)(a) to the period of 28 days after the appointment
19 mentioned in that paragraph were a reference to the period of 15
20 months after the application day.

21 **10 Schedule 3 (after table item 328D)**

22 Insert:

328E	Subsection 1233(1)	60 penalty units.
328F	Subsection 1234(1)	60 penalty units.
328G	Subsection 1237(1)	100 penalty units or imprisonment for 12 months, or both.
328H	Subsection 1238(1)	100 penalty units or imprisonment for 12 months, or both.

EXPOSURE DRAFT

Director identification numbers **Schedule 2**

1 ***Income Tax Assessment Act 1936***

2 **11 At the end of section 202**

3 Add:

4 ; and (u) to facilitate the administration of Part 9.1A of the
5 *Corporations Act 2001* or Part 6-7A of the *Corporations*
6 *(Aboriginal and Torres Strait Islander) Act 2006*.

7 ***Taxation Administration Act 1953***

8 **12 Paragraphs 8WA(1AA)(b) and 8WB(1A)(a) and (b)**

9 Omit “or (t)”, substitute “, (t) or (u)”.