Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020

No. 69, 2020

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 2020*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (https://www.legislation.gov.au/)

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Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020

No. 69, 2020

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 2020*, and for related purposes

[*Assented to 22 June 2020*]

The Parliament of Australia enacts:

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1 Short title

This Act is the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020*.

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.	22 June 2020
2. Schedule 1, items 1 to 1258	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.	Items 1–19, 103: 4 April 2021 (F2021N00065)
3. Schedule 1, items 1259 and 1260	At the same time as the commencement of the provisions covered by table item 2. However, the provisions do not commence at all if Schedule 3 to the *Treasury Laws Amendment (Strengthening Financial Regulators No. 1) Act 2019* commences before or on the same day as the provisions covered by table item 2.	
4. Schedule 1, item 1261	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) immediately after the commencement of	

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Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
	Schedule 3 to the *Treasury Laws Amendment (Strengthening Financial Regulators No. 1) Act 2019*. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	
5. Schedule 1, items 1262 to 1467	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.	
6. Schedule 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.	4 April 2021 (F2021N00065)

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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Schedule 1—Amendments relating to the Registrar

Part 1—Main amendments

Business Names Registration Act 2011

1 Section 3

Insert:

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

Commonwealth body means:

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

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

(c) a person:

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

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

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

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

disclosure framework means the disclosure framework made by the Registrar under section 62L.

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

official employment means:

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

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

protected information means information:

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

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

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

(ii) under another law of the Commonwealth;

in connection with particular functions or powers of the Registrar.

Registrar has the meaning given by section 6A.

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

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

2 After section 6

Insert:

6A Meaning of *Registrar*

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

(a) if only one Commonwealth body is appointed as Registrar under section 62A—that body; or

(b) if more than one Commonwealth body is appointed under that section with functions and powers in connection with this Act or the Transitional Act:

(i) if the reference relates to one or more particular functions or powers—any Commonwealth body so appointed with any of those particular functions or powers; or

(ii) otherwise—any of the Commonwealth bodies appointed under that section.

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3 Section 56

Before "A decision", insert "(1)".

4 At the end of section 56

Add:

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

5 Before section 63

Insert:

Division 1—Matters relating to handling records and information

Subdivision A—The Registrar

62A Appointment of the Registrar

(1) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar.

(2) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar in relation to one or more functions or powers of the Registrar.

62B Functions

The Registrar's functions are:

(a) such functions as are conferred on the Registrar by or under this Act or the Transitional Act; and

(b) such functions as are prescribed by rules made for the purposes of this paragraph under section 62U; and

(c) such functions as are incidental to the functions mentioned in paragraph (a) or (b).

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62C Powers

The Registrar's powers include:

(a) such powers as are conferred:

(i) on the Registrar in relation to the functions mentioned in section 62B; and

(ii) by or under this Act or the Transitional Act; and

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

62D Directions by Minister

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

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

(2) Without limiting subsection (1), a direction under that subsection may relate to any of the following:

(a) matters to be dealt with in the data standards or disclosure framework;

(b) consultation processes to be followed prior to making data standards or the disclosure framework.

(3) A direction under subsection (1) must be of a general nature only.

(4) Subsection (3) does not prevent a direction under subsection (1) from relating to a particular matter to be dealt with in the data standards or disclosure framework. However, the direction must not direct the Registrar how to apply the data standards or disclosure framework in a particular case.

(5) The Registrar must comply with a direction under subsection (1).

62E Delegation

(1) The Registrar may, in writing, delegate all or any of the Registrar's functions or powers under this Act or the Transitional Act (other

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than the power to make data standards or the disclosure framework) to:

(a) any person to whom it may delegate any of its other functions, as a Commonwealth body, under a law of the Commonwealth; or

(b) any person of a kind specified in rules made under section 62U.

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

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

62F Assisted decision making

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

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

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

62G Liability for damages

None of the following:

(a) the Registrar;

(b) if the Registrar is a Commonwealth body that has members—a member of the Registrar;

(c) a member of the staff of the Registrar;

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(d) a person who is, or is a member of or a member of the staff of, a delegate of the Registrar;

(e) a person who is authorised to perform or exercise a function or power of, or on behalf of, the Registrar;

(f) an APS employee, or an officer or employee of a Commonwealth body, whose services are made available to the Registrar in connection with the performance or exercise of any of the Registrar's functions or powers;

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

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

62H Data standards

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

(2) Without limiting subsection (1), the data standards may provide for any of the following:

(a) what information may be collected for the purposes of the performance of the Registrar's functions and the exercise of the Registrar's powers under this Act or the Transitional Act;

(b) how such information may be collected;

(c) the manner and form in which such information is given to the Registrar;

(d) when information is to be given to the Registrar;

(e) how information held by the Registrar is to be authenticated, verified or validated;

(f) how information held by the Registrar is to be stored;

(g) correction of information held by the Registrar;

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(h) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar;

(i) integrating or linking information held by the Registrar.

(3) Without limiting subsection (1), the data standards may provide differently in relation to different functions or powers of the Registrar.

(4) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act or the Transitional Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have data standards that would apply to those functions or powers;

any data standards applying to those functions or powers immediately before that appointment continue to apply until the new Registrar makes data standards that apply to those functions or powers, or amends its existing data standards to apply to those functions or powers.

62J Giving information to the Registrar

(1) Without limiting section 62H, the data standards may provide that information is to be given to the Registrar in electronic form, or any other specified form.

(2) A requirement under this Act or the Transitional Act that information is to be provided to the Registrar in a particular form or manner (however described), including a requirement:

(a) that the information is to be "lodged" or "furnished"; and

(b) that the information is to be "written" or "in writing"; and

(c) that a "copy" of a document containing the information is to be provided;

is not taken to restrict by implication what the data standards may provide under subsection (1) in relation to that information.

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62K How the Registrar is to perform and exercise functions and powers

(1) The Registrar must perform its functions and exercise its powers under this Act or the Transitional Act in accordance with:
  (a) the data standards; or
  (b) if there are no data standards that apply to particular functions or powers—any requirement relating to those functions or powers as in force immediately before those functions or powers became functions or powers of the Registrar.

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

Subdivision C—Disclosure of information

62L Disclosure framework

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

(2) Without limiting subsection (1), the disclosure framework may provide for any of the following:
  (a) circumstances in which information must not be disclosed without the consent of the person to whom it relates;
  (b) circumstances in which de-identified information may be disclosed;
  (c) circumstances in which information may be disclosed to the general public;
  (d) circumstances in which confidentiality agreements are required for the disclosure of information;
  (e) imposing conditions on disclosure of information.

(3) Without limiting subsection (1), the disclosure framework may provide differently in relation to different functions or powers of the Registrar under this Act or the Transitional Act.

(4) A person commits an offence if:
  (a) the person is a party to a confidentiality agreement of a kind mentioned in paragraph (2)(d); and

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(b) the person fails to comply with the confidentiality agreement.

Penalty: 100 penalty units or imprisonment for 2 years, or both.

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

(6) However, subsection (5) does not apply to the extent that the disclosure framework deals with a matter in accordance with a direction under section 62D.

(7) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act or the Transitional Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have a disclosure framework that would apply to those functions or powers;

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

62M Protection of confidentiality of protected information

(1) A person (the ***first person***) commits an offence if:

(a) the first person is, or has been, in official employment; and

(b) the first person makes a record of information, or discloses information to another person; and

(c) the information is protected information that was obtained by the first person in the course of the first person's official employment.

(2) However, subsection (1) does not apply if the recording or disclosure is authorised by subsection (3).

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(3) The recording or disclosure is authorised by this subsection if:

(a) the recording or disclosure is for the purposes of this Division; or

(b) the recording or disclosure happens in the course of the performance of the duties of the first person's official employment; or

(c) in the case of a disclosure—the disclosure is to another person for use, in the course of the performance of the duties of the other person's official employment, in relation to the performance or exercise of the functions or powers of a government entity; or

(d) in the case of a disclosure to another person who is an employee of a State, a Territory or an authority of a State or Territory—the disclosure:

(i) is to the other person for use, in the course of the performance of the duties of that employment, in relation to the performance or exercise of the functions or powers of a government entity; and

(ii) is in accordance with an agreement, about registration of business names, between the Commonwealth, the States, the Australian Capital Territory and the Northern Territory; or

(e) in the case of a disclosure—each person to whom the information relates consents to the disclosure; or

(f) in the case of a disclosure—the disclosure is in accordance with the disclosure framework.

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

62N Authorisation of recording or disclosure

(1) A person is not liable to any proceedings for contravening a secrecy provision in respect of a recording or disclosure authorised under subsection 62M(3), unless the secrecy provision is a designated secrecy provision.

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

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

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

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

(a) sections 18 to 18B and 92 of the *Australian Security Intelligence Organisation Act 1979*;

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

(c) sections 39 to 41 of the *Intelligence Services Act 2001*;

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

(e) a provision of a law of the Commonwealth prescribed by rules made for the purposes of this paragraph under section 62U;

(f) a provision of a law of the Commonwealth of a kind prescribed by rules made for the purposes of this paragraph under section 62U.

62P Preventing disclosure of particular protected information

(1) If:

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

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

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

(2) Without limiting section 62L, the disclosure framework may provide for:

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

(b) how those applications are to be decided.

62Q Authorisation for purposes of Privacy Act

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

(a) the information is protected information; and

(b) the disclosure is authorised by subsection 62M(3) of this Act.

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62R Disclosure to a court

A person is not to be required:

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

(i) contains protected information; and

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

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

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

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

Subdivision D—Miscellaneous

62S Extracts of information to be admissible in evidence

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

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

(b) is admissible without any further proof of, or the production of, the original;

if it does not appear to the Court to have been revised or tampered with in a way that affects, or is likely to affect, the information.

(2) The Registrar may give a person a certified copy of, or extract from, the information held by the Registrar under, or for the purposes of, this Act or the Transitional Act on payment of the fee (if any) prescribed by rules made under section 62U.

(3) In any proceedings, the certified copy:

(a) is prima facie evidence of information that is stated in it and that purports to be held by the Registrar under, or for the purposes of, this Act or the Transitional Act; and

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(b) is admissible without any further proof of, or the production of, the original.

(4) This section does not limit the manner in which evidence may be adduced, or the admissibility of evidence, under the *Evidence Act 1995*.

62T Annual report

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

62U Rules

(1) The Minister may, by legislative instrument, make rules prescribing matters:
(a) required or permitted by this Division to be prescribed by rules made under this section; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Division.

(2) To avoid doubt, rules made under this section may not do the following:
(a) create an offence or civil penalty;
(b) provide powers of:
(i) arrest or detention; or
(ii) entry, search or seizure;
(c) impose a tax;
(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
(e) directly amend the text of this Act.

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Division 2—Miscellaneous

Business Names Registration (Transitional and Consequential Provisions) Act 2011

6 Item 27 of Schedule 1

Before "A decision", insert "(1)".

7 At the end of item 27 of Schedule 1

Add:

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

Corporations Act 2001

8 Section 9

Insert:

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

Commonwealth body means:

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

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

(c) a person:

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

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

data standards means standards made by the Registrar under section 1270G.

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designated secrecy provision has the meaning given by subsection 1270M(3).

disclosure framework means the disclosure framework made by the Registrar under section 1270K.

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

official employment means:

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

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

protected information means information:

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

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

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

(ii) under another law of the Commonwealth;

in connection with particular functions or powers of the Registrar.

Registrar has the meaning given by section 9C.

secrecy provision has the meaning given by subsection 1270M(2).

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

9 At the end of Division 1 of Part 1.2

Add:

9C Meaning of *Registrar*

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

(a) if only one Commonwealth body is appointed as Registrar under section 1270—that body; or

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(b) if more than one Commonwealth body is appointed under that section:

(i) if the reference relates to one or more particular functions or powers—any Commonwealth body so appointed with any of those particular functions or powers; or

(ii) otherwise—any of the Commonwealth bodies appointed under that section.

10 Part 9.1 (heading)

Repeal the heading, substitute:

Part 9.1—Matters relating to handling records and information

Division 1—The Registrar

Subdivision A—Appointment etc. of the Registrar

1270 Appointment of the Registrar

(1) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar.

(2) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar in relation to one or more functions or powers of the Registrar.

1270A Functions

The Registrar's functions are:

(a) such functions as are conferred on the Registrar by or under this Act; and

(b) such functions as are prescribed by rules made for the purposes of this paragraph under section 1270T; and

(c) such functions as are incidental to the functions mentioned in paragraph (a) or (b).

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1270B Powers

The Registrar's powers include:

(a) such powers as are conferred:

(i) on the Registrar in relation to the functions mentioned in section 1270A; and

(ii) by or under this Act; and

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

1270C Directions by Minister

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

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

(2) Without limiting subsection (1), a direction under that subsection may relate to any of the following:

(a) matters to be dealt with in the data standards or disclosure framework;

(b) consultation processes to be followed prior to making data standards or the disclosure framework.

(3) A direction under subsection (1) must be of a general nature only.

(4) Subsection (3) does not prevent a direction under subsection (1) from relating to a particular matter to be dealt with in the data standards or disclosure framework. However, the direction must not direct the Registrar how to apply the data standards or disclosure framework in a particular case.

(5) The Registrar must comply with a direction under subsection (1).

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1270D Delegation

(1) The Registrar may, in writing, delegate all or any of the Registrar's functions or powers under this Act (other than the power to make data standards or the disclosure framework) to:

(a) any person to whom it may delegate any of its other functions, as a Commonwealth body, under a law of the Commonwealth; or

(b) any person of a kind specified in rules made under section 1270T.

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

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

1270E Assisted decision making

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

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

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

1270F Liability for damages

None of the following:

(a) the Minister;

(b) the Registrar;

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(c) if the Registrar is a Commonwealth body that has members—a member of the Registrar;
(d) a member of the staff of the Registrar;
(e) a person who is, or is a member of or a member of the staff of, a delegate of the Registrar;
(f) a person who is authorised to perform or exercise a function or power of, or on behalf of, the Registrar;
(g) an APS employee, or an officer or employee of a Commonwealth body, whose services are made available to the Registrar in connection with the performance or exercise of any of the Registrar's functions or powers;

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

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

1270G Data standards

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

(2) Without limiting subsection (1), the data standards may provide for any of the following:
(a) what information may be collected for the purposes of the performance of the Registrar's functions and the exercise of the Registrar's powers under this Act;
(b) how such information may be collected;
(c) the manner and form in which such information is given to the Registrar;
(d) when information is to be given to the Registrar;
(e) how information held by the Registrar is to be authenticated, verified or validated;
(f) how information held by the Registrar is to be stored;
(g) correction of information held by the Registrar;

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(h) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar;

(i) integrating or linking information held by the Registrar.

(3) Without limiting subsection (1), the data standards may provide differently in relation to different functions or powers of the Registrar.

(4) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have data standards that would apply to those functions or powers;

any data standards applying to those functions or powers immediately before that appointment continue to apply until the new Registrar makes data standards that apply to those functions or powers, or amends its existing data standards to apply to those functions or powers.

1270H Giving information to the Registrar

(1) Without limiting section 1270G, the data standards may provide that information is to be given to the Registrar in electronic form, or any other specified form.

(2) A requirement under this Act that information is to be provided to the Registrar in a particular form or manner (however described), including a requirement:

(a) that the information is to be "lodged" or "furnished"; and

(b) that the information is to be "written" or "in writing"; and

(c) that a "copy" of a document containing the information is to be provided;

is not taken to restrict by implication what the data standards may provide under subsection (1) in relation to that information.

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1270J How the Registrar is to perform and exercise functions and powers

(1) The Registrar must perform its functions and exercise its powers under this Act in accordance with:
  (a) the data standards; or
  (b) if there are no data standards that apply to particular functions or powers—any requirement relating to those functions or powers as in force immediately before those functions or powers became functions or powers of the Registrar.

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

Subdivision C—Disclosure of information

1270K Disclosure framework

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

(2) Without limiting subsection (1), the disclosure framework may provide for any of the following:
  (a) circumstances in which information must not be disclosed without the consent of the person to whom it relates;
  (b) circumstances in which de-identified information may be disclosed;
  (c) circumstances in which information may be disclosed to the general public;
  (d) circumstances in which confidentiality agreements are required for the disclosure of information;
  (e) imposing conditions on disclosure of information.

(3) Without limiting subsection (1), the disclosure framework may provide differently in relation to different functions or powers of the Registrar under this Act.

(4) A person commits an offence if:
  (a) the person is a party to a confidentiality agreement of a kind mentioned in paragraph (2)(d); and

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(b) the person fails to comply with the confidentiality agreement.

Penalty: 100 penalty units or imprisonment for 2 years, or both.

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

(6) However, subsection (5) does not apply to the extent that the disclosure framework deals with a matter in accordance with a direction under section 1270C.

(7) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have a disclosure framework that would apply to those functions or powers;

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

1270L Protection of confidentiality of protected information

(1) A person (the ***first person***) commits an offence if:

(a) the first person is, or has been, in official employment; and

(b) the first person makes a record of information, or discloses information to another person; and

(c) the information is protected information that was obtained by the first person in the course of the first person's official employment.

Penalty: Imprisonment for 2 years.

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(2) However, subsection (1) does not apply if the recording or disclosure is authorised by subsection (3).

(3) The recording or disclosure is authorised by this subsection if:

(a) the recording or disclosure is for the purposes of this Division; or

(b) the recording or disclosure happens in the course of the performance of the duties of the first person's official employment; or

(c) in the case of a disclosure—the disclosure is to another person for use, in the course of the performance of the duties of the other person's official employment, in relation to the performance or exercise of the functions or powers of a government entity; or

(d) in the case of a disclosure to another person who is an employee of a State, a Territory or an authority of a State or Territory—the disclosure:

(i) is to the other person for use, in the course of the performance of the duties of that employment, in relation to the performance or exercise of the functions or powers of a government entity; and

(ii) is in accordance with an agreement, about corporate regulation, between the Commonwealth, the States, the Northern Territory and the Australian Capital Territory; or

(e) in the case of a disclosure—each person to whom the information relates consents to the disclosure; or

(f) in the case of a disclosure—the disclosure is in accordance with the disclosure framework.

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

1270M Authorisation of recording or disclosure

(1) A person is not liable to any proceedings for contravening a secrecy provision in respect of a recording or disclosure authorised under subsection 1270L(3), unless the secrecy provision is a designated secrecy provision.

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

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

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

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

(a) sections 18 to 18B and 92 of the *Australian Security Intelligence Organisation Act 1979*;

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

(c) sections 39 to 41 of the *Intelligence Services Act 2001*;

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

(e) a provision of a law of the Commonwealth prescribed by rules made for the purposes of this paragraph under section 1270T;

(f) a provision of a law of the Commonwealth of a kind prescribed by rules made for the purposes of this paragraph under section 1270T.

1270N Preventing disclosure of particular protected information

(1) If:

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

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

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

(2) Without limiting section 1270K, the disclosure framework may provide for:

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

(b) how those applications are to be decided.

1270P Authorisation for purposes of Privacy Act

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

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(a) the information is protected information; and
(b) the disclosure is authorised by subsection 1270L(3) of this Act.

1270Q Disclosure to a court

A person is not to be required:
(a) to produce to a court any document that:
(i) contains protected information; and
(ii) was made or given under, or for the purposes of, this Act; and
(iii) was obtained by the person in the course of the person's official employment; or
(b) to disclose to a court any protected information that the person obtained in the course of the person's official employment;

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

Subdivision D—Miscellaneous

1270R Extracts of information to be admissible in evidence

(1) In any proceedings, a document, or a copy of a document, that purports (irrespective of the form of wording used) to be an extract of information held by the Registrar under, or for the purposes of, this Act:
(a) is proof, in the absence of evidence to the contrary, of information that is stated in it and that purports to be held by the Registrar; and
(b) is admissible without any further proof of, or the production of, the original;

if it does not appear to the Court to have been revised or tampered with in a way that affects, or is likely to affect, the information.

(2) The Registrar may give a person a certified copy of, or extract from, the information held by the Registrar under, or for the purposes of, this Act on payment of the fee (if any) prescribed by rules made under section 1270T.

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(3) In any proceedings, the certified copy:
  (a) is prima facie evidence of information that is stated in it and that purports to be held by the Registrar under, or for the purposes of, this Act; and
  (b) is admissible without any further proof of, or the production of, the original.

(4) This section does not limit the manner in which evidence may be adduced, or the admissibility of evidence, under the *Evidence Act 1995*.

1270S Annual report

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

1270T Rules

(1) The Minister may, by legislative instrument, make rules under this section prescribing matters:
  (a) required or permitted by this Division to be prescribed by rules made under this section; or
  (b) necessary or convenient to be prescribed for carrying out or giving effect to this Division.

(2) To avoid doubt, rules made under this section may not do the following:
  (a) create an offence or civil penalty;
  (b) provide powers of:
    (i) arrest or detention; or
    (ii) entry, search or seizure;
  (c) impose a tax;
  (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  (e) directly amend the text of this Act.

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Division 2—Registers kept by ASIC

11 After section 1274

Insert:

Division 3—Miscellaneous

12 After subsection 1317B(1)

Insert:

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

13 After paragraph 1317C(gf)

Insert:

(gg) a decision by the Registrar to make, amend or repeal data standards under section 1270G; or

(gh) a decision by the Registrar to make, amend or repeal the disclosure framework under section 1270K; or

National Consumer Credit Protection Act 2009

14 Subsection 5(1)

Insert:

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

Commonwealth body means:

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

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

(c) a person:

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

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

data standards means standards made by the Registrar under section 212H.

designated secrecy provision has the meaning given by subsection 212N(3).

disclosure framework means the disclosure framework made by the Registrar under section 212L.

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

official employment means:

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

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

protected information means information:

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

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

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

(ii) under another law of the Commonwealth;

in connection with particular functions or powers of the Registrar.

Registrar has the meaning given by section 16B.

secrecy provision has the meaning given by subsection 212N(2).

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

15 At the end of Division 4 of Part 1-2

Add:

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16B Meaning of *Registrar*

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

(a) if only one Commonwealth body is appointed as Registrar under section 212A—that body; or

(b) if more than one Commonwealth body is appointed under that section:

(i) if the reference relates to one or more particular functions or powers—any Commonwealth body so appointed with any of those particular functions or powers; or

(ii) otherwise—any of the Commonwealth bodies appointed under that section.

16 Part 5-1 (heading)

Repeal the heading, substitute:

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

17 Section 212

Repeal the section, substitute:

212 Guide to this Part

This Part provides for the Registrar's role under this Act.

The Minister appoints an existing Commonwealth body to be the Registrar. The Minister can give directions to the Registrar.

The Registrar performs functions and exercises powers in accordance with the data standards (and other Commonwealth laws). The data standards are disallowable instruments made by the Registrar. They may deal with such matters as how information is given to the Registrar (including electronically).

Information that the Registrar has can be disclosed to government agencies for the performance of their functions. Other disclosures

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(such as by public access to information) are dealt with by the disclosure framework, which is a disallowable instrument made by the Registrar.

Certain decisions made by the Registrar are reviewable by the Administrative Appeals Tribunal.

This Part also set out the Registrar's obligation to record information relating to credit activities.

18 After Division 1 of Part 5-1

Insert:

Division 1A—The Registrar

Subdivision A—The Registrar

212A Appointment of the Registrar

(1) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar.

(2) The Minister may, by notifiable instrument, appoint a Commonwealth body to be the Registrar in relation to one or more functions or powers of the Registrar.

212B Functions

The Registrar's functions are:

(a) such functions as are conferred on the Registrar by or under this Act; and

(b) such functions as are prescribed by rules made for the purposes of this paragraph under section 212U; and

(c) such functions as are incidental to the functions mentioned in paragraph (a) or (b).

212C Powers

The Registrar's powers include:

(a) such powers as are conferred:

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(i) on the Registrar in relation to the functions mentioned in section 212B; and

(ii) by or under this Act; and

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

212D Directions by Minister

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

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

(2) Without limiting subsection (1), a direction under that subsection may relate to any of the following:

(a) matters to be dealt with in the data standards or disclosure framework;

(b) consultation processes to be followed prior to making data standards or the disclosure framework.

(3) A direction under subsection (1) must be of a general nature only.

(4) Subsection (3) does not prevent a direction under subsection (1) from relating to a particular matter to be dealt with in the data standards or disclosure framework. However, the direction must not direct the Registrar how to apply the data standards or disclosure framework in a particular case.

(5) The Registrar must comply with a direction under subsection (1).

212E Delegation

(1) The Registrar may, in writing, delegate all or any of the Registrar's functions or powers under this Act (other than the power to make data standards or the disclosure framework) to:

(a) any person to whom it may delegate any of its other functions, as a Commonwealth body, under a law of the Commonwealth; or

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(b) any person of a kind specified in rules made under section 212U.

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

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

212F Assisted decision making

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

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

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

212G Liability for damages

None of the following:

(a) the Minister;

(b) the Registrar;

(c) if the Registrar is a Commonwealth body that has members—a member of the Registrar;

(d) a member of the staff of the Registrar;

(e) a person who is, or is a member of or a member of the staff of, a delegate of the Registrar;

(f) a person who is authorised to perform or exercise a function or power of, or on behalf of, the Registrar;

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(g) an APS employee, or an officer or employee of a Commonwealth body, whose services are made available to the Registrar in connection with the performance or exercise of any of the Registrar's functions or powers;

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

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

212H Data standards

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

(2) Without limiting subsection (1), the data standards may provide for any of the following:

(a) what information may be collected for the purposes of the performance of the Registrar's functions and the exercise of the Registrar's powers under this Act;
(b) how such information may be collected;
(c) the manner and form in which such information is given to the Registrar;
(d) when information is to be given to the Registrar;
(e) how information held by the Registrar is to be authenticated, verified or validated;
(f) how information held by the Registrar is to be stored;
(g) correction of information held by the Registrar;
(h) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar;
(i) integrating or linking information held by the Registrar.

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(3) Without limiting subsection (1), the data standards may provide differently in relation to different functions or powers of the Registrar.

(4) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have data standards that would apply to those functions or powers;

any data standards applying to those functions or powers immediately before that appointment continue to apply until the new Registrar makes data standards that apply to those functions or powers, or amends its existing data standards to apply to those functions or powers.

212J Giving information to the Registrar

(1) Without limiting section 212H, the data standards may provide that information is to be given to the Registrar in electronic form, or any other specified form.

(2) A requirement under this Act that information is to be provided to the Registrar in a particular form or manner (however described), including a requirement:

(a) that the information is to be "lodged" or "furnished"; and

(b) that the information is to be "written" or "in writing"; and

(c) that a "copy" of a document containing the information is to be provided;

is not taken to restrict by implication what the data standards may provide under subsection (1) in relation to that information.

212K How the Registrar is to perform and exercise functions and powers

(1) The Registrar must perform its functions and exercise its powers under this Act in accordance with:

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

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

Subdivision C—Disclosure of information

212L Disclosure framework

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

(2) Without limiting subsection (1), the disclosure framework may provide for any of the following:
(a) circumstances in which information must not be disclosed without the consent of the person to whom it relates;
(b) circumstances in which de-identified information may be disclosed;
(c) circumstances in which information may be disclosed to the general public;
(d) circumstances in which confidentiality agreements are required for the disclosure of information;
(e) imposing conditions on disclosure of information.

(3) Without limiting subsection (1), the disclosure framework may provide differently in relation to different functions or powers of the Registrar under this Act.

(4) A person commits an offence if:
(a) the person is a party to a confidentiality agreement of a kind mentioned in paragraph (2)(d); and
(b) the person fails to comply with the confidentiality agreement.

Penalty: 100 penalty units or imprisonment for 2 years, or both.

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

(6) However, subsection (5) does not apply to the extent that the disclosure framework deals with a matter in accordance with a direction under section 212D.

(7) If:

(a) a Commonwealth body (the ***new Registrar***) is appointed as the Registrar with particular functions or powers under this Act; and

(b) immediately before that appointment, another Commonwealth body was the Registrar with those functions or powers; and

(c) the new Registrar does not have a disclosure framework that would apply to those functions or powers;

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

212M Protection of confidentiality of protected information

(1) A person (the ***first person***) commits an offence if:

(a) the first person is, or has been, in official employment; and

(b) the first person makes a record of information, or discloses information to another person; and

(c) the information is protected information that was obtained by the first person in the course of the first person's official employment.

Penalty: Imprisonment for 2 years.

(2) However, subsection (1) does not apply if the recording or disclosure is authorised by subsection (3).

(3) The recording or disclosure is authorised by this subsection if:

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(a) the recording or disclosure is for the purposes of this Part; or

(b) the recording or disclosure happens in the course of the performance of the duties of the first person's official employment; or

(c) in the case of a disclosure—the disclosure is to another person for use, in the course of the performance of the duties of the other person's official employment, in relation to the performance or exercise of the functions or powers of a government entity; or

(d) in the case of a disclosure to another person who is an employee of a State, a Territory or an authority of a State or Territory—the disclosure:

(i) is to the other person for use, in the course of the performance of the duties of that employment, in relation to the performance or exercise of the functions or powers of a government entity; and

(ii) is in accordance with an agreement, about regulating the provision of credit, between the Commonwealth, the States, the Australian Capital Territory and the Northern Territory; or

(e) in the case of a disclosure—each person to whom the information relates consents to the disclosure; or

(f) in the case of a disclosure—the disclosure is in accordance with the disclosure framework.

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

212N Authorisation of recording or disclosure

(1) A person is not liable to any proceedings for contravening a secrecy provision in respect of a recording or disclosure authorised under subsection 212M(3), unless the secrecy provision is a designated secrecy provision.

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

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

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

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

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(a) sections 18 to 18B and 92 of the *Australian Security Intelligence Organisation Act 1979*;
(b) section 34 of the *Inspector-General of Intelligence and Security Act 1986*;
(c) sections 39 to 41 of the *Intelligence Services Act 2001*;
(d) section 8WB of the *Taxation Administration Act 1953*;
(e) a provision of a law of the Commonwealth prescribed by rules made for the purposes of this paragraph under section 212U;
(f) a provision of a law of the Commonwealth of a kind prescribed by rules made for the purposes of this paragraph under section 212U.

212P Preventing disclosure of particular protected information

(1) If:
(a) a person applies to the Registrar for particular protected information relating to the person not to be disclosed; and
(b) the Registrar is satisfied that it is not appropriate to disclose that information;

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

(2) Without limiting section 212L, the disclosure framework may provide for:
(a) how applications referred to in paragraph (1)(a) are to be made; and
(b) how those applications are to be decided.

212Q Authorisation for purposes of Privacy Act

A disclosure of personal information (within the meaning of the *Privacy Act 1988*) is taken to be authorised by law for the purposes of paragraph 6.2(b) of Schedule 1 to that Act if:
(a) the information is protected information; and
(b) the disclosure is authorised by subsection 212M(3) of this Act.

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212R Disclosure to a court

A person is not to be required:

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

(i) contains protected information; and

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

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

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

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

Subdivision D—Miscellaneous

212S Extracts of information to be admissible in evidence

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

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

(b) is admissible without any further proof of, or the production of, the original;

if it does not appear to the Court to have been revised or tampered with in a way that affects, or is likely to affect, the information.

(2) The Registrar may give a person a certified copy of, or extract from, the information held by the Registrar under, or for the purposes of, this Act on payment of the fee (if any) prescribed by rules made under section 212U.

(3) In any proceedings, the certified copy:

(a) is prima facie evidence of information that is stated in it and that purports to be held by the Registrar under, or for the purposes of, this Act; and

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(b) is admissible without any further proof of, or the production of, the original.

(4) This section does not limit the manner in which evidence may be adduced, or the admissibility of evidence, under the *Evidence Act 1995*.

212T Annual report

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

212U Rules

(1) The Minister may, by legislative instrument, make rules prescribing matters:
(a) required or permitted by this Part to be prescribed by rules made under this section; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) To avoid doubt, rules made under this section may not do the following:
(a) create an offence or civil penalty;
(b) provide powers of:
(i) arrest or detention; or
(ii) entry, search or seizure;
(c) impose a tax;
(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
(e) directly amend the text of this Act.

19 After subsection 327(1)

Insert:

(1A) An application may also be made to the Administrative Appeals Tribunal for review of a decision (within the meaning of the

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Administrative Appeals Tribunal Act 1975) made by the Registrar under the data standards or disclosure framework.

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Part 2—Other amendments

A New Tax System (Australian Business Number) Act 1999

20 Title

Omit "**establishing a Register of Australian Business and providing for the issue of**", substitute "**providing for**".

21 Subsection 3(3)

Repeal the subsection.

22 Subsection 9(1)

Omit "in the *Australian Business Register".

23 Subsection 9(1) (note 1)

Omit "Note 1", substitute "Note".

24 Subsection 9(1) (note 2)

Repeal the note.

25 Subsection 9(2)

Omit "be in the *approved form", substitute "meet any requirements of the *data standards".

26 Subsection 9(3)

Omit "That form", substitute "The *Registrar".

27 Subsection 9A(1)

Omit "in the *Australian Business Register", substitute "under section 10".

28 Subsection 9A(2)

Repeal the subsection, substitute:

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

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29 Subsection 9A(3)

Omit "That form", substitute "The *Registrar".

30 Subsection 10(1)

Omit "in the *Australian Business Register".

31 Paragraph 10(1)(ca)

Omit "*approved form", substitute "process".

32 Paragraph 10(1)(d)

Omit "in the Register", substitute "under this section".

33 Subsection 10A(1)

Omit "in the *Australian Business Register".

34 Paragraph 10A(1)(d)

Omit "in the *Australian Business Register".

35 Paragraph 11(1)(b)

Repeal the paragraph, substitute:

(b) making a record of:

(i) your registration; and

(ii) the date of effect of the registration.

36 Subsection 11(3)

Omit "must give *you a written notice of", substitute "must notify *you of".

37 Paragraph 11(3)(d)

Repeal the paragraph, substitute:

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

38 Subsection 11(3) (note)

Repeal the note.

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39 Section 11A

Omit all the words after "by", substitute "making a record of information about your representative".

40 Section 12

Repeal the section.

41 Subsection 13(1)

Omit "must give you written notice of", substitute "must notify you of".

42 Subsection 13(2)

Omit "give the Registrar written notice", substitute "notify the Registrar".

43 Subsection 13(3)

Omit "if *you give notice under subsection (2), the *Registrar", substitute "if *you notify the *Registrar under subsection (2), the Registrar".

44 Subsection 13(3)

Omit "on which the notice is given", substitute "of the notification".

45 Subsections 13(4) and (5)

Repeal the subsections, substitute:

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

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

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

46 Section 14 (heading)

Omit "**matters set out in the Register**", substitute "**certain matters**".

47 Paragraph 14(1)(b)

Repeal the paragraph.

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48 Subsection 14(1) (note 1)

Omit "notice under this subsection or section 15", substitute "notification under this subsection or request under section 15".

49 Subsection 14(2)

Repeal the subsection, substitute:

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

50 Subsection 15(1) (table item 1, column headed "These entities ...")

Omit "in the *Australian Business Register", substitute "under section 10".

51 Subsection 15(1) (table item 1, column headed "can be requested to give this information ...", paragraph (c))

Repeal the paragraph, substitute:

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

52 Subsection 15(1) (table item 2, column headed "These entities ...")

Omit all the words after "(if any)", substitute "recorded in relation to you".

53 Subsection 15(1) (table item 3, column headed "These entities ...", paragraph (a))

Omit "in the *Australian Business Register".

54 Subsection 15(1) (table item 3, column headed "can be requested to give this information ...", paragraph (b))

Repeal the paragraph, substitute:

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

55 Subsections 15(2) and (3)

Repeal the subsections, substitute:

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

(3) The giving of the information must meet any requirements of the *data standards.

56 Paragraph 17(1)(a)

Omit "*Australian Business Register", substitute "information recorded about your registration".

57 Paragraph 17(1)(b)

Repeal the paragraph, substitute:

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

58 Subsection 17(1) (note)

Repeal the note.

59 Subsection 17(2)

Repeal the subsection.

60 Subsection 17(3)

Omit "stated in the *Australian Business Register", substitute "mentioned in paragraph (1)(a)".

61 Subsection 18(1)

Omit "in the *Australian Business Register", substitute "under section 10".

62 Subsection 18(1) (note 1)

Omit "(see the definition of ***ABN*** in section 41)".

63 Subsection 18(1A)

Omit "in the *Australian Business Register", substitute "under section 10A".

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64 Subsection 18(2)

Repeal the subsection, substitute:

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

(a) the reasons for the cancellation; and

(b) the date of effect of the cancellation.

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

65 Paragraph 18(3)(a)

Repeal the paragraph, substitute:

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

66 Paragraph 18(3)(c)

Repeal the paragraph, substitute:

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

67 Paragraph 18(4)(a)

Omit "in the *approved form".

68 Paragraph 18(4)(b)

Omit "in the approved form".

69 After subsection 18(4)

Insert:

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

70 Subsection 18(5)

Repeal the subsection, substitute:

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

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

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71 Paragraph 18(6)(a)

Repeal the paragraph, substitute:

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

72 Paragraph 18(6)(c)

Repeal the paragraph, substitute:

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

73 Subsection 19(1)

Omit "in the *Australian Business Register".

74 Subsection 19(2)

Repeal the subsection, substitute:

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

75 Subsection 21(2) (table item 7)

Repeal the item.

76 Division 10 of Part 3 (heading)

Repeal the heading, substitute:

Division 10—Administration

77 Sections 24 to 27

Repeal the sections, substitute:

25 The Registrar must maintain records

The *Registrar must maintain a record of information relating to registrations under sections 10 and 10A.

78 Division 11 of Part 3 (heading)

Repeal the heading.

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79 Sections 28 to 30

Repeal the sections.

80 Section 41

Before "In this Act", insert "(1)".

81 Section 41 (definition of *ABN (Australian Business Number)*)

Repeal the definition.

82 Section 41

Insert:

ABN: see ***Australian Business Number.***

83 Section 41 (definition of *approved form*)

Repeal the definition.

84 Section 41

Insert:

Australian Business Number or ***ABN***, for an *entity, means the ABN allocated to the entity under section 11.

85 Section 41 (definition of *Australian Business Register*)

Repeal the definition.

86 Section 41

Insert:

data standards means standards made by the Registrar under section 13 of the *Commonwealth Registers Act 2020* to the extent that they relate to the Registrar's functions or powers in connection with this Act.

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

(a) the collection of information; and

(b) the manner and form in which information is given to the Registrar; and

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(c) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar.

87 Section 41

Repeal the following definitions:

(a) definition of ***entrusted person***;
(b) definition of ***official employment***;
(c) definition of ***protected document***;
(d) definition of ***protected information***.

88 Section 41 (definition of *Registrar*)

Repeal the definition, substitute:

Registrar has the meaning given by subsection (2).

89 At the end of section 41

Add:

(2) A reference in this Act to the Registrar is a reference to:
(a) if only one Commonwealth body is appointed as Registrar under section 6 of the *Commonwealth Registers Act 2020*—that body; or
(b) if more than one Commonwealth body is appointed under that section, but only one Commonwealth body is appointed under that section with functions and powers in connection with this Act—the Commonwealth body appointed under that section with those functions and powers; or
(c) if more than one Commonwealth body is appointed under that section, and more than one Commonwealth body is appointed under that section with functions and powers in connection with this Act:
(i) if the reference relates to one or more particular functions or powers—any Commonwealth body so appointed with any of those particular functions or powers; or
(ii) otherwise—any of the Commonwealth bodies appointed under that section with functions and powers in connection with this Act.

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

90 Subsection 25-10(2)

Repeal the subsection, substitute:

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

91 Subsection 25-60(2)

Repeal the subsection, substitute:

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

92 Section 146-20 (heading)

Repeal the heading, substitute:

146-20 Recorded information about registration and cancellation

93 Subsection 146-20(1) (note)

Repeal the note, substitute:

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

94 Paragraph 146-20(3)(b)

Omit all the words after "this section,", substitute "information about your registration was not recorded by the *Registrar; and".

95 Subsection 146-20(3) (note)

Repeal the note, substitute:

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

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

Repeal the definition.

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

Repeal the definition.

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98 Section 195-1

Insert:

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

Australian Prudential Regulation Authority Act 1998

99 Subsection 56(1)

Insert:

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

100 Subsection 56(7C)

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

101 Subsection 56(7C)

Omit "enter the information in that Register", substitute "record the information".

Australian Securities and Investments Commission Act 2001

102 Paragraph 12A(1)(k)

Repeal the paragraph.

103 At the end of subsection 127(2A)

Add:

; (h) a Registrar appointed under any of the following:

(i) section 6 of the *Commonwealth Registers Act 2020*;

(ii) section 1270 of the *Corporations Act 2001*;

(iii) section 212A of the *National Consumer Credit Protection Act 2009*;

(iv) section 62A of the *Business Names Registration Act 2011*.

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Business Names Registration Act 2011

104 Section 3 (definition of *ABN*)

Repeal the definition.

105 Section 3

Insert:

ABN: see ***Australian Business Number***.

106 Section 3 (definition of *application fee*)

Repeal the definition.

107 Section 3 (definition of *ASIC Act*)

Repeal the definition.

108 Section 3 (definition of *ASIC member*)

Repeal the definition.

109 Section 3

Insert:

Australian Business Number or ***ABN***, for an entity, has the meaning given by the *A New Tax System (Australian Business Number) Act 1999*.

110 Section 3 (definition of *Australian Business Register*)

Repeal the definition.

111 Section 3 (definition of *Business Names Register*)

Repeal the definition.

112 Section 3 (definition of *notified successor*)

Omit "entered on the Business Names Register", substitute "registered".

113 Section 3 (definition of *staff member*)

Repeal the definition.

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114 Paragraph 6(1)(b)

Omit "ASIC", substitute "the Registrar".

115 Subsection 16(2)

Omit all the words after "the business name".

116 Paragraph 18(1)(b)

Omit "on the Business Names Register", substitute "in accordance with this Act".

117 Paragraph 19(2)(a)

Omit "lodged with ASIC", substitute "given to ASIC or the Registrar".

118 Section 22

Repeal the section.

119 Subsection 23(1)

Omit "lodge with ASIC an application", substitute "apply to the Registrar".

120 Subsections 23(2) and (3)

Repeal the subsections, substitute:

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

121 Subsections 23(5) and (6)

Repeal the subsections.

122 Subsection 24(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

123 Subsection 24(1)

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

124 Subsection 24(2)

Repeal the subsection, substitute:

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

125 Subsections 24(3) and (4)

Omit "ASIC", substitute "the Registrar".

126 Subparagraphs 25(a)(iv), (v), (vi) and (vii)

Omit "ASIC", substitute "the Registrar".

127 Paragraph 25(e)

Omit "either", substitute "any of the following applies".

128 Subparagraph 25(e)(i)

Omit "expression; or", substitute "expression;".

129 At the end of paragraph 25(e)

Add:

; (iii) the name is constituted by or includes a word or expression that is restricted but the Minister has determined under subsection 28(2A) that the name is available to the entity.

130 After subsection 28(2)

Insert:

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

131 Subsection 28(3)

After "subsection (2)", insert "or (2A)".

132 Paragraph 29(1)(a)

Omit "ASIC", substitute "the Registrar".

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133 Paragraph 29(4)(b)

Omit "ASIC", substitute "the Registrar".

134 Subsections 29(5), (6) and (7)

Omit "ASIC", substitute "The Registrar".

135 Subsection 30(1)

Omit "ASIC", substitute "the Registrar".

136 Subsection 31(1)

Omit "in accordance with subsection (2)".

137 Subsection 31(2)

Repeal the subsection, substitute:

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

138 Paragraph 31(3)(a)

Omit "ASIC", substitute "the Registrar".

139 Paragraph 31(3)(b)

Repeal the paragraph, substitute:

(b) the entity to whom the business name is registered has:

(i) consented to the registration of the business name to the applicant; and

(ii) requested the Registrar, under subsection 42(1), to cancel the registration of the business name to the entity;

140 Subsection 31(4)

Omit "ASIC", substitute "the Registrar".

141 Subsection 31(5)

Repeal the subsection, substitute:

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

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142 Subsection 31(6) (note 2)

Omit "Subsections (4) to (6)", substitute "Subsections (4) and (6)".

143 Subsection 32(3)

Omit "in writing".

144 Subsection 32(4)

Repeal the subsection.

145 Section 33 (heading)

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

146 Subsection 33(1)

Repeal the subsection, substitute:

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

147 Subsection 33(2)

Omit "ASIC", substitute "the Registrar".

148 Subsection 33(3)

Omit "ASIC may", substitute "The Registrar may".

149 Paragraph 33(3)(a)

Repeal the paragraph, substitute:

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

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

150 Subsection 33(4)

Omit "ASIC may", substitute "The Registrar may".

151 Paragraph 33(4)(a)

Repeal the paragraph, substitute:

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

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

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152 Subsection 33(7)

Repeal the subsection.

153 Subsection 33(8)

Omit "ASIC must give the entity notice in writing", substitute "The Registrar must notify the entity".

154 Paragraph 33(8)(c)

Repeal the paragraph, substitute:

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

155 Subsection 34(1)

Omit "ASIC", substitute "the Registrar".

156 Subsection 34(1)

Omit "it must", substitute "the Registrar must".

157 Paragraph 34(1)(a)

Omit "give written notice to the applicant", substitute "notify the applicant".

158 Subsection 34(2)

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

159 Subsection 34(2)

Omit "lodge with ASIC notice", substitute "notify the Registrar".

160 Subsection 34(3)

Repeal the subsection, substitute:

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

161 Subsection 34(4)

Omit "lodges notice", substitute "notifies the Registrar".

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162 Paragraph 34(4)(a)

Omit "ASIC", substitute "the Registrar".

163 Paragraph 34(4)(a)

Omit "notice is lodged", substitute "notification is given".

164 Paragraph 34(4)(b)

Omit "ASIC", substitute "the Registrar".

165 Paragraph 34(5)(a)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

166 Paragraph 34(5)(a)

Omit "specified information or a specified document", substitute "information".

167 Paragraph 34(5)(b)

Omit "ASIC", substitute "the Registrar".

168 Paragraph 34(5)(b)

Omit "specified information or specified document", substitute "information".

169 At the end of Part 3

Add:

34A The Registrar must maintain records

The Registrar must maintain a record of information relating to registrations under this Part.

170 Part 4 (heading)

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

171 Section 35 (heading)

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

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172 Paragraph 35(1)(a)

Omit "ASIC", substitute "the Registrar".

173 Paragraph 35(1)(b)

Omit "in the Business Names Register".

174 Subsection 35(1)

Omit "lodge with ASIC notice", substitute "notify the Registrar".

175 Subsection 35(2)

Repeal the subsection, substitute:

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

176 Section 36 (heading)

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

177 Subsection 36(1)

Omit "lodge with ASIC notice", substitute "notify the Registrar".

178 Subsection 36(2)

Repeal the subsection, substitute:

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

179 Section 37 (heading)

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

180 Subsections 37(1) and (2)

Repeal the subsections, substitute:

(1) The Registrar may request an entity (other than a government body) to give the Registrar information relevant to the maintenance of information relating to registrations under this Act.

(2) The request must specify:
(a) the information the entity is to give; and

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(b) a period of at least 28 days, beginning on the day on which the request is given, within which the entity is to give the information.

181 Subsection 37(3)

Omit "ASIC", substitute "the Registrar".

182 Subsection 37(5)

Repeal the subsection, substitute:

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

183 Subsections 37(6) to (8)

Repeal the subsections, substitute:

(6) If:

(a) an entity fails to comply with a request under this section; and

(b) the Registrar reasonably believes that information held by the Registrar to which the request relates is not correct;

the Registrar may delete, correct or annotate the information.

(7) If:

(a) an entity gives the Registrar information in purported compliance with a request under this section; and

(b) the Registrar reasonably believes that the information is incorrect;

the Registrar may decide not to record the information, or to record the information in a corrected or annotated form.

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

(a) the action the Registrar has taken;

(b) in the case of a correction or annotation—the details of that correction or annotation;

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(c) the Registrar's reasons for its decision.

184 Section 38 (heading)

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

185 Subsection 38(1)

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

186 Subsection 38(2)

Repeal the subsection, substitute:

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

187 Section 39 (heading)

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

188 Subsection 39(1)

Omit "lodge with ASIC notice", substitute "notify the Registrar".

189 Subsection 39(2)

Repeal the subsection, substitute:

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

190 Subsection 39(3)

Omit "ASIC receives notice", substitute "the Registrar is notified".

191 Paragraph 39(3)(a)

Omit "ASIC", substitute "the Registrar".

192 Paragraph 39(3)(a)

Omit "Business Name", substitute "business name".

193 Paragraph 39(3)(b)

Repeal the paragraph, substitute:

(b) record the legal personal representative's details.

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194 Subsection 40(1)

Omit "lodge with ASIC notice", substitute "notify the Registrar".

195 Subsection 40(2)

Repeal the subsection, substitute:

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

196 Subsections 40(3) and (4)

Repeal the subsections, substitute:

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

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

(b) may record:

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

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

197 Subsection 40(5)

Omit "ASIC may refuse to enter", substitute "The Registrar may refuse to record".

198 Subsection 40(5)

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

199 Subsections 40(6) and (7)

Repeal the subsections, substitute:

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

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

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200 Section 41 (heading)

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

201 Subsection 41(1)

Repeal the subsection, substitute:

(1) If an entity has failed to comply with any provision of this Act or the Transitional Act that requires the entity to give the Registrar any information, the Registrar may notify the entity that the entity must comply with the requirement within 10 business days after the notification is given.

202 Subsection 41(2)

Omit "ASIC", substitute "the Registrar".

203 Subsections 42(1) and (2)

Repeal the subsections, substitute:

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

204 Subsection 42(3)

Omit "ASIC" (first occurring), substitute "The Registrar".

205 Subsection 42(3)

Omit "give notice in writing to the entity informing the entity that ASIC", substitute "notify the entity that the Registrar".

206 Section 43 (heading)

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

207 Subsection 43(1)

Omit "ASIC may", substitute "The Registrar may".

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

Omit "ASIC" (wherever occurring), substitute "the Registrar".

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209 Subsection 43(2)

Omit "ASIC must, at least 28 days before cancelling the registration, give notice in writing to the entity informing the entity", substitute "The Registrar must, at least 28 days before cancelling the registration, notify the entity".

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

Omit "ASIC" (wherever occurring), substitute "the Registrar".

211 Subsection 44(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

212 Subsection 44(1)

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

213 Subsection 44(2)

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

214 Subsection 44(2)

Omit "give notice in writing to the entity informing the entity", substitute "notify the entity".

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

Omit "ASIC", substitute "the Registrar".

216 Subsection 45(1)

Omit "ASIC", substitute "The Registrar".

217 Subsection 45(2)

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

218 Subsection 45(2)

Omit "give notice in writing to the entity informing the entity", substitute "notify the entity".

219 Paragraph 45(2)(b)

Omit "ASIC", substitute "the Registrar".

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220 Subsection 46(1)

Omit "ASIC", substitute "The Registrar".

221 Subsection 46(2)

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

222 Subsection 46(2)

Omit "give notice in writing to the entity information the entity", substitute "notify the entity".

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

Omit "ASIC", substitute "the Registrar".

224 Subsection 47(1)

Omit "ASIC may", substitute "The Registrar may".

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

Omit "ASIC", substitute "the Registrar".

226 Subsection 47(2)

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

227 Subsection 47(2)

Omit "give notice in writing to the entity", substitute "notify the entity".

228 Paragraph 47(2)(a)

Omit "informing the entity that ASIC", substitute "that the Registrar".

229 Paragraph 47(2)(b)

Omit "inviting the entity to give ASIC", substitute "that the entity is invited to give the Registrar".

230 Subsection 48(1)

Omit "ASIC may", substitute "The Registrar may".

231 Subparagraphs 48(1)(a)(i) and (ii)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

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232 Paragraph 48(1)(b)

Omit "ASIC", substitute "the Registrar".

233 Paragraph 48(1)(b)

Omit "Business Names Register", substitute "information recorded by the Registrar under this Act".

234 Paragraph 48(1)(c)

Omit "ASIC", substitute "the Registrar".

235 Subsection 48(2)

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

236 Subsection 48(2)

Omit "give notice in writing to the entity informing the entity that ASIC", substitute "notify the entity that the Registrar".

237 Paragraphs 48(2)(a) and (b)

Omit "ASIC", substitute "the Registrar".

238 Subsection 49(1)

Omit "ASIC", substitute "The Registrar".

239 Subsection 49(1)

Omit "in writing".

240 Subsection 49(2)

Omit "ASIC's", substitute "the Registrar's".

241 Subsection 49(3)

Omit "ASIC may give notice in writing to the entity that ASIC", substitute "the Registrar may notify the entity that the Registrar".

242 Subsection 49(4)

Omit "ASIC", substitute "The Registrar".

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243 Section 50

Omit "ASIC" (first occurring), substitute "The Registrar".

244 Section 50

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

245 Subsection 51(2)

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

246 Paragraphs 51(2)(a) and (b)

Omit "ASIC", substitute "the Registrar".

247 Subsection 51(3)

Omit "ASIC's", substitute "the Registrar's".

248 Section 52

Repeal the section, substitute:

52 Notification of cancellation of business name

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

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

249 Subsections 53(1) to (4)

Repeal the subsections, substitute:

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

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

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

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

250 Subsection 54(1)

Omit "ASIC", substitute "the Registrar".

251 Paragraph 54(2)(b)

Omit "ASIC", substitute "the Registrar".

252 Subsections 54(3) and (4)

Omit "ASIC", substitute "The Registrar".

253 Subsection 55(1)

Omit "ASIC", substitute "the Registrar".

254 Subsection 55(2)

Omit "lodge an application with ASIC", substitute "apply to the Registrar".

255 Subsection 55(3)

Repeal the subsection, substitute:

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

256 Subsections 55(4) and (5)

Omit "ASIC", substitute "The Registrar".

257 Section 56 (after table item 5)

Insert:

5A	Refusal to determine that a	Subsection 28(2A)	(a) where an entity is

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business name constituted by or including a restricted word or expression is available to an entity	specified—that entity; and (b) where a business is specified—the entity carrying on that business

258 Section 56 (table item 11, column 1)

Omit "include", substitute "record".

259 Section 56 (table item 11, column 1)

Omit "on the Business Names Register".

260 Section 56 (table item 12, column 1)

Omit "enter", substitute "record".

261 Section 56 (table item 12, column 1)

Omit "on the Business Names Register".

262 Section 56 (table item 16)

Repeal the item.

263 Subsection 57(1)

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

264 Subsection 57(1)

Omit "lodge an application with ASIC", substitute "apply to the Registrar".

265 At the end of subsection 57(1)

Add:

The application must meet any requirements of the data standards.

266 Subsection 57(2)

Omit "an ASIC member or staff member", substitute "the Registrar".

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267 Subsection 57(2)

Omit "lodge an application with", substitute "apply to".

268 Subsection 57(3)

After "An application", insert "under subsection (2)".

269 Paragraph 57(3)(c)

Omit "lodged", substitute "made".

270 Subsection 57(4)

Repeal the subsection, substitute:

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

271 Subsection 57(5)

Omit "lodged", substitute "made".

272 Subsection 57(6)

Omit "lodged with a review body", substitute "made".

273 Subsection 57(8)

Repeal the subsection, substitute:

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

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

(8B) If the Minister, as the review body, has not decided an application by an entity for review of a decision within 60 days after the application is made, the entity may, at any time, notify the review body, in writing, that the entity wishes to treat the decision as having been affirmed.

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274 Subsection 57(9)

Omit "notice under subsection (8)", substitute "a notification under subsection (8) or (8B)".

275 Subsection 57(9)

Omit "notice" (last occurring), substitute "notification".

276 Subsection 58(1)

Omit "ASIC", substitute "the Registrar".

277 Subsection 58(2)

Omit "lodged", substitute "made".

278 At the end of subsection 58(3)

Add:

; (d) a refusal to determine under subsection 28(2A) that a business name constituted by or including a restricted word or expression is available to an entity.

279 Paragraph 58(4)(a)

Omit "or (b)", substitute ", (b) or (d)".

280 Part 8

Repeal the Part.

281 Sections 63 and 64

Repeal the sections.

282 Subsection 65(1)

Omit "ASIC may", substitute "The Registrar may".

283 Subsection 65(1)

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

284 Subsection 65(2)

Omit "ASIC has", substitute "The Registrar has".

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285 Subsection 65(2)

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

286 Subsection 65(3)

Omit "ASIC", substitute "The Registrar".

287 Sections 66 to 68

Repeal the sections.

288 Section 69 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

289 Subsection 69(1) (heading)

Omit "*ASIC*", substitute "*The Registrar*".

290 Subsection 69(1)

Omit "ASIC" (first and second occurring), substitute "the Registrar".

291 Paragraph 69(1)(c)

Repeal the paragraph, substitute:

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

292 Subsection 69(1)

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

293 Subsection 69(1) (note)

Repeal the note, substitute:

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

294 Subsection 69(2)

Omit "ASIC", substitute "the Registrar".

295 Paragraph 69(2)(c)

Omit "in the prescribed form".

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296 After subsection 69(2)

Insert:

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

297 Subsection 69(3) (heading)

Omit "*Notice*", substitute "*Request*".

298 Subsection 69(3)

Omit "ASIC may give a written notice to", substitute "The Registrar may request".

299 Subsection 69(3)

Omit ", requiring the entity".

300 Paragraphs 69(3)(a) and (b)

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

301 Subsection 69(3)

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

302 Subsection 69(4) (heading)

Omit "*Notice*", substitute "*Request*".

303 Subsection 69(4)

Omit "notice" (first, second and third occurring), substitute "request".

304 Subsection 69(4)

Omit "ASIC may specify a later day by giving a written notice to", substitute "The Registrar may specify a later day by notifying".

305 Subsection 69(5) (heading)

Omit "*notice*", substitute "*request*".

306 Subsection 69(5)

Omit "notice" (wherever occurring), substitute "request".

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307 Subsection 69(5)

Omit "ASIC", substitute "the Registrar".

308 Subsection 69(6)

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

309 Subsection 69(6)

Omit "lodged with ASIC", substitute "given to the Registrar".

310 Section 70 (heading)

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

311 Section 70

Omit "ASIC", substitute "the Registrar".

312 Section 71

Omit "ASIC", substitute "The Registrar".

313 Section 72

Omit "ASIC", substitute "the Registrar".

314 Paragraph 73(a)

Omit "shown in the Business Names Register", substitute "recorded by the Registrar under this Act or the Transitional Act".

315 Paragraph 73(b)

Omit "on the Business Names Register", substitute "recorded by the Registrar under this Act or the Transitional Act".

316 Section 74

Repeal the section.

317 Section 75 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

318 Section 75

Omit "ASIC" (first and second occurring), substitute "the Registrar".

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319 Section 75

Omit ", by written notice given to the entity".

320 Paragraph 75(b)

Omit "ASIC", substitute "the Registrar".

321 Sections 76 and 77

Repeal the sections.

322 Section 78

Omit all the words before "liable", substitute "The Minister is not".

323 Section 79

Repeal the section.

324 Subsection 80(1)

Omit all the words after "delegate", substitute "to the Registrar such of the Minister's functions and powers under this Act or the Transitional Act as are prescribed".

325 Subsection 82(1)

Omit "A notice, signed by all the partners in a partnership, may be lodged with ASIC, nominating", substitute "All the partners in a partnership may nominate".

326 Subsection 82(4)

Omit "A notice, signed by all the partners in a partnership, may be lodged with ASIC, withdrawing", substitute "All the partners in a partnership may withdraw".

327 Subsection 82(5)

Repeal the subsection, substitute:

(5) A nomination or withdrawal of a nomination under this section must be given to the Registrar and must meet any requirements of the data standards.

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328 Subsection 84(1)

Omit "A notice, signed by all the members of the committee of management of an unincorporated association or body, may be lodged with ASIC, nominating", substitute "All the members of the committee of management of an unincorporated association or body may nominate".

329 Subsection 84(4)

Omit "A notice, signed by all the members of the committee of management of an unincorporated association or body, may be lodged with ASIC, withdrawing", substitute "All the members of the committee of management of an unincorporated association or body may withdraw".

330 Subsection 84(5)

Repeal the subsection, substitute:

(5) A nomination or withdrawal of a nomination under this section must be given to the Registrar and must meet any requirements of the data standards.

331 Subsection 86(2)

Omit "A notice, signed by all the trustees of a trust, may be lodged with ASIC, nominating", substitute "All the trustees of a trust may nominate".

332 Subsection 86(5)

Omit "A notice, signed by all the trustees of a trust, may be lodged with ASIC, withdrawing", substitute "All the trustees of a trust may withdraw".

333 Subsection 86(6)

Repeal the subsection, substitute:

(6) A nomination or withdrawal of a nomination under this section must be given to the Registrar and must meet any requirements of the data standards.

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334 Subsection 87(6)

Omit "A notice, signed by all the joint venture entities, may be lodged with ASIC, nominating", substitute "All the joint venture entities may nominate".

335 Subsection 87(8)

Omit "A notice, signed by all the joint venture entities, may be lodged with ASIC, withdrawing", substitute "All the joint venture entities may withdraw".

336 Subsection 87(9)

Repeal the subsection, substitute:

(9) A nomination or withdrawal of a nomination under this section must be given to the Registrar and must meet any requirements of the data standards.

337 Subsection 87(11)

Omit "ASIC", substitute "The Registrar".

338 Subsection 88(4)

Omit "ASIC" (first occurring), substitute "The Registrar".

339 Subsection 88(4)

Omit all the words after "ABN" (first occurring).

Business Names Registration (Transitional and Consequential Provisions) Act 2011

340 Item 13 of Schedule 1

Repeal the item.

341 Item 14 of Schedule 1 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

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342 Item 14 of Schedule 1

Omit "ASIC may record and use information disclosed to ASIC", substitute "The Registrar may record and use information disclosed to the Registrar".

343 Item 14 of Schedule 1

Omit "(whether under item 13 or otherwise)".

344 Item 14 of Schedule 1 (note)

Repeal the note, substitute:

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

345 Items 15 and 16 of Schedule 1

Repeal the items, substitute:

15 The Registrar may rely on information disclosed by States and Territories

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

16 What the Registrar must do if information available on transition deficient

(1) This item applies if:

(a) a business name is registered under this Act to an entity or entities; and

(b) the Registrar is satisfied that, because of a deficiency in the information available to ASIC before registration:

(i) the business name has not been registered to the correct entity or entities; or

(ii) other information recorded by ASIC or the Registrar in relation to the registration under this Act is incorrect.

(2) The Registrar must:

(a) correct the information mentioned in subparagraph (1)(b)(i) or (ii), as the case requires; and

(b) notify:

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(i) each entity to whom the business name was registered before the correction; and

(ii) each entity to whom the business name is registered after the correction; and

(iii) any other person to whom the corrected information relates.

346 Items 18 to 20 of Schedule 1

Repeal the items, substitute:

18 Distinguishing words and expressions

(1) This item applies if 2 or more business names that are identical or nearly identical are registered under this Act.

(2) This item also applies if one or more of the business names are subsequently registered under the Business Names Registration Act under an application to which an entity to whom the business name or names were previously registered has consented by notification under section 31 of that Act.

(3) The Registrar may, by notifying each entity to whom one of the business names is registered, nominate a word or expression to be recorded in relation to the business name registered to that entity.

(4) The Registrar may only nominate a word or expression to an entity if the Registrar is reasonably satisfied the inclusion of the word or expression would assist in distinguishing a business or businesses carried on by the entity from a business or businesses carried on by another entity.

(5) Without limiting subitem (4), a word or expression nominated by the Registrar may be a word or expression identifying the location at which a business is, or businesses are, carried on by the entity under one or more of the business names.

(6) If the Registrar notifies an entity of a nomination, the entity must, within 28 days after the notification, notify the Registrar:

(a) of the entity's acceptance of the nomination; or

(b) of an objection to the nomination, and a nomination of an alternative word or expression.

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The notification by the entity must meet any requirements of the data standards.

(7) If an entity fails to comply with subitem (6), the entity is taken to have accepted the nomination.

(8) The Registrar must accept the alternative word or expression nominated by the entity unless reasonably satisfied that, if:

(a) the word or expression were added to the business name; and

(b) the entity made application to register the business name as altered;

the business name as altered would not be available to the entity under section 25 of the Business Names Registration Act.

(9) The Registrar must:

(a) notify the entity whether it accepts or rejects the alternative word or expression; and

(b) if the Registrar rejects the alternative—specify in the notification the word or expression that is to be recorded under item 20.

19 Meaning of *distinguishing word or expression*

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

(a) the word or expression is nominated by the Registrar in relation to the business name by notification to the entity under subitem 18(3) and accepted by the entity under paragraph 18(6)(a); or

(b) the word or expression is nominated by the Registrar in relation to the business name by notification to the entity under subitem 18(3) and taken to have been accepted by the entity under subitem 18(7); or

(c) the word or expression is nominated by the entity in relation to the business name by notification under paragraph 18(6)(b) and accepted by the Registrar under subitem 18(8); or

(d) in a case where an alternative word or expression is nominated in relation to the business name by the entity under paragraph 18(6)(b) and rejected by the Registrar under

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subitem 18(8)—the word or expression is specified in the Registrar's notification under subitem 18(9).

20 The Registrar must record the distinguishing word or expression

(1) The Registrar must record the distinguishing word or expression that relates to a business or businesses carried on by an entity under a business name registered to the entity.

(2) However, the distinguishing word or expression does not form part of the business name.

(3) The Registrar may remove the record of a distinguishing word or expression in relation to a business name if the Registrar is reasonably satisfied that the removal would not lead to confusion about who is carrying on a business or businesses under that business name.

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

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

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

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

347 Item 21 of Schedule 1

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

348 Subitem 22(2) of Schedule 1

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

349 Paragraph 22(2)(a) of Schedule 1

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

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350 After subitem 22(2) of Schedule 1

Insert:

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

351 Item 26 of Schedule 1

Repeal the item.

352 Item 27 of Schedule 1 (table item 3, column 2)

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

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

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

354 Item 27 of Schedule 1 (cell at table item 5, column 1)

Repeal the cell, substitute:

Removing the record of a word or expression to distinguish an entity

355 Item 28 of Schedule 1 (at the end of the heading)

Add "**made by ASIC**".

356 After item 28 of Schedule 1

Insert:

28A Internal review of certain decisions made by the Registrar

(1) If a reviewable decision is made by the Registrar other than as a delegate of the Minister, an entity on whose application the decision is reviewable may apply to the Registrar (the ***review body***) for review of the decision. The application must meet any requirements of the data standards.

(2) If a reviewable decision is made by the Registrar as a delegate of the Minister, an entity on whose application the decision is reviewable may apply to the Minister (the ***review body***) for review of the decision.

(3) An application under subitem (2):

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(a) must set out the reasons for making the application; and
(b) must be in the prescribed form; and
(c) must be made in the prescribed manner.

(4) An application under subitem (1) or (2) must be made within 28 days after the entity is notified of the decision.

(5) Despite subitem (4), an application for review may be made within such longer period as the review body allows.

(6) After an application for review is made, the review body must review the decision and:
(a) affirm the decision under review; or
(b) vary the decision under review; or
(c) set aside the decision under review and make a decision in substitution for it.

(7) A decision of the review body under subitem (6) takes effect:
(a) on a day, provided in the decision, that is after the decision is made; or
(b) if a day is not so provided—on the day on which the decision is made.

(8) If the Registrar, as the review body, has not decided an application by an entity for review within 28 days after the application is made, the entity may, at any time, notify the review body that the entity wishes to treat the decision as having been affirmed. The notification must meet any requirements of the data standards.

(9) If the Minister, as the review body, has not decided an application by an entity for review within 60 days after the application is made, the entity may, at any time, notify the review body, in writing, that the entity wishes to treat the decision as having been affirmed.

(10) For the purposes of item 29, if an entity gives a notification under subitem (8) or (9), the review body is taken to have refused the entity's application on the day on which the notification or notice is given.

357 Subitem 29(1) of Schedule 1

Omit all the words after "been made", substitute:

by:

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(a) ASIC or the Minister under item 28; or
(b) the Registrar or the Minister under item 28A.

358 Subitem 29(2) of Schedule 1

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

359 At the end of the Act

Add:

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Schedule 3—Transitional provisions relating to the Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020

1 Application of amendments relating to the Business Names Register

The amendments made by items 102 and 104 to 358 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020* apply on and after the day (the ***appointment day***) the Minister appoints, under section 62A of the Business Names Registration Act, a Commonwealth body to be the Registrar.

2 Liability for damages

Section 78 of the Business Names Registration Act, as in force immediately before the appointment day, continues to apply, on and after that day, in relation to an act done or omitted to be done before that day by ASIC or a person mentioned in paragraphs (c) to (e) of that section.

3 Delegation of prescribed functions and powers

A delegation of functions or powers by the Minister in force under section 80 of the Business Names Registration Act immediately before the appointment day continues in force (and may be dealt with) on and after that day as if the delegation were a delegation to the Registrar.

4 Notice nominating or withdrawing nomination of principal contact

A notice that:

(a) nominates, or withdraws the nomination of, a person as the principal contact in relation to an entity under section 82, 84, 86 or 87 of the Business Names Registration Act; and

(b) is lodged with ASIC before the appointment day;

continues in force (and may be dealt with) on and after that day as if the notice had been lodged with the Registrar.

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5 Things started but not finished by ASIC

If:

(a) before the appointment day, ASIC started doing a thing under the Business Names Registration Act or Schedule 1 to this Act as in force immediately before that day; and

(b) immediately before that day, ASIC had not finished doing that thing;

then, on and after that day:

(c) ASIC may finish doing the thing as if the thing were being done by the Registrar in the performance or exercise of the Registrar's functions or powers; or

(d) if ASIC does not finish doing the thing under paragraph (c)—the Registrar may finish doing the thing in the performance or exercise of the Registrar's functions or powers.

Corporations Act 2001

360 Subsection 5H(2)

Repeal the subsection, substitute:

(2) A notice must be lodged with the Registrar before the registration day. The notice must meet any requirements of the data standards.

361 Subsection 5H(3)

After "lodged", insert "with the Registrar".

362 Section 9 (definition of *ACN*)

Omit "by ASIC", substitute "under this Act".

363 Section 9 (definition of *ARBN*)

Omit "by ASIC", substitute "under this Act".

364 Section 9 (definition of *ASIC database*)

Repeal the definition.

365 Section 9 (definition of *Business Names Register*)

Repeal the definition.

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366 Section 9 (paragraph (b) of the definition of *continuous disclosure notice*)

Omit "under section 675 lodged", substitute "lodged under section 675".

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

Omit "ASIC", substitute "the Registrar".

368 Section 9 (definition of *extract of particulars*)

Omit "by ASIC", substitute "under this Act".

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

Repeal the paragraph, substitute:

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

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

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

370 Section 9 (definition of *lodge*)

Repeal the definition, substitute:

lodge means:

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

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

(c) otherwise—lodge with ASIC or the Registrar, as the context requires, in this jurisdiction.

371 Section 9 (definition of *offer information statement*)

Omit "with ASIC", substitute "under this Act".

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372 Section 9 (note to the definition of *Product Disclosure Statement*)

After "lodgment", insert "with the Registrar".

373 Section 9 (definition of *profile statement*)

Omit "with ASIC", substitute "under this Act".

374 Section 9 (definition of *prospectus*)

Omit "with ASIC", substitute "under this Act".

375 Section 9 (definition of *responsible entity*)

Omit "ASIC's", substitute "the Registrar's".

376 Section 9 (definition of *return of particulars*)

Omit "by ASIC", substitute "under this Act".

377 Section 9 (paragraph (a) of the definition of *return of particulars*)

Repeal the paragraph, substitute:

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

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

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

378 Subparagraph 88A(1)(a)(i)

Omit "lodged or is required by or under this Act or the ASIC Act to be lodged", substitute "lodged, or is required by or under this Act or the ASIC Act to be lodged, with ASIC or the Registrar".

379 Subsection 100(1)

After "lodged", insert "(with ASIC or the Registrar)".

380 At the end of section 100

Add:

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

381 Section 106 (heading)

Omit "**Commission delegate**", substitute "**delegates**".

382 Section 106

Before "For", insert "(1)".

383 At the end of section 106

Add:

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

Note: For delegations by the Registrar, see section 1270D.

384 Paragraphs 109X(1)(c) and (d)

Omit "ASIC", substitute "the Registrar".

385 Subsection 109X(2)

Omit "ASIC under subsection 5H(2), 117(2), 205B(1) or (4) or 601BC(2)", substitute "the Registrar under section 5H, 117, 205B or 601BC".

386 Paragraph 111AF(1)(a)

Omit "with ASIC".

387 Paragraph 1.1 of the small business guide in Part 1.5

Omit "ASIC (Australian Securities and Investments Commission)", substitute "the Registrar".

388 Paragraph 1.10 of the small business guide in Part 1.5

Omit "ASIC", substitute "the Registrar".

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389 Paragraph 3.2 of the small business guide in Part 1.5

Omit "ASIC" (first occurring), substitute "the Registrar".

390 Paragraph 3.2 of the small business guide in Part 1.5

Omit "form with ASIC. The form", substitute "with the Registrar. The application".

391 Paragraph 3.2 of the small business guide in Part 1.5

Omit "ASIC" (last occurring), substitute "the Registrar".

392 Paragraphs 3.3, 3.7, 3.8 and 3.9 of the small business guide in Part 1.5

Omit "ASIC" (wherever occurring), substitute "the Registrar".

393 Paragraph 4.1 of the small business guide in Part 1.5

After "ASIC", insert "or the Registrar".

394 Paragraph 4.2 of the small business guide in Part 1.5

Omit "ASIC" (first occurring), substitute "the Registrar".

395 Paragraph 4.2 of the small business guide in Part 1.5

Omit "on ASIC's database", substitute "by the Registrar".

396 Paragraph 4.2 of the small business guide in Part 1.5

Omit "ASIC on a printed form or, if an agreement is in place to lodge electronically, in accordance with the agreement", substitute "the Registrar".

397 Paragraph 4.2 of the small business guide in Part 1.5

Omit ", 352".

398 Paragraph 4.3 of the small business guide in Part 1.5

Omit "ASIC", substitute "the Registrar (on behalf of the Commonwealth)".

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399 Paragraph 4.4 of the small business guide in Part 1.5 (heading)

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

400 Paragraph 4.4 of the small business guide in Part 1.5

Omit "ASIC", substitute "the Registrar".

401 Paragraph 4.4 of the small business guide in Part 1.5 (table, heading to column headed "the company must notify ASIC of the change...")

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

402 Paragraph 4.4 of the small business guide in Part 1.5 (table item 4, column headed "the company must notify ASIC of the change...")

Omit "ASIC", substitute "the Registrar".

403 Paragraph 5.1 of the small business guide in Part 1.5

Omit "ASIC" (first occurring), substitute "the Registrar".

404 Paragraph 5.1 of the small business guide in Part 1.5

Omit "ASIC" (third and fourth occurring), substitute "the Registrar".

405 Paragraph 5.4 of the small business guide in Part 1.5

Omit "ASIC" (wherever occurring), substitute "the Registrar".

406 Paragraph 6.1 of the small business guide in Part 1.5

Omit "ASIC cancels the company's registration", substitute "the Registrar deregisters the company".

407 Paragraph 10.3 of the small business guide in Part 1.5

Omit "ASIC" (last occurring), substitute "the Registrar".

408 Paragraph 12.6 of the small business guide in Part 1.5 (heading)

Repeal the heading, substitute:

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12.6 Deregistration of a company

409 Paragraph 12.6 of the small business guide in Part 1.5

Omit "ASIC cancels the company's registration", substitute "the Registrar deregisters the company".

410 Subsection 111L(1) (table item 1, column 2)

Omit "ASIC", substitute "the Registrar".

411 Subsection 111L(1) (table item 2, column 2)

Omit "ASIC may direct company to lodge consolidated constitution", substitute "Directing company to lodge consolidated constitution with ASIC or the Registrar".

412 Subsection 111L(1) (table item 4, column 2)

Omit "ASIC", substitute "the Registrar".

413 Subsection 111L(1) (table item 11, column 2)

Omit "ASIC".

414 Subsection 111L(1) (table item 13, column 2)

Omit "ASIC", substitute "the Registrar".

415 Subsections 111N(1), (2), (3) and (4)

Omit "ASIC", substitute "the Registrar".

416 Subsection 117(1)

Omit "ASIC", substitute "the Registrar".

417 Subsection 117(2)

Repeal the subsection, substitute:

Contents of the application

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

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

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418 Subsection 117(4)

Repeal the subsection.

419 Subsection 117(5)

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

420 Section 118 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

421 Subsection 118(1)

Omit "ASIC", substitute "the Registrar".

422 Paragraph 118(1)(c)

Repeal the paragraph, substitute:

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

423 Subsection 118(1) (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

424 Subsection 118(2)

Repeal the subsection, substitute:

The Registrar must record registration

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

425 Subparagraph 119A(2)(a)(i)

Omit "paragraph 117(2)(n)", substitute "subsection 117(2A)".

426 Subparagraph 119A(2)(a)(ii)

Omit "paragraph 601BC(2)(o)", substitute "subsection 601BC(3)".

427 Subsection 119A(2) (note 1)

Repeal the note.

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428 Subsection 129(2)

Omit "ASIC", substitute "the Registrar".

429 Section 130 (heading)

After "**ASIC**", insert "**or the Registrar**".

430 Section 130

After "ASIC", insert "or the Registrar".

431 Paragraph 136(1)(a)

After "is lodged", insert "with the Registrar".

432 Subsection 136(5)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

433 After subsection 136(5)

Insert:

(5A) The lodgement must meet any requirements of the data standards.

434 Section 138

Repeal the section, substitute:

138 ASIC may direct company to lodge consolidated constitution

ASIC may do either or both of the following:

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

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

435 Subsection 142(1) (note 2)

After "ASIC", insert "or the Registrar".

436 Subsection 142(2)

Omit "ASIC", substitute "the Registrar".

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437 Subsection 142(2)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

438 Section 143 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

439 Subsection 143(1)

After "ASIC", insert "or the Registrar".

440 Subsection 143(1) (note)

After "ASIC", insert "or the Registrar".

441 Subsections 143(2) and (3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

442 Paragraph 145(2)(a)

After "lodged", insert "with the Registrar".

443 Paragraph 145(2)(b)

Omit "ASIC", substitute "the Registrar".

444 Subsection 145(3)

Omit "ASIC", substitute "the Registrar".

445 Subsection 145(3)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

446 Subsection 146(1)

Omit "ASIC", substitute "the Registrar".

447 Subsection 146(1)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

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448 Subsection 146A(1)

After "ASIC", insert "or the Registrar".

449 Subsection 146A(2)

Omit "in the prescribed form", substitute "with the Registrar".

450 At the end of section 146A

Add:

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

451 Paragraph 147(1)(b)

Omit "on the Business Names Register", substitute "under the *Business Names Registration Act 2011*".

452 Subsections 147(3) and (4) (note)

Omit "ASIC", substitute "the Registrar".

453 Subsection 150(2)

Omit "ASIC", substitute "the Registrar".

454 At the end of subsection 150(2)

Add:

The notification must meet any requirements of the data standards.

455 Subsection 151(2)

Omit "ASIC", substitute "the Registrar".

456 After subsection 151(2)

Insert:

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

457 Subsection 151(2AA)

Omit "to notify ASIC as soon as practicable of the modification", substitute "to give the Registrar, as soon as practicable, a notification of the modification that meets any requirements of the data standards".

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458 Subsection 151(3)

Omit "ASIC", substitute "The Registrar".

459 Paragraph 151(3)(b)

Omit "ASIC", substitute "the Registrar".

460 Subsection 152(1)

Repeal the subsection, substitute:

(1) A person may lodge an application with the Registrar to reserve a name for a company. If the name is available, the Registrar must reserve it.

Note: For available names, see section 147.

(1A) The application must meet any requirements of the data standards.

461 Subsection 152(2)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

462 At the end of subsection 152(2)

Add "The applicant's request must meet any requirements of the data standards.".

463 Subsection 152(3)

Omit "ASIC" (first occurring), substitute "The Registrar".

464 Subsection 152(3)

Omit "ASIC" (second occurring), substitute "the Registrar".

465 At the end of subsection 152(3)

Add "The applicant's request must meet any requirements of the data standards.".

466 Paragraph 157(1)(b)

Repeal the paragraph, substitute:

(b) lodge an application with the Registrar that meets any requirements of the data standards.

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467 Subsections 157(2) and (3), 157A(1) and 157A(3) to (7)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

468 Section 158 (heading)

Omit "**ASIC's power**", substitute "**Power**".

469 Subsection 158(1)

Omit "ASIC may direct a company in writing", substitute "The Registrar may direct a company".

470 Subsections 158(3) and (4)

Omit "ASIC", substitute "the Registrar".

471 Section 159 (heading)

Omit "**ASIC's power**", substitute "**Power**".

472 Subsection 159(1)

Omit "ASIC", substitute "The Registrar".

473 Paragraph 159(1)(c)

Omit "ASIC", substitute "the Registrar".

474 Subsection 159(2)

Omit "ASIC", substitute "the Registrar".

475 Section 160 (heading)

Omit "**ASIC**", substitute "**The Registrar**".

476 Section 160

Omit "ASIC", substitute "the Registrar".

477 Section 160 (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

478 Subsection 161A(6A)

Omit "ASIC", substitute "the Registrar".

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479 Subsection 161A(6A)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

480 Subsections 162(3) and 163(1)

Omit "ASIC", substitute "the Registrar".

481 Subparagraph 163(2)(c)(i)

Omit "in the prescribed form".

482 Subsection 163(2) (notes 1 and 2)

After "lodge", insert "with the Registrar".

483 After subsection 163(2)

Insert:

(2A) An assent of a kind mentioned in subparagraph (2)(c)(i) must meet any requirements of the data standards.

484 Section 164 (heading)

Omit "**ASIC changes**", substitute "**Changes to**".

485 Subsection 164(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

486 Paragraphs 164(1)(a) and (b)

Omit "ASIC", substitute "the Registrar".

487 Subsection 164(2)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

488 Subsection 164(3)

Repeal the subsection, substitute:

(3) The notice that the Registrar intends to alter the details of the company's registration:
  (a) must be included in the records of the Registrar; and
  (b) must be made accessible to the public; and

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(c) must meet any requirements of the data standards that relate to the notice (including requirements relating to including the notice in the records of the Registrar and making the notice accessible to the public); and

(d) without limiting paragraph (c), must state that the Registrar will alter the details of the company's registration 1 month after the notice has been made accessible to the public unless an order by a court or the Administrative Appeals Tribunal prevents it from doing so.

489 Subsections 164(4) and (5)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

490 Subsection 164(6)

Omit "ASIC", substitute "The Registrar".

491 Subsection 164(6) (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

492 Subsection 164(7)

Omit "ASIC", substitute "the Registrar".

493 Subsection 164(7) (note)

Omit "ASIC", substitute "the Registrar".

494 Subsection 164(7) (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

495 Subsection 165(3)

After "ASIC may", insert "direct the Registrar to".

496 At the end of subsection 165(3)

Add "The Registrar must comply with the direction.".

497 Subsection 165(4)

Omit "ASIC", substitute "the Registrar".

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498 Subsection 165(5)

Omit "ASIC", substitute "The Registrar".

499 Subsection 165(5) (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

500 Paragraphs 172(1)(d) and (1A)(d)

Omit "ASIC", substitute "the Registrar".

501 Subsection 172(2) (heading)

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

502 Subsection 172(2)

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

503 Subsection 175(3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

504 Subsection 178A(1)

Omit "ASIC", substitute "the Registrar".

505 Subsection 178A(1)

Omit "and in the prescribed form,".

506 At the end of subsection 178A(1)

Add:

The notification must meet any requirements of the data standards.

507 Subsection 178C(1)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

508 Section 178D (heading)

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

509 Section 178D

Omit "ASIC" (first occurring), substitute "the Registrar".

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510 Section 178D (table heading)

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

511 Section 178D (table, heading to column headed "The company must notify ASIC within this time...")

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

512 Section 178D (table items 1 to 3, column headed "The company must notify ASIC within this time...")

Omit "ASIC", substitute "the Registrar".

513 Section 178D (table item 3, column headed "The company must notify ASIC within this time...")

Omit "of the particulars of the issue".

514 Section 178D (table item 4, column headed "The company must notify ASIC within this time...")

Omit "ASIC", substitute "the Registrar".

515 Paragraphs 188(1)(f), (h) and (i)

Omit "ASIC", substitute "the Registrar".

516 Subsection 199A(3)

Omit "ASIC or" (wherever occurring), substitute "ASIC, the Registrar or".

517 Subsection 201K(5) (note)

Omit "ASIC", substitute "The Registrar".

518 Section 201L (heading)

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

519 Section 201L

Omit "ASIC", substitute "the Registrar".

520 Subsection 201M(2) (note)

After "ASIC", insert "or the Registrar".

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521 Section 201S

After "lodge", insert "with the Registrar".

522 Section 204D (note 1)

Omit "ASIC", substitute "the Registrar".

523 Subsection 204E(2) (note)

After "ASIC", insert "or the Registrar".

524 Section 205A (heading)

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

525 Subsection 205A(1)

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

526 Subsection 205A(1)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

527 Subsection 205A(2) (note)

Omit "ASIC", substitute "the Registrar".

528 Section 205B (heading)

Repeal the heading, substitute:

205B Notice of personal details of directors and secretaries to the Registrar

529 Subsection 205B(1)

Omit "ASIC", substitute "the Registrar".

530 Subsection 205B(1)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

531 Subsection 205B(2)

Omit "ASIC", substitute "the Registrar".

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532 Subsection 205B(2)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

533 Subsection 205B(3)

Repeal the subsection.

534 Subsection 205B(4)

Omit "ASIC", substitute "the Registrar".

535 Subsection 205B(4)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

536 Subsection 205B(5)

Omit "ASIC", substitute "the Registrar".

537 Subsection 205B(5)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

538 Paragraphs 205B(6)(b) and 205D(2)(b) and (3)(a) and (b)

Omit "ASIC", substitute "the Registrar".

539 Subsection 205D(3)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

540 Subsection 205D(4)

Omit "ASIC", substitute "the Registrar".

541 Section 205E (heading)

Omit "**ASIC's**", substitute "**The Registrar's**".

542 Subsection 205E(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

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543 Subsection 205E(1)

Omit "ASIC" (second occurring), substitute "the Registrar".

544 Subsection 205E(2)

Omit "ASIC", substitute "the Registrar".

545 Subsections 206A(1) and (2) (note)

After "ASIC", insert "or the Registrar".

546 Subsection 206G(2)

Omit "ASIC", substitute "the Registrar".

547 Subsection 206G(2)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

548 Subsection 206G(4)

Omit "ASIC", substitute "the Registrar".

549 At the end of section 206G

Add:

(6) Lodgement of a document with the Registrar under this section must meet any requirements of the data standards.

550 Subsections 206GA(2) and (3)

Repeal the subsections, substitute:

Notice lodged with the Registrar before leave application

(2) If the person lodges a notice with the Registrar under subsection 206G(2), the Registrar must give the ACCC and ASIC a copy of the notice.

Leave orders

(3) If the person lodges a copy of an order with the Registrar under subsection 206G(4), the Registrar must give the ACCC and ASIC a copy of the order.

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551 Section 226

After "lodge", insert "with the Registrar".

552 Subsection 235(1)

Omit "ASIC", substitute "the Registrar".

553 Subparagraph 246C(5)(b)(ii)

Omit "ASIC", substitute "the Registrar".

554 Subsection 246D(6)

Omit "ASIC", substitute "the Registrar".

555 Section 246F (heading)

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

556 Subsection 246F(1)

Omit "ASIC a notice in the prescribed form", substitute "the Registrar a notice".

557 After paragraph 246F(1)(b)

Insert:

The notice must meet any requirements of the data standards.

558 Subsection 246F(3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

559 At the end of subsection 246F(3)

Add:

The lodgement must meet any requirements of the data standards.

560 Paragraphs 247C(2)(a) and 249A(5)(b)

After "ASIC", insert "or the Registrar".

561 Subsection 249B(2)

After "ASIC", insert "or the Registrar".

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562 Paragraphs 251A(5)(c) and 253M(3)(c)

Omit "ASIC", substitute "the Registrar".

563 Subsection 254B(1) (note 1)

Omit "ASIC by a notice in the prescribed form (see subsection 246F(1))", substitute "the Registrar by a notice that meets the requirements of the data standards (see subsections 246F(1) and (2))".

564 Subsection 254B(1) (note 2)

Omit "ASIC", substitute "the Registrar".

565 Subsections 254E(2), 254H(4) and 254N(2)

Omit "ASIC", substitute "the Registrar".

566 Section 254X (heading)

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

567 Subsection 254X(1)

Repeal the subsection, substitute:

(1) Within 28 days after issuing shares, a company must give a notice to the Registrar. The notice must meet any requirements of the data standards.

568 Subsection 254X(2)

Omit "ASIC" (first occurring), substitute "the Registrar".

569 Subsection 254X(3) (note)

Repeal the note.

570 Section 254Y (heading)

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

571 Subsection 254Y(1)

Repeal the subsection, substitute:

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(1) Within 1 month after shares are cancelled, the company must give a notice to the Registrar. The notice must meet any requirements of the data standards.

572 Subsection 256C(3)

Omit "ASIC", substitute "the Registrar".

573 Subsection 256C(5) (heading)

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

574 Subsection 256C(5)

Omit "ASIC", substitute "the Registrar".

575 At the end of section 256C

Add:

(6) Lodgement of a document with the Registrar under this section must meet any requirements of the data standards.

576 Subsection 257B(1) (table)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

577 Subsection 257C(3) (heading)

Omit "*ASIC*", substitute "*Registrar*".

578 Subsection 257C(3)

Omit "ASIC", substitute "the Registrar".

579 At the end of section 257C

Add:

(4) The lodgement must meet any requirements of the data standards.

580 Subsection 257D(3) (heading)

Omit "*ASIC*", substitute "*Registrar*".

581 Subsection 257D(3)

Omit "ASIC", substitute "the Registrar".

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582 At the end of subsection 257D(3)

Add:

The lodgement must meet any requirements of the data standards.

583 Section 257E (heading)

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

584 Section 257E

Omit "ASIC", substitute "the Registrar".

585 At the end of section 257E

Add:

The lodgement must meet any requirements of the data standards.

586 Subsection 257F(2)

Omit "ASIC", substitute "the Registrar".

587 After paragraph 257F(2)(b)

Insert:

The lodgement must meet any requirements of the data standards.

588 Subsection 257H(3) (note)

Omit "ASIC", substitute "The Registrar".

589 Paragraph 260A(1)(b)

Omit "ASIC", substitute "the Registrar".

590 Subsection 260B(5) (heading)

Omit "*ASIC*", substitute "*Registrar*".

591 Subsections 260B(5) and (6)

Omit "ASIC", substitute "the Registrar".

592 Subsection 260B(6)

Omit "in the prescribed form".

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593 After subsection 260B(6)

Insert:

(6A) The notice must meet any requirements of the data standards.

594 Subsection 260B(7)

Omit "ASIC", substitute "the Registrar".

595 At the end of section 260B

Add:

Requirements for lodgement

(8) Lodgement of a document under this section must meet any requirements of the data standards.

596 Section 283BC (heading)

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

597 Subsection 283BC(1)

Omit "ASIC", substitute "the Registrar".

598 Paragraph 283BC(1)(b)

Omit "prescribed by the regulations", substitute "required by the data standards".

599 Subsection 283BC(2)

Omit "ASIC", substitute "the Registrar".

600 Subsection 283BC(3)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

601 Section 283BCA

Repeal the section, substitute:

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283BCA Record of trustees for debenture holders

The Registrar must maintain a record of trustees for debenture holders.

602 Section 283BF (heading)

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

603 Paragraph 283BF(1)(b)

Omit "ASIC (see section 351)", substitute "the Registrar".

604 At the end of subsection 283BF(1)

Add:

The lodgement must meet any requirements of the data standards.

605 Section 283BG (heading)

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

606 Subsection 285(1) (table item 5, column headed "steps")

Omit "ASIC", substitute "the Registrar".

607 Subsection 289(2)

Omit "ASIC written notice in the prescribed form", substitute "the Registrar notice".

608 At the end of subsection 289(2)

Add "The notice must meet any requirements of the data standards.".

609 Paragraphs 292(2)(b) and 302(c)

Omit "ASIC", substitute "the Registrar".

610 Section 302 (note 2)

Omit "ASIC", substitute "the Registrar".

611 Division 5 of Part 2M.3 (heading)

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

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612 Section 319 (heading)

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

613 Subsection 319(1)

Omit "ASIC", substitute "the Registrar".

614 At the end of subsection 319(1)

Add "The lodgement of the report must meet any requirements of the data standards.".

615 Section 320 (heading)

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

616 Subsection 320(1)

Omit "ASIC", substitute "the Registrar".

617 At the end of subsection 320(1)

Add "The lodgement must meet any requirements of the data standards.".

618 Subsection 321(1)

Omit "ASIC" (last occurring), substitute "the Registrar".

619 Subsection 322(1)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

620 At the end of subsection 322(1)

Add:

The lodgement must meet any requirements of the data standards.

621 Paragraph 324BB(6)(a)

Omit "on the Business Names Register", substitute "under section 24 of the *Business Names Registration Act 2011*".

622 Paragraph 324BB(6)(b)

Omit "in the prescribed form", substitute "that meets any requirements of the data standards".

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623 Paragraph 324DAC(a)

Omit "ASIC", substitute "the Registrar".

624 At the end of section 324DAC

Add (before the note):

Lodgement of the copy of the resolution must meet any requirements of the data standards.

625 At the end of subsection 329(2)

Add "with the Registrar. The lodgement must meet any requirements of the data standards.".

626 Paragraph 329(11)(c)

Omit "ASIC", substitute "the Registrar".

627 Paragraph 329(11)(c)

Omit "in the prescribed form".

628 Paragraph 329(11)(d)

Omit "ASIC", substitute "the Registrar".

629 At the end of section 329

Add:

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

630 Subsection 331AC(7)

Omit "ASIC a notice of the removal or resignation in the prescribed form", substitute "the Registrar a notice of the removal or resignation. The notice must meet any requirements of the data standards".

631 Subsection 332A(3)

Omit "ASIC", substitute "the Registrar".

632 At the end of subsection 332A(3)

Add "The lodgement must meet any requirements of the data standards.".

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633 Chapter 2N (heading)

Omit "**ASIC**".

634 Subparagraph 345A(1)(a)(ii)

Omit "in a register maintained by ASIC under section 1274", substitute "under section 118".

635 Paragraph 345A(1A)(b)

Omit "in a register maintained by ASIC under section 1274", substitute "under section 118".

636 Subsection 345A(1A)

Omit "determined by ASIC", substitute "determined by the Registrar".

637 Subsections 345B(1) and (2)

Omit "ASIC's", substitute "the Registrar's".

638 Subsection 345B(3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

639 Section 345C

Omit "ASIC" (wherever occurring), substitute "the Registrar".

640 Section 346A (heading)

Omit "**ASIC**", substitute "**The Registrar**".

641 Subsection 346A(1)

Omit "ASIC", substitute "The Registrar".

642 Subsection 346A(2)

Repeal the subsection.

643 Section 346B (heading)

Omit "**ASIC**", substitute "**The Registrar**".

644 Section 346B

Omit "ASIC", substitute "The Registrar".

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645 Section 346B

Omit "prescribed by the regulations for the purposes of this section", substitute "specified in the data standards in relation to this section".

646 Paragraph 346C(3)(a)

After "lodged", insert "with the Registrar".

647 Paragraphs 346C(3)(b) and (c)

Repeal the paragraphs, substitute:

(b) must meet any requirements of the data standards; and

648 Subsection 346C(4)

Omit "lodge a prescribed form", substitute "give notice (however described)".

649 Subsection 346C(5)

After "lodged", insert "with the Registrar".

650 Subsection 347A(2)

Omit "ASIC", substitute "the Registrar".

651 Section 347B (heading)

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

652 Subsection 347B(1)

Omit "ASIC of that fact, in the prescribed form,", substitute "the Registrar".

653 At the end of subsection 347B(1)

Add "The notification must meet any requirements of the data standards.".

654 Subsection 347B(2)

Omit "ASIC of that fact, in the prescribed form,", substitute "the Registrar".

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655 After subsection 347B(2)

Insert:

(2A) A notification under subsection (1) or (2) must meet any requirements of the data standards.

656 Paragraph 347C(1)(c)

Omit "ASIC", substitute "the Registrar".

657 Section 348A (heading)

Before "**ASIC**", insert "**The Registrar or**".

658 Subsection 348A(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

659 Subsection 348A(1)

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

660 Subsection 348A(1)

Omit "a register maintained by ASIC under subsection 1274(1)", substitute "records maintained by the Registrar in the performance of functions or the exercise of powers under this Act".

661 Subsection 348A(2)

Omit "company, registered scheme or".

662 Subsection 348A(2A)

Omit "(1) or".

663 Section 348B (heading)

Before "**ASIC**", insert "**The Registrar or**".

664 Section 348B

Before "ASIC", insert "The Registrar or".

665 Section 348C (heading)

Before "**ASIC**", insert "**The Registrar or**".

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666 Subsection 348C(1)

Before "ASIC", insert "The Registrar or".

667 Paragraph 348D(2)(a)

Before "ASIC", insert "the Registrar or".

668 Paragraphs 348D(2)(b) and (c)

Repeal the paragraphs, substitute:

(b) in the case of a return by a company or by the responsible entity of a registered scheme—must meet any requirements of the data standards; and

(c) in the case of a return by the operator of a notified foreign passport fund—must:

(i) be in the prescribed form; and

(ii) be signed or authenticated; and

669 Subsection 348D(3)

Omit "lodge a prescribed form", substitute "give notice (however described)".

670 Subsection 348D(4)

After "lodged", insert "with the Registrar or ASIC".

671 Section 349A (heading)

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

672 Subsection 349A(1)

Omit "ASIC, in the prescribed form and", substitute "the Registrar,".

673 At the end of subsection 349A(1)

Add "The notification must meet any requirements of the data standards.".

674 Section 349B

Omit "ASIC", substitute "the Registrar".

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675 At the end of section 349B

Add:

The notification must meet any requirements of the data standards.

676 Section 349C

Omit "ASIC", substitute "the Registrar".

677 At the end of section 349C

Add:

The notification must meet any requirements of the data standards.

678 Section 349D

Omit "ASIC", substitute "the Registrar".

679 At the end of section 349D

Add "The notification must meet any requirements of the data standards.".

680 Subsection 411(10)

Omit "ASIC", substitute "the Registrar".

681 After subsection 411(10)

Insert:

(10A) Lodgement of the order must meet any requirements of the data standards.

682 Subsection 412(6)

After "registered", insert "by the Registrar pursuant to a direction".

683 Subsection 412(7)

Omit "ASIC" (first occurring), substitute "the Registrar".

684 Subsection 412(8)

Omit "ASIC" (first occurring), substitute "the Registrar".

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685 Subsection 412(8)

After "ASIC must not", insert "direct the Registrar to".

686 Paragraph 413(1)(d)

Omit "ASIC", substitute "the Registrar".

687 Subsection 413(3)

Omit "ASIC", substitute "the Registrar".

688 At the end of subsection 413(3)

Add "The lodgement must meet any requirements of the data standards.".

689 Subsection 415(1)

After "lodge", insert "with the Registrar".

690 At the end of subsection 415(1)

Add "The notice must meet any requirements of the data standards.".

691 Paragraph 422(1)(c)

After "lodge", insert "with ASIC".

692 Subsection 422(2)

After "lodge", insert "with ASIC".

693 At the end of subsection 422(3)

Add "with ASIC".

694 Subsection 422(4)

After "report" (wherever occurring), insert "with ASIC".

695 Subsection 422A(3)

After "lodge", insert "with the Registrar".

696 Subsection 422A(4)

Repeal the subsection (not including the note), substitute:

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(4) The return must:
(a) be lodged with the Registrar within 3 months after the end of the control return year; and
(b) meet any requirements of the data standards.

697 Subsection 422B(3)

Repeal the subsection (not including the note), substitute:

(3) The return must:
(a) be lodged with the Registrar within 1 month after the control of the property of the corporation ends; and
(b) meet any requirements of the data standards.

698 Paragraph 426(a)

After "lodges", insert "with ASIC or the Registrar".

699 Subsections 427(1) to (2)

After "lodge", insert "with the Registrar".

700 Subsection 427(2)

Omit "in the prescribed form".

701 Subsection 427(3)

Omit "lodge notice in the prescribed form", substitute "lodge with the Registrar notice".

702 Subsection 427(4)

After "lodge", insert "with the Registrar".

703 At the end of section 427

Add:

(5) A notice lodged under this section must meet any requirements of the data standards.

704 At the end of subsections 429(4) and (5)

Add "with the Registrar. The lodgement must meet any requirements of the data standards.".

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705 Subsection 432(2)

After "lodged", insert "with the Registrar".

706 Paragraph 434(1)(a)

After "document", insert "with ASIC or the Registrar".

707 Section 434H (at the end of the heading)

Add "**or the Registrar**".

708 At the end of subsection 434H(1)

Add "or the Registrar".

709 Subsection 436DA(4A)

Omit "ASIC", substitute "the Registrar".

710 After subsection 436DA(4A)

Insert:

(4B) The lodgement must meet any requirements of the data standards.".

711 At the end of subsection 438B(2A)

Add "in the prescribed form".

712 Paragraph 438D(1)(c)

After "lodge", insert "with ASIC".

713 At the end of subsection 438D(3)

Add "with ASIC".

714 Paragraph 445FA(1)(e)

Omit "ASIC", substitute "the Registrar".

715 Subsection 445FA(2)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

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716 Paragraph 446AA(4)(a)

Omit "ASIC a written notice in the prescribed form", substitute "the Registrar a notice".

717 After subsection 446AA(4)

Insert:

(4A) The notice must meet any requirements of the data standards.

718 Subsection 446C(7) (heading)

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

719 Subsection 446C(7)

Omit "ASIC.", substitute "the Registrar. The lodgement must meet any requirements of the data standards.".

720 Subsection 449CA(4A)

Omit "ASIC", substitute "the Registrar".

721 After subsection 449CA(4A)

Insert:

(4B) The lodgement must meet any requirements of the data standards.

722 Subsection 449CA(6A)

Omit "ASIC", substitute "the Registrar".

723 After subsection 449CA(6A)

Insert:

(6B) The lodgement must meet any requirements of the data standards.

724 Paragraph 450A(1)(a)

After "lodge", insert "with the Registrar".

725 After subsection 450A(1)

Insert:

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(1AA) A notice under paragraph (1)(a) must meet any requirements of the data standards.

726 Section 450B

Before "As", insert "(1)".

727 Paragraph 450B(b)

Repeal the paragraph, substitute:

(b) lodge with the Registrar notice of the execution of the deed.

728 At the end of section 450B

Add:

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

729 Section 450C

Before "As", insert "(1)".

730 Paragraph 450C(a)

After "lodge", insert "with the Registrar".

731 At the end of section 450C

Add:

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

732 Section 450D

Before "Where", insert "(1)".

733 Paragraph 450D(a)

After "lodge", insert "with the Registrar".

734 At the end of section 450D

Add:

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

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735 Subsection 461(2)

Omit "ASIC", substitute "the Registrar".

736 At the end of subsection 461(2)

Add "The lodgement must meet any requirements of the data standards.".

737 Paragraph 465A(1)(a)

Omit "notice in the prescribed form", substitute "with the Registrar notice".

738 After subsection 465A(1)

Insert:

(1A) A notice lodged under paragraph (1)(a) must meet any requirements of the data standards.

739 Section 470 (at the end of the heading)

Add "**with the Registrar**".

740 Subsection 470(1)

Omit "(other than ASIC)".

741 Paragraphs 470(1)(a) to (c)

After "lodge", insert "with the Registrar".

742 Paragraph 470(2)(a)

Repeal the paragraph, substitute:

(a) lodge the order with the Registrar; and

743 Subsection 470(3)

Repeal the subsection, substitute:

(3) A document required to be lodged by subsection (1) or (2) must meet any requirements of the data standards.

744 Subsection 474(3)

Omit "ASIC", substitute "the Registrar".

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745 At the end of subsection 474(3)

Add "The lodgement must meet any requirements of the data standards.".

746 Paragraph 481(5)(b)

Omit "ASIC", substitute "the Registrar".

747 At the end of subsection 481(5)

Add "with the Registrar. The lodgement must meet any requirements of the data standards.".

748 Paragraph 482(2A)(b)

After "ASIC", insert "or the Registrar".

749 Subsection 482(5)

After "lodge", insert "with the Registrar".

750 At the end of subsection 482(5)

Add "The lodgement must meet any requirements of the data standards.".

751 Paragraph 489EA(1)(b)

After "documents", insert "with ASIC or the Registrar".

752 Paragraph 489EA(3)(a)

Omit "ASIC", substitute "the Registrar".

753 Paragraph 489EA(6)(a)

Omit "on ASIC database", substitute "to the Registrar".

754 Subsection 496(7)

Omit "in the prescribed form", substitute "with the Registrar".

755 After subsection 496(7)

Insert:

(7A) The notice must meet any requirements of the data standards.

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756 Paragraph 497(1)(b)

After "lodge", insert "with the Registrar".

757 After subsection 497(1)

Insert:

(1A) Lodgement of the copies must meet any requirements of the data standards.

758 At the end of subsection 497(6)

Add "in the prescribed form".

759 Subsection 506(1B)

Omit "ASIC", substitute "the Registrar".

760 At the end of subsection 506(1B)

Add "The lodgement must meet any requirements of the data standards.".

761 Subsection 506A(3)

Omit "ASIC", substitute "the Registrar".

762 After subsection 506A(3)

Insert:

(3A) The lodgement must meet any requirements of the data standards.

763 Subsection 506A(6)

Omit "ASIC", substitute "the Registrar".

764 After subsection 506A(6)

Insert:

(6A) The lodgement must meet any requirements of the data standards.

765 Subsection 507(11)

Omit "ASIC", substitute "the Registrar".

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766 At the end of subsection 507(11)

Add "The lodgement must meet any requirements of the data standards.".

767 Subsection 509(1) (heading)

Omit "*ASIC*", substitute "*The Registrar*".

768 Subsection 509(1)

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

769 Subsection 509(1)

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

770 Subsection 509(2) (heading)

Omit "*ASIC*", substitute "*The Registrar*".

771 Subsection 509(2)

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

772 Subsection 509(3)

After "lodge", insert "with the Registrar".

773 At the end of subsection 509(3)

Add "The lodgement must meet any requirements of the data standards.".

774 Subsection 510(1A)

Omit "ASIC", substitute "the Registrar".

775 At the end of subsection 510(1A)

Add "The lodgement must meet any requirements of the data standards.".

776 Paragraph 533(1)(d)

After "lodge", insert "with ASIC".

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777 Subsections 537(1) and (2)

Omit "in the prescribed form" (wherever occurring), substitute "with the Registrar".

778 At the end of section 537

Add:

(3) A notice lodged under this section must meet any requirements of the data standards.

779 Subsection 545(3)

After "ASIC", insert "or the Registrar".

780 Paragraph 568A(1)(a)

After "lodge", insert "with the Registrar".

781 After subsection 568A(1)

Insert:

(1A) A notice under paragraph (1)(a) must meet any requirements of the data standards.

782 Paragraph 568B(1)(a)

After "such notice" (first occurring), insert "with the Registrar".

783 At the end of paragraph 568B(1)(c)

Add "with the Registrar".

784 Paragraphs 568C(3)(a) and (b)

After "lodged notice of the disclaimer", insert "with the Registrar".

785 Subsections 573(1) and (2)

Omit "ASIC.", substitute "the Registrar. The lodgement must meet any requirements of the data standards.".

786 Paragraph 579A(3)(a)

Omit "ASIC", substitute "the Registrar".

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787 Subsection 579A(3)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

788 Paragraph 579B(3)(a)

Omit "ASIC", substitute "the Registrar".

789 Subsection 579B(3)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

790 Paragraph 579C(5)(a)

Omit "ASIC", substitute "the Registrar".

791 Subsection 579C(5)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

792 Paragraph 579C(6)(a)

Omit "ASIC", substitute "the Registrar".

793 Subsection 579C(6)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

794 Paragraph 579C(7)(a)

Omit "ASIC", substitute "the Registrar".

795 Subsection 579C(7)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

796 Subsections 579E(13), 579F(3), 579G(8) and 579H(5) and (6)

Omit "ASIC.", substitute "the Registrar. The lodgement must meet any requirements of the data standards.".

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797 Paragraph 589(3)(a)

Omit "ASIC has published in the prescribed manner".

798 Paragraph 589(3)(a)

After "or 601AB(3)", insert "has been published".

799 Subsection 601AA(1)

Omit "ASIC", substitute "the Registrar".

800 After subsection 601AA(1)

Insert:

Application requirements

(1A) The application must meet any requirements of the data standards.

801 Subsection 601AA(3) (heading)

Omit "*ASIC*", substitute "*The Registrar*".

802 Subsection 601AA(3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

803 Paragraphs 601AA(4)(a) and (b)

Omit "ASIC", substitute "the Registrar".

804 Subsection 601AA(4)

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

805 Paragraph 601AA(4)(c)

Repeal the paragraph, substitute:

(c) make a record of the proposed deregistration; and

806 Paragraph 601AA(4)(d)

Omit "in the prescribed manner".

807 Subsection 601AA(4A)

Omit "ASIC", substitute "the Registrar".

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808 Subsection 601AA(5)

Omit "ASIC", substitute "The Registrar".

809 After subsection 601AA(5)

Insert:

(5A) The Registrar must refuse to deregister a company under this section if ASIC notifies the Registrar that ASIC objects to the deregistration.

810 Subsection 601AA(6)

Omit "ASIC" (first occurring), substitute "The Registrar".

811 Subsection 601AA(7)

Omit "Subsection (6) does", substitute "Subsections (5A) and (6) do".

812 Subsection 601AA(7)

Omit "ASIC's", substitute "the Registrar's".

813 Section 601AB (heading)

Repeal the heading, substitute:

601AB Deregistration—initiated by the Registrar

814 Subsection 601AB(1) (heading)

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

815 Subsection 601AB(1)

Omit "ASIC may", substitute "The Registrar may".

816 Paragraph 601AB(1)(b)

After "documents", insert "with ASIC or the Registrar".

817 Paragraph 601AB(1)(c)

Omit "ASIC", substitute "the Registrar".

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818 Subsections 601AB(1A) and (1B)

Omit "ASIC", substitute "The Registrar".

819 Subsection 601AB(2)

Omit "ASIC" (first occurring), substitute "The Registrar".

820 Subsection 601AB(2)

Omit "ASIC" (second occurring), substitute "the Registrar".

821 Paragraph 601AB(2)(b)

After "lodged", insert "with ASIC or the Registrar".

822 Subsection 601AB(3)

Omit "ASIC" (first occurring), substitute "the Registrar".

823 Subsection 601AB(3)

Omit "it must", substitute "the Registrar must".

824 Subparagraph 601AB(3)(a)(iv)

Repeal the subparagraph.

825 After paragraph 601AB(3)(a)

Insert:

(ab) make a record of the proposed deregistration; and

826 Paragraph 601AB(3)(b)

Omit "in the prescribed manner".

827 Subsection 601AB(3A)

Omit "ASIC", substitute "the Registrar".

828 Subsection 601AB(4)

Omit "ASIC" (first occurring), substitute "The Registrar".

829 Subsection 601AB(4)

Omit "ASIC" (second occurring), substitute "the Registrar".

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830 Subsection 601AB(5)

Omit "ASIC", substitute "The Registrar".

831 After subsection 601AB(5)

Insert:

(5A) The Registrar must refuse to deregister a company under this section if ASIC notifies the Registrar that ASIC objects to the deregistration.

832 Subsection 601AB(6)

Omit "ASIC" (first occurring), substitute "The Registrar".

833 Subsection 601AB(7)

Omit "Subsection (6) does", substitute "Subsections (5A) and (6) do".

834 Subsection 601AB(7)

Omit "ASIC's", substitute "the Registrar's".

835 Subsection 601AC(1)

Omit "(1) ASIC", substitute "The Registrar".

836 Paragraph 601AC(1)(c)

After "lodged", insert "with the Registrar".

837 Subsection 601AH(1) (heading)

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

838 Subsection 601AH(1)

Omit "ASIC may", substitute "The Registrar may".

839 Subsection 601AH(1)

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

840 After subsection 601AH(1)

Insert:

(1AA) The Registrar:

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(a) may reinstate the registration of a company if ASIC is satisfied that the company should not have been deregistered; and

(b) must reinstate the registration if ASIC directs the Registrar to do so.

841 Subsection 601AH(1A)

Omit "ASIC", substitute "The Registrar".

842 Paragraph 601AH(1A)(a)

Omit "ASIC", substitute "the Registrar".

843 Subsection 601AH(2)

Omit "ASIC", substitute "the Registrar".

844 Paragraph 601AH(3)(a)

Omit "ASIC", substitute "the Registrar".

845 Paragraph 601AH(3)(a)

After "subsection (1)", insert ", (1AA)".

846 Subsection 601AH(4)

Repeal the subsection, substitute:

Registrar to publish notice of reinstatement

(4) The Registrar must publish notice of a reinstatement.

847 Subsection 601AH(4A)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

848 Subsection 601AH(5)

Omit "ASIC" (first occurring), substitute "the Registrar".

849 Subsection 601AJ(1)

Omit "ASIC", substitute "the Registrar".

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850 Subsection 601AJ(2)

Omit "be in the prescribed form", substitute "meet any requirements of the data standards".

851 Section 601AK (heading)

Omit "**ASIC**", substitute "**The Registrar**".

852 Section 601AK

Omit "ASIC" (first occurring), substitute "The Registrar".

853 Section 601AK

Omit "ASIC" (second occurring), substitute "the Registrar".

854 Section 601AL (heading)

Omit "**ASIC**", substitute "**The Registrar**".

855 Subsection 601AL(1)

Omit "ASIC" (first occurring), substitute "The Registrar".

856 Paragraph 601AL(1)(a)

Omit "ASIC", substitute "the Registrar".

857 Subsection 601BC(1)

Omit "ASIC", substitute "the Registrar".

858 Subsections 601BC(2) to (4)

Repeal the subsections, substitute:

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

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

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859 Subsection 601BC(5)

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

860 Subsections 601BC(6) to (9)

Repeal the subsections.

861 Section 601BD (heading)

Omit "**ASIC**", substitute "**The Registrar**".

862 Subsection 601BD(1)

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

863 Paragraph 601BD(1)(c)

Repeal the paragraph, substitute:

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

864 Subsection 601BD(1) (note)

Omit "subsection 1274(7A)", substitute "section 1274AAA".

865 Subsection 601BD(2)

Repeal the subsection, substitute:

The Registrar must record registration

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

866 Subsection 601BJ(3)

Omit "ASIC", substitute "the Registrar".

867 Subsection 601BL(1)

Omit "(1)".

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868 Subsection 601BL(1)

Omit "ASIC must remove the body's name from the appropriate register kept for the purposes of Division 1 or 2 of Part 5B.2.".

869 Subsection 601BL(2)

Repeal the subsection.

870 Section 601CB

Repeal the section, substitute:

601CB Application for registration

(1) A registrable Australian body may lodge with the Registrar an application for registration under this Division.

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

(3) The Registrar must, subject to this Part:
  (a) grant the application and register the body under this Division by making a record of the body's name; and
  (b) allot to the body an ARBN distinct from the ARBN or ACN of each body corporate (other than the body) already registered as a company or registered body under this Act.

871 Subsection 601CC(1)

After "lodge", insert "with the Registrar".

872 Subsections 601CC(2) to (4)

Repeal the subsections, substitute:

(2) If the Registrar has reasonable cause to believe that a registered Australian body does not carry on business interstate, the Registrar may give the body a notice that:
  (a) is to that effect; and
  (b) informs the body that, if no response showing cause to the contrary is received within 1 month from the date of the notice, the Registrar will publish notice with a view to cancelling the body's registration.

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(3) Unless the Registrar receives, within 1 month after the date of the notice, a response to the effect that the body is still carrying on business interstate, the Registrar may:

(a) give the body a notice informing the body that, at the end of 3 months after the date of the notice, the body's registration will, unless cause to the contrary is shown, be cancelled; and

(b) publish the notice.

(4) At the end of the period specified in a notice given under subsection (3), the Registrar:

(a) may, unless cause to the contrary has been shown, cancel the body's registration; and

(b) if the registration is cancelled—must publish notice of the cancellation.

(4A) A response by the body showing cause to the contrary for the purposes of paragraph (2)(b) or (3)(a) must meet any requirements of the data standards.

(4B) However, if ASIC notifies the Registrar of its objection to the cancellation, cause to the contrary is taken to have been shown for the purposes of those paragraphs.

873 Subsection 601CC(5)

Omit "whose name has been struck off the register", substitute "whose registration has been cancelled under this section".

874 Subsection 601CC(6)

Repeal the subsection.

875 Subsections 601CC(7) to (9)

Repeal the subsections, substitute:

(7) If the Registrar is satisfied that a body's registration was cancelled as a result of an error on the Registrar's part, the Registrar may reinstate the body's registration. On reinstatement, the body is taken never to have ceased to be registered under this Division.

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(8) A person who is aggrieved by the cancellation of a body's registration may, within 15 years after the cancellation, apply to the Court for the registration to be reinstated.

(9) If, on an application under subsection (8), the Court is satisfied that:

(a) at the time of the cancellation, the body was carrying on business interstate; or

(b) it is otherwise just for the body's registration to be reinstated;

the Court may, by order:

(c) direct the body's registration to be reinstated; and

(d) give such directions, and make such provisions, as it thinks just for placing the body and all other persons in the same position, as nearly as practicable, as if the body's registration had never been cancelled.

876 Subsection 601CC(10)

Omit "name is taken never to have been struck off", substitute "registration is taken never to have been cancelled. The lodgement must meet any requirements of the data standards".

877 Subsection 601CC(11)

Repeal the subsection, substitute:

(11) If a body's registration is reinstated under this section, the Registrar must publish notice of that fact.

878 Subsection 601CC(12)

After "a document", insert "with ASIC or the Registrar".

879 Section 601CDA

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

880 Paragraph 601CDA(b)

After "ASIC", insert "or the Registrar".

881 Section 601CE

Repeal the section, substitute:

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601CE Application for registration

(1) A foreign company may lodge with the Registrar an application for registration under this Division.

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

(3) The Registrar must, subject to this Part:
  (a) grant the application and register the foreign company under this Division by making a record of the foreign company's name; and
  (b) allot to the foreign company an ARBN distinct from the ARBN or ACN of each body corporate (other than the company) already registered as a company or registered body under this Act.

882 Subsection 601CF(2)

Omit "ASIC", substitute "The Registrar".

883 Subsection 601CG(1)

After "lodges", insert "with the Registrar".

884 At the end of subsection 601CG(1)

Add:

The lodgement must meet any requirements of the data standards.

885 Subsection 601CG(2)

Omit ", verified in writing in the prescribed form to be a true copy,".

886 After subsection 601CG(2)

Insert:

(2A) Lodgement of the copy must meet any requirements of the data standards.

887 Subsection 601CG(4)

Omit all the words after "lodge", substitute "a statement by the local agent. The statement must meet any requirements of the data standards".

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888 Subsection 601CH(1)

After "lodge", insert "with the Registrar".

889 Subsection 601CK(1)

After "lodge", insert "with the Registrar".

890 Subsection 601CK(1)

Omit all the words after "origin".

891 After subsection 601CK(1)

Insert:

(1A) Lodgement of the copies must meet any requirements of the data standards.

892 Paragraphs 601CK(3)(a) to (d)

After "lodge", insert "with the Registrar".

893 Subsections 601CK(5), (5A) and (6)

After "lodge", insert "with the Registrar".

894 Subsection 601CK(9)

Omit "with ASIC a return in the prescribed form", substitute "with the Registrar a return".

895 At the end of subsection 601CK(9)

Add:

The return must meet any requirements of the data standards.

896 Subsection 601CK(10)

Omit "be lodged", substitute "meet any requirements of the data standards and be lodged with the Registrar".

897 Subsection 601CL(1)

After "lodge", insert "with the Registrar".

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898 Subsection 601CL(2)

Omit "Where ASIC", substitute "If the Registrar".

899 Subsection 601CL(2)

Omit "ASIC must remove the foreign company's name from the register", substitute "the Registrar must cancel the foreign company's registration".

900 Subsections 601CL(3) to (5)

Repeal the subsections, substitute:

(3) If the Registrar has reasonable cause to believe that a registered foreign company does not carry on business in this jurisdiction, the Registrar may give the foreign company a notice that:
  (a) is to that effect; and
  (b) informs the foreign company that, if no response showing cause to the contrary is received within 1 month from the date of the notice, the Registrar will publish notice with a view to cancelling the foreign company's registration.

(4) Unless the Registrar receives, within 1 month after the date of the notice, a response to the effect that the foreign company is still carrying on business in this jurisdiction, the Registrar may:
  (a) give the foreign company a notice informing the foreign company that, at the end of 3 months after the date of the notice, the foreign company's registration will, unless cause to the contrary is shown, be cancelled; and
  (b) publish the notice.

(5) At the end of the period specified in a notice given under subsection (3), the Registrar:
  (a) may, unless cause to the contrary has been shown, cancel the foreign company's registration; and
  (b) if the registration is cancelled—must publish notice of the cancellation.

(5A) A response by the foreign company showing cause to the contrary for the purposes of paragraph (3)(b) or (4)(a) must meet any requirements of the data standards.

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(5B) However, if ASIC notifies the Registrar of its objection to the cancellation, cause to the contrary is taken to have been shown for the purposes of those paragraphs.

901 Subsection 601CL(6)

Omit "whose name has been struck off the register", substitute "whose registration has been cancelled under this section".

902 Subsection 601CL(7)

Repeal the subsection.

903 Subsections 601CL(8) to (10)

Repeal the subsections, substitute:

(8) If the Registrar is satisfied that a foreign company's registration was cancelled as a result of an error on the Registrar's part, the Registrar may reinstate the foreign company's registration. On reinstatement, the foreign company is taken never to have ceased to be registered under this Division.

(9) A person who is aggrieved by the cancellation of a foreign company's registration may, within 15 years after the cancellation, apply to the Court for the registration to be reinstated.

(10) If, on an application under subsection (9), the Court is satisfied that:

(a) at the time of the cancellation, the foreign company was carrying on business interstate; or

(b) it is otherwise just for the foreign company's registration to be reinstated;

the Court may, by order:

(c) direct the foreign company's registration to be reinstated; and

(d) give such directions, and make such provisions, as it thinks just for placing the foreign company and all other persons in the same position, as nearly as practicable, as if the foreign company's registration had never been cancelled.

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904 Subsection 601CL(11)

Omit "name is taken never to have been struck off", substitute "registration is taken never to have been cancelled. The lodgement must meet any requirements of the data standards".

905 Subsection 601CL(12)

Repeal the subsection, substitute:

(12) If a foreign company's registration is reinstated under this section, the Registrar must publish notice of that fact.

906 Subsection 601CL(13)

After "a document", insert "with the Registrar".

907 Paragraph 601CL(14)(a)

After "lodged", insert "with the Registrar".

908 Section 601CP (heading)

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

909 Section 601CP

After "lodge", insert "with the Registrar".

910 Section 601CTA

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

911 Paragraph 601CTA(b)

After "ASIC", insert "or the Registrar".

912 Subsection 601CT(2)

After "lodge", insert "with the Registrar".

913 At the end of subsection 601CT(2)

Add:

The notice must meet any requirements of the data standards.

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914 Subsection 601CT(3)

After "lodge", insert "with the Registrar".

915 At the end of subsection 601CT(3)

Add:

The notice must meet any requirements of the data standards.

916 Subsection 601CT(4)

Omit "a notice, in the prescribed form, of the change.", substitute "with the Registrar a notice of the change. The notice must meet any requirements of the data standards.".

917 Subsection 601CU(1)

Omit all the words after "name,", substitute "the Registrar must give the body a certificate of the body's registration under that Division that meets any requirements of the data standards".

918 Paragraph 601CV(1)(b)

After "lodged", insert "with the Registrar".

919 Subsection 601CV(1)

Omit "change, together with such documents (if any) as the regulations require.", substitute "change. The notice must meet any requirements of the data standards.".

920 Paragraph 601CX(2)(b)

Omit "ASIC", substitute "the Registrar".

921 At the end of subsection 601CX(4)

Add "with the Registrar".

922 Paragraph 601CZC(1)(d)

Omit "ASIC", substitute "the Registrar".

923 Section 601CZC(2)

Omit "ASIC", substitute "the Registrar".

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924 After subsection 601CZC(2)

Insert:

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

925 Subsection 601DA(1)

Omit "in the prescribed form with ASIC", substitute "with the Registrar".

926 Subsection 601DA(1)

Omit "ASIC" (second occurring), substitute "the Registrar".

927 After subsection 601DA(1)

Insert:

(1A) The application must meet any requirements of the data standards.

928 Subsection 601DA(2)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

929 Subsection 601DA(3)

Omit "ASIC (first occurring)", substitute "The Registrar".

930 Subsection 601DA(3)

Omit "ASIC (second occurring)", substitute "the Registrar".

931 At the end of section 601DA

Add:

(4) A request under subsection (2) or (3) must meet any requirements of the data standards.

932 Paragraph 601DC(1)(b)

Omit "on the Business Names Register", substitute "under the *Business Names Registration Act 2011*".

933 Subsections 601DC(3) and (4) (note)

Omit "ASIC", substitute "the Registrar".

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934 Subsection 601DD(3)

Omit "on the Business Names Register", substitute "under the *Business Names Registration Act 2011*".

935 Section 601DH (heading)

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

936 Subsection 601DH(1)

Omit "ASIC", substitute "the Registrar".

937 After subsection 601DH(1)

Insert:

(1AA) The notice must meet any requirements of the data standards.

938 Subsection 601DH(2) (not including the notes)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

939 Subsection 601DH(2) (note 3)

Omit "ASIC", substitute "The Registrar".

940 Section 601DJ (heading)

Omit "**ASIC's**", substitute "**The Registrar's**".

941 Subsection 601DJ(1)

Omit "ASIC", substitute "The Registrar".

942 Subsection 601DJ(3)

Omit "ASIC", substitute "the Registrar".

943 Subsection 601DJ(4)

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

944 Subsection 601DJ(4) (note)

Omit "ASIC", substitute "The Registrar".

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945 Subsection 601EB(3)

Omit "ASIC must keep", substitute "The Registrar must make".

946 Section 601EC (heading)

After "**ASIC**", insert "**or the Registrar**".

947 Section 601EC

After "ASIC", insert "or the Registrar".

948 Section 601FJ (heading)

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

949 Subsection 601FJ(1)

Omit "ASIC's record of registration", substitute "a record of registration made or held by the Registrar".

950 Paragraphs 601FL(2)(a) and (c)

Omit "ASIC", substitute "the Registrar".

951 After subsection 601FL(2)

Insert:

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

952 Paragraphs 601FM(2)(a) and (c)

Omit "ASIC", substitute "the Registrar".

953 After subsection 601FM(2)

Insert:

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

954 Subsections 601FP(3)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

955 After subsection 601FP(3)

Insert:

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(3A) The notice must meet any requirements of the data standards.

956 Subsection 601FP(4)

Omit "ASIC", substitute "the Registrar".

957 Subsection 601FQ(4)

Omit "ASIC" (first occurring), substitute "the Registrar".

958 Subsection 601FQ(4)

Omit "ASIC" (second occurring), substitute "The Registrar".

959 After subsection 601FQ(4)

Insert:

(4A) The notice must meet any requirements of the data standards.

960 Subsection 601GC(2)

Omit "ASIC", substitute "the Registrar".

961 After subsection 601GC(2)

Insert:

(2A) Lodgement of the copy must meet any requirements of the data standards.

962 After subsection 601GC(3)

Insert:

(3A) The responsible entity must lodge with the Registrar a consolidated copy of the scheme's constitution if ASIC directs it to do so.

(3B) If the copy is lodged with the Registrar, the lodgement must meet any requirements of the data standards.

963 Subsection 601HE(3)

After "ASIC", insert "or, if ASIC so directs, with the Registrar".

964 At the end of section 601HE

Add:

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(4) If the copy is lodged with the Registrar, the lodgement must meet any requirements of the data standards.

965 Subsection 601HF(1)

After "lodge", insert "with ASIC or the Registrar".

966 After subsection 601HF(1)

Insert:

(1A) If the copy is lodged with the Registrar, the lodgement must meet any requirements of the data standards.

967 Subsection 601HG(7)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

968 At the end of subsection 601HG(7)

Add:

The lodgement must meet any requirements of the data standards.

969 Section 601HI

Before "If", insert "(1)".

970 Section 601HI

Omit "ASIC" (first occurring), substitute "the Registrar".

971 Section 601HI

Omit "ASIC" (second occurring), substitute "The Registrar".

972 Section 601HI

Before "the change complies", insert "ASIC is satisfied that".

973 At the end of section 601HI

Add:

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

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974 Subsection 601KB(5)

Omit "ASIC.", substitute "the Registrar. The lodgement must meet any requirements of the data standards.".

975 Subsection 601KE(3)

Omit "ASIC.", substitute "the Registrar. The notice must meet any requirements of the data standards.".

976 Subsection 601NC(2)

Omit "ASIC", substitute "the Registrar".

977 After subsection 601NC(2)

Insert:

(2A) The giving of the notice to the Registrar must meet any requirements of the data standards.

978 Subsection 601PA(3)

Omit all the words after "proposed", substitute "deregistration to the Registrar and the responsible entity".

979 After subsection 601PA(3)

Insert:

(3A) The Registrar must make a record, of the proposed deregistration, and make the notice available to the public.

(3B) Two months after the notice is made available, ASIC may deregister the scheme.

980 Subparagraph 601PB(1)(e)(ii)

After "lodged", insert "with ASIC or the Registrar".

981 Paragraph 601PB(2)(c)

Repeal the paragraph, substitute:

(c) to the Registrar; and

982 After subsection 601PB(2)

Insert:

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(2A) The Registrar must, on being notified under paragraph (2)(c), make a record of the proposed deregistration.

983 Paragraph 630(5)(c)

Omit "ASIC", substitute "the Registrar".

984 After subsection 630(5)

Insert:

(5A) The lodgement must meet any requirements of the data standards.

985 Section 632 (diagram)

Omit "* **ASIC**" (wherever occurring), substitute "* **Registrar**".

986 Subsection 633(1) (table items 2, 4, 6, 9 and 13, column headed "Steps")

Omit "ASIC", substitute "the Registrar".

987 After subsection 633(1)

Insert:

(1A) Lodgement of a copy of a document under table item 2 or 13 must meet any requirements of the data standards.

(1B) A notice mentioned in table item 4 or 9 must meet any requirements of the data standards.

988 Paragraph 633(4)(b)

Omit "ASIC", substitute "the Registrar".

989 After subsection 633(4)

Insert:

(4A) If the notice is lodged with the Registrar, it must meet any requirements of the data standards.

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990 Section 634 (diagram)

Omit "*** ASIC**" (wherever occurring), substitute "*** Registrar**".

991 Subsection 635(1)

After "bid is made.", insert "Lodgement of a copy of a document mentioned in the table must meet any requirements of the data standards.".

992 Subsection 635(1) (table items 5, 7 and 12, column headed "Steps")

Omit "ASIC", substitute "the Registrar".

993 Paragraph 636(1)(e)

Omit "ASIC" (first occurring), substitute "the Registrar".

994 Paragraph 636(1)(e)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

995 After subsection 636(1)

Insert:

(1A) Lodgement of the bidder's statement must meet any requirements of the data standards.

996 Paragraph 636(3)(c)

Omit "ASIC", substitute "the Registrar".

997 Subsections 637(1) and (2)

Omit "ASIC", substitute "the Registrar".

998 After subsection 638(1)

Insert:

(1AA) Lodgement of the statement must meet any requirements of the data standards.

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999 Paragraph 638(5)(c)

Omit "ASIC", substitute "the Registrar".

1000 Subsections 639(1) and (2)

Omit "ASIC", substitute "the Registrar".

1001 At the end of subparagraphs 643(1)(c)(i) and 644(1)(c)(i)

Add "with the Registrar".

1002 Paragraph 645(1)(c)

Omit "ASIC", substitute "the Registrar".

1003 Subsections 645(2), (3) and (4)

Omit "ASIC", substitute "the Registrar".

1004 Section 646

Omit "ASIC", substitute "the Registrar".

1005 Paragraph 647(3)(a)

Omit "ASIC", substitute "the Registrar".

1006 After subsection 647(3)

Insert:

(3A) Lodgement of a supplementary statement must meet any requirements of the data standards.

1007 Subsection 648G(9)

Omit "ASIC.", substitute "the Registrar. Lodgement must meet any requirements of the data standards.".

1008 Paragraphs 649C(1)(a) and (2)(b)

Omit "ASIC", substitute "the Registrar".

1009 After subsection 649C(2)

Insert:

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

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1010 Paragraphs 650C(2)(a) and 650D(1)(b)

Omit "ASIC", substitute "the Registrar".

1011 After subsection 650D(1)

Insert:

(1A) Lodgement of the notice must meet any requirements of the data standards.

1012 Paragraph 650D(4)(a)

Repeal the paragraph, substitute:

(a) the notice was lodged with the Registrar on a specified date; and

1013 Paragraph 650D(4)(b)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

1014 Paragraph 650F(3)(b)

Omit "ASIC", substitute "the Registrar".

1015 After subsection 650F(3)

Insert:

(3A) If the notice is lodged with the Registrar, the lodgement must meet any requirements of the data standards.

1016 Section 654B

Omit "lodged" (wherever occurring), substitute "given".

1017 Paragraph 654C(3)(b)

Omit "ASIC", substitute "the Registrar".

1018 After subsection 654C(3)

Insert:

(3A) The lodgement must meet any requirements of the data standards.

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1019 Subsection 660B(3)

After "lodged", insert "with the Registrar".

1020 Paragraph 661B(1)(a)

Omit "in the prescribed form".

1021 At the end of paragraph 661B(1)(a)

Add:

(iii) meets any requirements of the data standards; and

1022 Paragraphs 661B(1)(b) and (d)

Omit "ASIC", substitute "the Registrar".

1023 Subsection 661B(1) (note)

Omit "ASIC", substitute "the Registrar".

1024 Paragraph 661B(2)(b)

Omit "ASIC", substitute "the Registrar".

1025 Subsection 661D(1)

Omit "ASIC", substitute "the Registrar".

1026 Paragraph 662B(1)(a)

Omit "in the prescribed form".

1027 At the end of paragraph 662B(1)(a)

Add:

(iv) meets any requirements of the data standards; and

1028 Paragraph 662B(1)(b)

Omit "ASIC", substitute "the Registrar".

1029 Subparagraph 662B(1)(c)(i)

Omit "ASIC", substitute "the Registrar".

1030 Paragraph 662B(1)(d)

Omit "ASIC", substitute "the Registrar".

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1031 Subsection 662B(1) (note)

Omit "ASIC", substitute "the Registrar".

1032 Paragraph 662B(2)(b)

Omit "ASIC", substitute "the Registrar".

1033 Paragraph 663B(1)(a)

Omit "in the prescribed form".

1034 At the end of paragraph 663B(1)(a)

Add:

(iv) meets any requirements of the data standards; and

1035 Paragraph 663B(1)(b)

Omit "ASIC", substitute "the Registrar".

1036 Paragraph 663B(1)(d)

Omit "ASIC", substitute "the Registrar".

1037 Subsection 663B(1) (note 2)

Omit "ASIC", substitute "the Registrar".

1038 Paragraph 663B(2)(b)

Omit "ASIC", substitute "the Registrar".

1039 Section 664AA

Omit "ASIC", substitute "the Registrar".

1040 Subsection 664C(1)

Omit "in the prescribed form".

1041 At the end of subsection 664C(1)

Add:

; and (f) meets any requirements of the data standards.

1042 Paragraphs 664C(2)(a) and (b)

Omit "ASIC", substitute "the Registrar".

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1043 Subsection 664C(2) (note)

Omit "ASIC", substitute "the Registrar".

1044 Subsections 664C(3) and 664E(2)

Omit "ASIC", substitute "the Registrar".

1045 At the end of subsection 664E(2)

Add:

Lodgement of the copy must meet any requirements of the data standards.

1046 Paragraph 664E(3)(b)

Omit "ASIC", substitute "the Registrar".

1047 After subsection 664E(3)

Insert:

(3A) Lodgement of the list with the Registrar must meet any requirements of the data standards.

1048 Paragraph 665B(1)(a)

Omit "in the prescribed form".

1049 At the end of paragraph 665B(1)(a)

Add:

(v) meets any requirements of the data standards; and

1050 Paragraphs 665B(1)(b), (c) and (e)

Omit "ASIC", substitute "the Registrar".

1051 Subsection 665B(1) (note 2)

Omit "ASIC", substitute "the Registrar".

1052 After subsection 665B(1)

Insert:

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Lodgement requirements

(1A) Lodgement of the notice with the Registrar must meet any requirements of the data standards.

1053 Paragraph 665B(2)(b)

Omit "ASIC", substitute "the Registrar".

1054 Paragraph 666A(2)(a)

Omit "ASIC", substitute "the Registrar".

1055 Subparagraphs 670A(1)(j)(i) and 670C(1)(c)(i)

After "lodged", insert "with the Registrar".

1056 Subsection 670D(6)

After "lodged", insert "with the Registrar".

1057 Paragraphs 672DA(2)(d) and (3)(d)

Omit "ASIC", substitute "the Registrar".

1058 Subsection 672DA(4)

Omit "ASIC", substitute "the Registrar".

1059 Subsection 672DA(4) (note)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1060 After subsection 672DA(4)

Insert:

(4A) The notice must meet any requirements of the data standards.

1061 Subparagraph 675(2)(c)(ii)

Omit "ASIC", substitute "the Registrar".

1062 Subsection 675(2)

Omit "ASIC containing the information.", substitute "the Registrar containing the information. The notice must meet any requirements of the data standards.".

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1063 Section 705 (table item 2, column headed "Type")

Omit "ASIC", substitute "the Registrar".

1064 Section 705 (table item 3, column headed "Type")

Omit "ASIC" (second occurring), substitute "the Registrar".

1065 Subparagraphs 708A(11)(b)(i) and (ii)

Omit "ASIC", substitute "the Registrar".

1066 At the end of subsection 708A(11)

Add:

> Lodgement of the prospectus must meet any requirements of the data standards.

1067 Subsections 709(1) and (1B)

Omit "material already lodged with ASIC", substitute "material held by the Registrar".

1068 Subsection 711(7) (heading)

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

1069 Paragraph 711(7)(a)

Omit "ASIC", substitute "the Registrar".

1070 Paragraph 711(7)(b)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

1071 Subsection 712(1) (heading)

Omit "*lodged with ASIC*", substitute "*held by the Registrar*".

1072 Subsection 712(1)

Omit "has been lodged with ASIC", substitute "is covered by subsection (1A)".

1073 After subsection 712(1)

Insert:

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(1A) This subsection covers a document that:

(a) is held by the Registrar (including a document that was lodged with ASIC); and

(b) may be accessed by the public in accordance with the disclosure framework.

1074 Subsection 712(4)

Omit "ASIC", substitute "the Registrar".

1075 At the end of subsection 712(4)

Add:

However, the document must satisfy paragraph (1A)(b) and meet any requirements of the data standards.

1076 Paragraph 713(3)(b)

Repeal the paragraph, substitute:

(b) documents lodged with the Registrar in relation to the body may be accessed by the public in accordance with the disclosure framework.

1077 Subparagraphs 713(4)(a)(i) to (iii)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1078 Subsection 713B(5)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1079 At the end of subsection 713B(5)

Add:

Lodgement of the offer-specific prospectus must meet any requirements of the data standards.

1080 Subsection 713C(1)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1081 After subsection 713C(1)

Insert:

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(1A) Lodgement of the document must meet any requirements of the data standards.

1082 Paragraphs 713C(4)(a) and 713D(1)(b)

Omit "ASIC", substitute "the Registrar".

1083 After subsection 713D(1)

Insert:

(1A) Lodgement of the document must meet any requirements of the data standards.

1084 Subsection 713D(3)

Omit "ASIC", substitute "the Registrar".

1085 Section 713E (heading)

Omit "**lodged with ASIC**", substitute "**held by the Registrar**".

1086 Subsection 713E(1)

Omit "document (the ***lodged document***) that has been lodged with ASIC", substitute "lodged document".

1087 Subsection 713E(4)

Omit "ASIC", substitute "the Registrar".

1088 At the end of subsection 713E(4)

Add:

However, the document must satisfy paragraph (b) of the definition of ***lodged document*** (in subsection (6)) and meet any requirements of the data standards.

1089 At the end of section 713E

Add:

(6) A ***lodged document*** is a document that:

(a) is held by the Registrar (including a document that was lodged with ASIC); and

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(b) may be accessed by the public in accordance with the disclosure framework.

1090 Subparagraph 714(1)(e)(i)

Omit "ASIC", substitute "the Registrar".

1091 Subparagraph 714(1)(e)(ii)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

1092 After subsection 714(1)

Insert:

(1A) Lodgement of the copy of the statement must meet any requirements of the data standards.

1093 Subparagraph 715(1)(f)(i)

Omit "ASIC", substitute "the Registrar".

1094 Subparagraph 715(1)(f)(ii)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

1095 After subsection 715(1)

Insert:

(1A) Lodgement of the copy of the statement must meet any requirements of the data standards.

1096 Subsections 716(1) and (1B)

Omit "ASIC", substitute "the Registrar".

1097 Paragraph 716(2)(c)

Omit "ASIC", substitute "the Registrar".

1098 Section 717 (table item 2, column headed "Action required")

Omit "ASIC", substitute "the Registrar".

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1099 Section 717 (table item 4, column headed "Action required")

After "lodged", insert "with the Registrar".

1100 Subsection 718(1)

Omit "ASIC", substitute "the Registrar".

1101 Subsection 718(1) (note 3)

Repeal the note.

1102 Subparagraph 719(1)(c)(i)

After "lodged", insert "with the Registrar".

1103 Subsections 719(1) and (1A)

Omit "ASIC", substitute "the Registrar".

1104 Paragraph 719(2)(c)

Omit "ASIC", substitute "the Registrar".

1105 Subsection 719(2)

After "document must", insert "meet any requirements of the data standards and".

1106 Subsection 719(2)

Omit "ASIC" (last occurring), substitute "the Registrar".

1107 Subsection 719(3)

After "document must", insert "meet any requirements of the data standards and".

1108 Subsections 719(3) to (5)

Omit "ASIC", substitute "the Registrar".

1109 Subparagraphs 719A(1)(c)(i) and (1)(d)(ii)

Omit "ASIC", substitute "the Registrar".

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1110 Paragraph 719A(1)(e)

Omit "ASIC", substitute "the Registrar".

1111 Subsections 719A(2) and (3)

Omit "ASIC", substitute "the Registrar".

1112 Paragraph 719A(4)(c)

Omit "ASIC", substitute "the Registrar".

1113 Subsection 719A(4)

After "document must", insert "meet any requirements of the data standards and".

1114 Subsection 719A(4)

Omit "ASIC" (last occurring), substitute "the Registrar".

1115 Subsection 719A(5)

After "document must", insert "meet any requirements of the data standards and".

1116 Subsection 719A(5)

Omit "ASIC", substitute "the Registrar".

1117 Subsection 719A(6)

After "document must", insert "meet any requirements of the data standards and".

1118 Subsection 719A(6)

Omit "ASIC", substitute "the Registrar".

1119 Section 720

After "The lodgment", insert "with the Registrar".

1120 Subparagraph 724(1)(d)(i)

After "lodged", insert "with the Registrar".

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1121 Subsection 727(1)

Omit "ASIC", substitute "the Registrar".

1122 Subparagraphs 728(1)(c)(i) and 730(1)(c)(i)

After "lodged", insert "with the Registrar".

1123 Subsection 733(4)

After "lodged", insert "with the Registrar".

1124 Subsection 734(4)

Omit "ASIC", substitute "the Registrar".

1125 Subparagraph 738ZG(9)(b)(i)

After "lodged", insert "with the Registrar".

1126 Paragraphs 739(1)(a) and (b)

Omit "ASIC", substitute "the Registrar".

1127 Subsection 792B(5) (note 1)

Repeal the note.

1128 Subsection 792B(5) (note 2)

Omit "Note 2", substitute "Note".

1129 After subsection 792B(5)

Insert:

(6) However, to the extent that the licensee is required to give the notice and information, to ASIC or the Registrar, under any other provision of this Act, the licensee may comply with subsection (5) by giving the notice and information under that other provision.

1130 Section 792C (heading)

Omit "**ASIC**".

1131 Subsections 792C(1) and (2)

Omit "ASIC", substitute "the Registrar".

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1132 Subsection 792C(3)

Repeal the subsection, substitute:

(3) The giving of the information must meet any requirements of the data standards.

1133 Subsection 821B(4) (note 1)

Omit "Note 1", substitute "Note".

1134 Subsection 821B(4) (note 2)

Repeal the note.

1135 After subsection 821B(4)

Insert:

(5) However, to the extent that the licensee is required to give the notice and information, to ASIC or the Registrar, under any other provision of this Act, the licensee may comply with subsection (4) by giving the notice and information under that other provision.

1136 Paragraph 853A(c)

Repeal the paragraph, substitute:

(c) the individual is included in the record the Registrar maintains under section 1274AA.

1137 Subsection 904C(3) (note 1)

Repeal the note.

1138 Subsection 904C(3) (note 2)

Omit "Note 2", substitute "Note".

1139 At the end of section 904C (after the note)

Add:

(4) However, to the extent that the licensee is required to give the notice and information, to ASIC or the Registrar, under any other provision of this Act, the licensee may comply with subsection (3) by giving the notice and information under that other provision.

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1140 Section 910A (definition of *recent advising history*)

Repeal the definition.

1141 Section 910A (definition of *Register of Relevant Providers*)

Repeal the definition.

1142 Section 916F (heading)

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

1143 Subsection 916F(1)

Omit "with ASIC a written notice (in accordance with subsection (2))", substitute "a notice with the Registrar".

1144 After subsection 916F(1)

Insert:

(1AAA) The notice must meet any requirements of the data standards.

1145 Subsection 916F(3)

Omit "notify ASIC, by lodging a written notice,", substitute "lodge a notice with the Registrar".

1146 After subsection 916F(3)

Insert:

(3A) The notice must meet any requirements of the data standards.

1147 Subsection 921J(2) (heading)

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

1148 Paragraph 921J(2)(b)

Omit "entered on the Register of Relevant Providers".

1149 Division 9 of Part 7.6 (heading)

Omit "**Registers**", substitute "**Records**".

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1150 Subdivision A of Division 9 of Part 7.6

Repeal the Subdivision, substitute:

Subdivision A—Records generally

922A Records relating to financial services

(1) The Registrar must maintain records relating to financial services.

Note: The data standards may deal with how the Registrar is to maintain the records.

(2) The regulations may prescribe the fees that a person must pay to the Registrar in relation to access to those records.

Note: For access to these records, see the disclosure framework.

1151 Subdivision B of Division 9 of Part 7.6 (heading)

Omit "**the Register of Relevant Providers**", substitute "**relevant providers**".

1152 Sections 922D to 922G

Repeal the sections, substitute:

922D Obligation to notify the Registrar about a person who becomes a relevant provider

(1) A notice must be lodged under this section with the Registrar if a person becomes a relevant provider.

Note: A financial services licensee required to lodge a notice under this section may obtain information from a relevant provider under section 922N.

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

1153 Section 922H (heading)

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

1154 Subsection 922H(1)

Omit ", in accordance with section 922L,", substitute "with the Registrar".

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1155 Paragraph 922H(1)(a)

Omit "in the Register of Relevant Providers", substitute ", under section 922Q, in the records maintained under section 922A".

1156 Paragraph 922H(1)(b)

Repeal the paragraph, substitute:

(b) a notice is lodged under section 922D in relation to a relevant provider by a financial services licensee without including the information, required by the data standards, relating to:

(i) the relevant financial products in relation to which the relevant provider is authorised to provide personal advice to retail clients; and

(ii) whether the relevant provider is authorised to provide class of product advice in relation to some or all of those products;

and the information becomes known to the licensee after the notice is lodged.

1157 Subsection 922H(2)

Repeal the subsection, substitute:

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

1158 Subsections 922L(1) and (2)

After "A notice", insert "lodged with ASIC".

1159 Section 922M (at the end of the heading)

Add "**or the Registrar**".

1160 Subsection 922M(2)

Repeal the subsection.

1161 Subdivision C of Division 9 of Part 7.6 (heading)

Repeal the heading, substitute:

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Subdivision C—Recording information about relevant providers

1162 Section 922Q

Repeal the section, substitute:

922Q Recording information about relevant providers

The Registrar must enter, in the records maintained under section 922A, details relating to each person who is or was a relevant provider.

Note: The data standards may deal with which details are to be entered in those records.

1163 Section 922R

Omit "ASIC", substitute "The Registrar".

1164 Section 922S

Repeal the section.

1165 Subsection 990B(6)

Omit "written notice with ASIC stating that the licensee has made the appointment and specifying the name of the person or firm", substitute "notice with the Registrar. The notice must meet any requirements of the data standards".

1166 Paragraph 990L(3)(b)

After "ASIC", insert "or the Registrar".

1167 Subparagraphs 1012DA(11)(b)(i) and (ii)

Omit "ASIC", substitute "the Registrar".

1168 Subparagraphs 1013FA(2)(a)(i) and (ii)

Omit "ASIC", substitute "the Registrar".

1169 Paragraph 1013G(a)

Omit "ASIC", substitute "the Registrar".

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1170 Paragraph 1013I(2)(b)

Repeal the paragraph, substitute:

(b) the Registrar provides access to copies of documents lodged with the Registrar in relation to the scheme.

1171 Subparagraphs 1013I(3)(a)(i) and (ii)

Omit "ASIC", substitute "the Registrar".

1172 Section 1013J (heading)

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

1173 Section 1013J

Omit "with ASIC" (wherever occurring), substitute "with the Registrar".

1174 Paragraph 1013J(b)

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

1175 Sections 1014J and 1014L

Omit "ASIC", substitute "the Registrar".

1176 Section 1015B (heading)

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

1177 Subsections 1015B(1) and (2) and 1015D(1)

Omit "ASIC", substitute "the Registrar".

1178 Subsection 1015D(2)

Omit "ASIC, in electronic form,", substitute "the Registrar".

1179 After subsection 1015D(2)

Insert:

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

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1180 Subparagraph 1015E(1)(b)(i)

Omit "ASIC", substitute "the Registrar".

1181 Subsection 1015E(2)

Omit "ASIC", substitute "the Registrar".

1182 Section 1016B (heading)

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

1183 Paragraph 1016B(1)(a)

Omit "ASIC", substitute "the Registrar".

1184 Subparagraphs 1018A(4)(c)(i) and (d)(i)

Omit "ASIC", substitute "the Registrar".

1185 Subparagraphs 1021M(1)(a)(i) and (3)(a)(i)

Omit "ASIC", substitute "the Registrar".

1186 Paragraph 1072E(10)(a)

After "ASIC", insert "or the Registrar".

1187 Section 1100A (heading)

After "**ASIC**", insert "**or the Registrar**".

1188 Subsections 1100A(1) and (2)

After "information to ASIC", insert "or the Registrar".

1189 Subsection 1100A(2)

After "ASIC's", insert "or the Registrar's".

1190 Subsection 1200C(5)

Omit "ASIC", substitute "the Registrar".

1191 Paragraph 1200C(5)(a)

Omit "in the prescribed form (if any)".

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1192 At the end of subsection 1200C(5)

Add:

; and (c) any other documents or information that the data standards require to be lodged.

The notice mentioned in paragraph (a), and the lodgement of that notice and of any document or information mentioned in paragraph (c), must meet any requirements of the data standards.

1193 Paragraph 1200C(6)(b)

Omit "ASIC under section 1200D", substitute "the Registrar under paragraph (5)(b)".

1194 Subsection 1200C(6)

Omit "must have lodged with ASIC", substitute "must have lodged with the Registrar".

1195 At the end of section 1200C

Add:

(7) The lodgement under subsection (6) must meet any requirements of the data standards.

1196 Paragraph 1200D(1)(b)

Omit "(which, if regulations are in force for the purposes of section 1200E, must comply with those regulations)".

1197 Paragraph 1200D(1)(e)

Omit ", in the prescribed form (if any),".

1198 Paragraph 1200D(1)(g)

Omit ", in the prescribed form (if any)".

1199 Paragraph 1200D(1)(h)

Omit "offeror; and", substitute "offeror.".

1200 Paragraph 1200D(1)(i)

Repeal the paragraph.

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1201 Subsections 1200D(2) and (3)

After "a document or information", insert "with the Registrar".

1202 Section 1200E

Repeal the section.

1203 Subsection 1200G(9)

Omit "ASIC", substitute "the Registrar".

1204 At the end of subsection 1200G(9)

Add "The lodgement must meet any requirements of the data standards.".

1205 Subsection 1200G(9) (table, heading to column headed "the offeror must lodge with ASIC:")

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

1206 Subsection 1200G(9) (table items 5 to 7, column headed "the offeror must lodge with ASIC:")

Omit "in the prescribed form (if any)".

1207 After subsection 1200G(9)

Insert:

(9A) A notice mentioned in item 5, 6 or 7 of the table must meet any requirements of the data standards.

1208 Paragraph 1200G(11)(b)

Omit "ASIC", substitute "the Registrar".

1209 Subsection 1200H(2)

Omit "ASIC written notice, in the prescribed form (if any),", substitute "the Registrar notice".

1210 At the end of subsection 1200H(2)

Add:

The notice must meet any requirements of the data standards.

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1211 Paragraph 1200H(3)(b)

Omit "ASIC", substitute "the Registrar".

1212 Paragraph 1200L(1)(a)

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1213 Paragraph 1200L(3)(a)

Omit "ASIC", substitute "the Registrar".

1214 Subsection 1200N(1) (table item 1, column headed "If, in relation to:", paragraph (c))

Omit "1200D(1)(i)", substitute "1200C(5)(c)".

1215 Paragraph 1200R(2)(b)

Omit "ASIC", substitute "the Registrar".

1216 Section 1200S (heading)

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

1217 Section 1200S

Before "If", insert "(1)".

1218 Section 1200S

Omit "ASIC written notice, in the prescribed form (if any),", substitute "the Registrar notice".

1219 At the end of section 1200S

Add:

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

1220 Subparagraph 1213B(5)(a)(iv)

Omit "on the Business Names Register", substitute "under the *Business Names Registration Act 2011*".

1221 Subsection 1274(1)

Omit "must", substitute "may".

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1222 Subparagraph 1274(2)(a)(iaa)

Repeal the subparagraph.

1223 Subparagraph 1274(2)(a)(ia)

Omit "(other than subsection 792C(1), section 1015B or section 1015D)".

1224 Subparagraph 1274(2)(a)(ii)

Omit "1287 (notification of matters by registered auditors),".

1225 Subparagraph 1274(2)(a)(ii)

Omit ", 30-1 of Schedule 2 (annual liquidator returns)".

1226 Subparagraph 1274(2)(a)(iva)

Repeal the subparagraph.

1227 Paragraph 1274(2)(b)

Repeal the paragraph, substitute:

(b) require a certificate authorised by this Act to be given by ASIC; or

1228 Subsections 1274(2A) to (2C)

Repeal the subsections.

1229 Subsection 1274(8)

After "ASIC" (wherever occurring), insert "or the Registrar".

1230 Paragraph 1274(8)(h)

Omit all the words after "supplementary", substitute:

document be lodged:

(i) with ASIC in the prescribed form; or

(ii) with the Registrar in accordance with any requirements of the data standards.

1231 Subsection 1274(9)

After "ASIC" (wherever occurring), insert "or the Registrar".

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1232 Paragraph 1274(11)(a)

After "lodging", insert "with ASIC or the Registrar".

1233 Subsection 1274(11)

After "ASIC" (wherever occurring), insert "or the Registrar".

1234 After subsection 1274(15)

Insert:

(15A) If information about a person is held by the Registrar, the Registrar may at any time require that person to give the Registrar information about the person, being information of the kind held by the Registrar.

1235 Subsection 1274(16)

Omit "The person", substitute "A person to whom subsection (15) or (15A) applies".

1236 At the end of subsection 1274(16)

Add "or the Registrar, as the case requires".

1237 Before section 1274AA

Insert:

1274AAA Evidentiary value of certificate of registration

A certificate issued by the Registrar stating that a company has been registered under this Act is conclusive evidence that:

(a) all requirements of this Act for its registration have been complied with; and

(b) the company was duly registered as a company under this Act on the date specified in the certificate.

1238 Section 1274AA (heading)

Omit "**Register**", substitute "**Records**".

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1239 Subsection 1274AA(1)

Omit "ASIC must keep a register", substitute "The Registrar must maintain records".

1240 Subsections 1274AA(2) and (3)

Repeal the subsections.

1241 Sections 1274A to 1275

Repeal the sections.

1242 Section 1285

Repeal the section, substitute:

1285 Registrar must maintain records of auditors

(1) The Registrar must maintain records of particulars of persons who are registered as auditors, including persons whose registration as an auditor has been suspended.

(2) Maintaining the records may involve removing a record relating to a particular person.

1243 Paragraph 1287(1)(b)

Repeal the paragraph, substitute:

(b) a change occurs in any matter relating to a person who is a registered company auditor;

(i) particulars of which have been recorded by the Registrar; and

(iii) which is specified in the data standards as a matter to which this paragraph applies;

1244 Subsection 1287(1)

Omit ", in the prescribed form,", substitute "with the Registrar".

1245 After subsection 1287(1)

Insert:

(2) The lodgement under subsection (1) must meet any requirements of the data standards.

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1246 Subsection 1287(4)

After "lodge", insert "with ASIC".

1247 Paragraph 1289(5)(b)

After "lodged", insert "with ASIC or the Registrar".

1248 Paragraph 1296(1)(b)

After "paragraph (a)", insert "with ASIC and the Registrar".

1249 At the end of subsection 1296(1)

Add:

The lodgement with the Registrar must meet any requirements of the data standards.

1250 Section 1299E

Repeal the section, substitute:

1299E Registrar must maintain records of authorised audit companies

(1) The Registrar must maintain records of particulars of companies registered as authorised audit companies, including companies whose registration as authorised audit companies has been suspended.

(2) Maintaining the records may involve removing a record relating to a particular company.

1251 Subsection 1299F(3)

Repeal the subsection, substitute:

(3) An authorised audit company must notify the Registrar if a change occurs in any matter relating to the company:
  (a) particulars of which have been recorded by the Registrar; and
  (b) which is specified in the data standards as a matter to which this subsection applies.

1252 Paragraph 1299F(4)(c)

Omit "ASIC in the prescribed form", substitute "the Registrar".

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1253 At the end of subsection 1299F(4)

Add:

; and (d) meet any requirements of the data standards.

1254 Paragraph 1299F(5)(a)

Repeal the paragraph, substitute:

(a) details of a matter would be recorded by the Registrar in relation to the company if it were to be registered; and

1255 Paragraph 1301(1)(d)

After "lodged", insert "with the Registrar".

1256 At the end of paragraph 1301(1)(d)

Add:

; and (iii) meeting any requirements of the data standards.

1257 Paragraph 1301(4)(b)

Repeal the paragraph, substitute:

(b) either:

(i) the corporation does not lodge with the Registrar notice of the change within 14 days after the change; or

(ii) the notice does not meet the requirements (if any) of the data standards;

1258 Subsection 1304(1)

After "lodge" (wherever occurring), insert "with ASIC or the Registrar".

1259 Subsection 1308(2)

After "ASIC", insert "or the Registrar".

Note: This item does not commence at all if Schedule 3 to the *Treasury Laws Amendment (Strengthening Financial Regulators No. 1) Act 2019* commences before or on the same day as the provisions covered by table item 2 in subsection 2(1) of this Act. (See table item 3 in that subsection).

1260 Subsections 1308(4) and (6)

After "lodged", insert "with ASIC or the Registrar".

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Note: This item does not commence at all if Schedule 3 to the *Treasury Laws Amendment (Strengthening Financial Regulators No. 1) Act 2019* commences before or on the same day as the provisions covered by table item 2 in subsection 2(1) of this Act. (See table item 3 in that subsection).

1261 Subparagraphs 1308(1)(a)(ii), (3)(a)(ii), (4)(a)(ii) and (5)(a)(ii)

After "ASIC", insert "or the Registrar".

Note: This item does not commence at all if Schedule 3 to the *Treasury Laws Amendment (Strengthening Financial Regulators No. 1) Act 2019* does not commence. (See table item 4 in subsection 2(1) of this Act).

1262 Section 1310 (heading)

After "**ASIC**", insert "**or the Registrar**".

1263 Section 1310

After "hinder ASIC", insert "or the Registrar".

1264 At the end of subparagraph 1317AA(1)(b)(i)

Add "or the Registrar".

1265 After paragraph 1317AAE(2)(a)

Insert:

(ab) is made to the Registrar; or

1266 Paragraph 1317AAE(3)(a)

After "ASIC,", insert "the Registrar,".

1267 After paragraph 1317B(1)(b)

Insert:

(ba) the Registrar; or

1268 Paragraphs 1317C(d) and (e)

After "ASIC", insert "or the Registrar".

1269 Paragraph 1317C(k)

After "documents etc.", insert "with ASIC or the Registrar".

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1270 Subsection 1317D(1)

After "ASIC,", insert "the Registrar,".

1271 Paragraph 1317DAA(2)(b)

After "lodged" (wherever occurring), insert "with the Registrar".

1272 Paragraph 1317DAE(1)(j)

After "ASIC", insert "or the Registrar".

1273 Paragraph 1317DAE(6)(b)

Omit "ASIC", substitute "the Registrar".

1274 Subparagraph 1317DAE(7)(a)(ii)

Omit "ASIC", substitute "the Registrar".

1275 Subparagraph 1317DAF(3)(b)(ii)

After "ASIC", insert "or the Registrar".

1276 Subsection 1317DAG(2) (table item 3, column headed "If the disclosing entity fails to:")

After "ASIC", insert "or the Registrar".

1277 Paragraph 1322(4)(b)

After "ASIC", insert ", or any information recorded by the Registrar,".

1278 Subparagraph 1325B(1)(b)(iii)

After "ASIC", insert "or the Registrar (or both)".

1279 Section 1344

After "ASIC", insert "or the Registrar".

1280 At the end of subsection 1345A(1A)

Add:

; or (c) the Registrar, a member of the Registrar (if the Registrar is a body with members) or a staff member of the Registrar.

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1281 Subparagraph 1351(4)(a)(i)

Omit "ASIC", substitute "the Registrar".

1282 Paragraph 1354(1)(a)

After "document", insert "with ASIC or the Registrar".

1283 Section 1355

Omit "or ASIC, the Minister or ASIC", substitute ", ASIC or the Registrar, the Minister, ASIC or the Registrar".

1284 Section 1360

After "ASIC", insert "or the Registrar".

1285 After paragraph 1362(a)

Insert:

(ab) imposes on the Registrar a duty to allow the inspection or search of the document, or to make available information; or

1286 Paragraph 1364(2)(m)

After "documents", insert "with ASIC or the Registrar".

1287 Paragraph 1366(a)

After "lodged", insert "with ASIC".

1288 Paragraph 1366(b)

After "documents" (first occurring), insert "lodged with ASIC".

1289 Section 1367

After "be lodged", insert "with ASIC".

1290 Subsection 1389(1)

After "ASIC", insert "or the Registrar".

1291 Section 1392

After "ASIC" (first occurring), insert "or the Registrar".

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1292 Section 1392

Omit "or register it maintains", substitute ", register or records ASIC or the Registrar maintain".

1293 Subsections 1465(3) and 1470(1)

After "ASIC", insert "or the Registrar".

1294 Section 1501B (note)

After "ASIC", insert "or the Registrar".

1295 Section 1546A

Before "In", insert "(1)".

1296 At the end of section 1546A

Add:

(2) A reference in this Part to a provision of this Act as inserted by the amending Act includes a reference to that provision as amended.

1297 Subsection 1546B(3) (note 2)

Omit "ASIC", substitute "The Registrar".

1298 Subsection 1546E(5)

After "those sections", insert ", or in any provisions of the data standards that relate to section 922Q,".

1299 Subsection 1546G(5) (including the note)

Repeal the subsection.

1300 Sections 1546J to 1546N

Repeal the sections.

1301 Sections 1546P, 1546Q, 1546R and 1546W (heading)

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

1302 Subsection 1546W(1)

Omit "under this section, in the prescribed form,", substitute "with the Registrar under this section".

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1303 Subsection 1546W(1)

After "was lodged", insert "with ASIC or the Registrar".

1304 Subsection 1546W(2)

Repeal the subsection, substitute:

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

1305 Section 1546X (heading)

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

1306 Subsection 1546X(1)

Omit "under this section, in the prescribed form,", substitute "with the Registrar under this section".

1307 Subsection 1546X(2)

Repeal the subsection, substitute:

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

1308 Section 1546Y (heading)

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

1309 Subsection 1546Y(1)

Omit "under this section, in the prescribed form,", substitute "with the Registrar under this section".

1310 Subsection 1546Y(2)

Repeal the subsection, substitute:

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

1311 Section 1551 (definition of *Register of Liquidators*)

Repeal the definition.

1312 Section 1554

Repeal the section.

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1313 Subsection 1562(1)

Omit "with ASIC a notice, in the approved form, relating to the event.", substitute "with the Registrar a notice relating to the event. The notice must meet any requirements of the data standards.".

1314 Section 1599 (heading)

After "**ASIC**", insert "**or the Registrar**".

1315 In the appropriate position in Chapter 10

Insert:

Part 10.35—Transitional provisions relating to Schedule 1 to the Treasury Laws Amendment (Registries Modernisation and other Measures) Act 2020

1650 Application of amendments relating to registers under this Act

The amendments made by items 360 to 1371 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020* apply on and after the day (the ***appointment day***) the Minister appoints, under section 1270 of this Act, a Commonwealth body to be the Registrar.

1651 Things started but not finished by ASIC

If:

(a) before the appointment day, ASIC started doing a thing under this Act as in force immediately before the appointment day; and

(b) immediately before that day, ASIC had not finished doing that thing; and

(c) after that day, that thing falls within the powers or functions of the Registrar;

then, on and after that day:

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(d) ASIC may finish doing the thing as if the thing were being done by the Registrar in the performance or exercise of the Registrar's functions or powers; or

(e) if ASIC does not finish doing the thing under paragraph (d)—the Registrar may finish doing the thing in the performance or exercise of the Registrar's functions or powers.

1652 Register of Liquidators

The Registrar must include in the record maintained under section 15-1 of Schedule 2 details contained, immediately before the appointment day, in the Register of Liquidators formerly established and maintained under section 15-1 of Schedule 2 as in force immediately before the appointment day.

1316 Section 5-5 of Schedule 2 (definition of *Register of Liquidators*)

Repeal the definition.

1317 Division 15 of Part 2 of Schedule 2

Repeal the Division, substitute:

Division 15—Registered liquidators

15-1 Recording registration etc. of liquidators

The Registrar must maintain a record relating to persons who are, or have been, registered liquidators.

Note: ASIC notifies the Registrar who should be registered as a liquidator, and whether registrations should be renewed or cancelled: see subsections 20-30(2), 20-75(2) and 40-35(3A).

1318 Subsection 20-30(1) of Schedule 2 (at the end of the note)

Add "or the Registrar".

1319 Subsection 20-30(2) of Schedule 2

Repeal the subsection, substitute:

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(2) ASIC registers the applicant by notifying the Registrar that the applicant should be registered as a liquidator.

1320 Subsection 20-75(2) of Schedule 2

Repeal the subsection, substitute:

(2) ASIC renews the registration of the applicant by notifying the Registrar that the applicant's registration should be renewed.

1321 Subsection 30-1(1) of Schedule 2

Omit "ASIC", substitute "the Registrar".

1322 After subsection 30-1(3) of Schedule 2

Insert:

(3A) The lodgement of a return under subsection (1) must meet any requirements of the data standards.

1323 Subsection 35-5(1) of Schedule 2

Omit "ASIC", substitute "the Registrar".

1324 Section 40-1 of Schedule 2

After "document, to ASIC", insert "or the Registrar".

1325 Section 40-1 of Schedule 2

After "*given to ASIC*", insert "*or the Registrar*".

1326 Section 40-1 of Schedule 2

After "to give ASIC", insert "or the Registrar".

1327 At the end of subsections 40-5(1) and (6) of Schedule 2

Add "or the Registrar".

1328 Subsection 40-10(1) of Schedule 2

After "to ASIC" (wherever occurring), insert "or the Registrar".

1329 Paragraph 40-10(2)(a) of Schedule 2

After "ASIC", insert "or the Registrar (as the case requires)".

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1330 Paragraph 40-15(6)(a) of Schedule 2

After "ASIC", insert "or the Registrar".

1331 Subsection 40-15(7) of Schedule 2

Omit "ASIC's power", substitute "any power of ASIC or the Registrar".

1332 After subsection 40-35(3) of Schedule 2

Insert:

ASIC must notify the Registrar

(3A) ASIC must notify the Registrar of the decision.

1333 Subsection 40-35(4) of Schedule 2 (heading)

After "*notice*", insert "*etc.*".

1334 Subsection 40-35(4) of Schedule 2

After "business days", insert ", or to notify the Registrar under subsection (3A),".

1335 At the end of subsection 40-55(1) of Schedule 2

Add:

; (i) that the Registrar should publish specified information in relation to the committee's decision and the reasons for that decision.

1336 Section 40-65 of Schedule 2

Repeal the section, substitute:

40-65 Giving effect to the committee's decision

ASIC and the Registrar (as applicable) must give effect to the committee's decision.

1337 Section 40-95 of Schedule 2

Before "If", insert "(1)".

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1338 At the end of section 40-95 of Schedule 2

Add:

(2) ASIC and the Registrar (as applicable) must give effect to the committee's decision.

1339 Subparagraph 50-35(2)(b)(v) of Schedule 2

Omit "or ASIC's", substitute ", ASIC's or the Registrar's".

1340 Section 55-1 of Schedule 2

After "ASIC", insert "and the Registrar".

1341 Section 70-1 of Schedule 2

Omit "ASIC" (first and second occurring), substitute "the Registrar".

1342 Subsection 70-5(2) of Schedule 2 (note)

After "lodge", insert "with the Registrar".

1343 Subsection 70-5(3) of Schedule 2

After "lodge", insert "with the Registrar".

1344 Paragraph 70-5(4)(a) of Schedule 2

Repeal the paragraph, substitute:

(a) meet any requirements of the data standards; and

1345 Paragraph 70-5(4)(b) of Schedule 2

Omit "ASIC", substitute "the Registrar".

1346 Subsection 70-5(6) of Schedule 2

After "lodged", insert "with the Registrar".

1347 Subsection 70-6(2) of Schedule 2

After "lodge", insert "with the Registrar".

1348 Paragraph 70-6(3)(a) of Schedule 2

Repeal the paragraph, substitute:

(a) meet any requirements of the data standards; and

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1349 Paragraph 70-6(3)(b) of Schedule 2

Omit "ASIC", substitute "the Registrar".

1350 Subsection 70-6(3) of Schedule 2 (note 2)

Omit "ASIC", substitute "The Registrar".

1351 Subsection 70-6(4) of Schedule 2

After "lodged", insert "with the Registrar".

1352 Subdivision F of Division 70 of Part 3 of Schedule 2 (at the end of the heading)

Add "**or the Registrar**".

1353 Section 70-60 of Schedule 2 (at the end of the heading)

Add "**or the Registrar**".

1354 At the end of subsection 70-60(1) of Schedule 2

Add "or the Registrar (or both)".

1355 Paragraphs 70-60(2)(a) and (b) of Schedule 2

After "produced", insert "to ASIC".

1356 At the end of paragraph 70-60(2)(c) of Schedule 2

Add "to ASIC".

1357 After subsection 70-60(2) of Schedule 2

Insert:

(2A) The giving of information, providing of reports or producing of documents to the Registrar as provided for by the Insolvency Practice Rules must meet any requirements of the data standards.

1358 Subsection 70-60(3) of Schedule 2 (note)

After "ASIC", insert "or the Registrar".

1359 Subclause 4(2) of Schedule 4 (heading)

After "*ASIC*", insert "*or the Registrar*".

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1360 Subclause 4(2) of Schedule 4

After "ASIC", insert "or the Registrar".

1361 Subclause 4(2) of Schedule 4

After "lodged", insert "with ASIC".

1362 Subclause 27(2) of Schedule 4

Omit "ASIC" (wherever occurring), substitute "the Registrar".

1363 At the end of subclause 27(2) of Schedule 4

Add:

The lodgement must meet any requirements of the data standards.

1364 Subparagraph 29(4)(a)(ii) of Schedule 4

Omit "ASIC", substitute "the Registrar".

1365 Subsection 32(1) of Schedule 4

Omit "ASIC must register the disclosure statement if", substitute "The Registrar must register the disclosure statement if ASIC notifies the Registrar that ASIC is".

1366 Paragraph 36(2)(d) of Schedule 4

Omit "ASIC", substitute "the Registrar".

1367 Subparagraph 36(2)(m)(i) of Schedule 4

Omit "ASIC", substitute "the Registrar".

1368 Subparagraph 36(2)(m)(iii) of Schedule 4

Omit "ASIC takes no", substitute "neither ASIC nor the Registrar takes".

Income Tax Assessment Act 1997

1369 Subsection 30-5(4AA) (note)

Repeal the note, substitute:

Note: The fact that gifts to a recipient are deductible will be recorded by the Registrar.

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1370 Paragraph 30-5(4AB)(b)

Repeal the paragraph, substitute:

(b) the *Registrar to keep a record about gifts to the entity or to a fund, authority or institution operated by the entity that are deductible.

1371 Section 30-226

Omit:

> If the entity has an ABN, the Australian Business Registrar must state in the Australian Business Register that the entity is a deductible gift recipient.

substitute:

> If the entity has an ABN, the Registrar must keep a record of the fact that the entity is a deductible gift recipient.

1372 Section 30-229 (heading)

Repeal the heading, substitute:

30-229 Registrar must keep a record of deductibility of gifts to deductible gift recipient

1373 Subsection 30-229(1)

Omit all the words after "*ABN,", substitute "the *Registrar must make a record to the effect that the deductible gift recipient is a deductible gift recipient for a specified period".

1374 Subsection 30-229(1) (note 1)

Repeal the note, substitute:

Note 1: The making (or otherwise) of the record does not affect whether you can deduct a gift to the fund, authority or institution.

1375 Subsection 30-229(3)

Repeal the subsection, substitute:

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(3) The *Registrar may remove the record after the end of the period.

1376 Subsection 30-229(4)

Omit "*Australian Business Registrar", substitute "*Registrar".

1377 Subsection 30-229(4)

Omit "statement appearing in the *Australian Business Register", substitute "record made".

1378 Subsection 30-229(4)

Omit "true", substitute "accurate".

1379 Paragraphs 30-229(4)(a) to (c)

Repeal the paragraphs, substitute:

(a) alter the record; or

(b) remove the record if it is not accurate; or

(c) remove the record and make another record for the purposes of this section.

1380 Section 30-315 (table item 17A)

Repeal the item.

1381 Section 30-315 (after table item 94B)

Insert:

94C	Registrar to record deductible gift recipients	section 30-229

1382 Subsection 995-1(1) (definition of *Australian Business Register*)

Repeal the definition.

1383 Subsection 995-1(1) (definition of *Australian Business Registrar*)

Repeal the definition.

1384 Subsection 995-1(1)

Insert:

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data standards means standards made by the Registrar under section 13 of the *Commonwealth Registers Act 2020* to the extent that they relate to the Registrar's functions or powers in connection with the *A New Tax System (Australian Business Number) Act 1999*.

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

(a) the collection of information; and

(b) the manner and form in which information is given to the Registrar; and

(c) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar.

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

1385 Subsection 995-1(1) (at the end of the definition of *taxation law*)

Add:

; or (d) the *A New Tax System (Australian Business Number) Act 1999* or regulations made under that Act.

National Consumer Credit Protection Act 2009

1386 Section 71 (heading)

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

1387 Subsection 71(1) (heading)

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

1388 Subsection 71(1)

Omit "ASIC a written", substitute "the Registrar a".

1389 Subsection 71(1)

Omit "subsection (3)", substitute "subsection (1A)".

1390 After subsection 71(1)

Insert:

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(1A) A notice under subsection (1) must meet any requirements of the data standards.

1391 At the end of subsection 71(2)

Add "and in the approved form".

1392 Subsection 71(3) (at the end of the heading)

Add "*under subsection (2)*".

1393 Subsection 71(4) (heading)

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

1394 Subparagraph 71(4)(b)(i)

Repeal the subparagraph, substitute:

(i) a detail (if any) required by the data standards to be included in a notice under subsection (1) changes; or

1395 Subsection 71(4)

Omit "ASIC a written", substitute "the Registrar a".

1396 Subsection 71(5)

Repeal the subsection, substitute:

(5) A notice under subsection (4) must meet any requirements of the data standards.

1397 Subsection 72(1)

Omit "ASIC", substitute "the Registrar".

1398 Subsection 72(2)

Omit "ASIC must give written", substitute "The Registrar must give".

1399 Division 2 of Part 5-1 (heading)

Omit "**Registers**", substitute "**Recording information**".

1400 Sections 213 and 214

Repeal the sections, substitute:

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213 Record keeping

The Registrar must maintain a record of information relating to credit activities.

Note: For access to this information, see the disclosure framework under Subdivision C of Division 1A of Part 5-1.

1401 Subparagraph 227(4)(b)(ii)

After "ASIC", insert "or the Registrar".

1402 Section 233

Omit "or ASIC under this Act, the Minister or ASIC", substitute ", ASIC or the Registrar under this Act, the Minister, ASIC or the Registrar".

1403 Section 236

After "ASIC", insert "or the Registrar".

1404 Paragraph 237(a)

After "ASIC", insert "or the Registrar".

1405 Section 240 (heading)

After "**ASIC**", insert "**, the Registrar**".

1406 Subsection 240(1)

After "ASIC,", insert "the Registrar".

1407 Paragraph 240(2)(b)

After "ASIC,", insert "the Registrar".

1408 Subsection 281(1)

After "ASIC" (last occurring), insert "or the Registrar".

1409 Section 323 (paragraph relating to Division 3)

After "ASIC's", insert "or the Registrar's".

1410 Division 3 of Part 7-1 (heading)

Repeal the heading, substitute:

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Division 3—Review of decisions of ASIC or the Registrar

1411 Section 327 (heading)

After "**ASIC**", insert "**or the Registrar**".

1412 Subsection 327(1)

After "ASIC" (first occurring), insert "or the Registrar".

1413 Section 328

After "ASIC" (wherever occurring), insert "or the Registrar".

National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009

1414 After Schedule 6

Insert:

Schedule 7—Application and transitional provisions for the Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020

1 Application of amendments relating to registers under the National Credit Act

The amendments made by items 1388 to 1415 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020* apply on and after the day (the ***appointment day***) the Minister appoints, under section 212A of the National Credit Act, a Commonwealth body to be the Registrar.

2 Things started but not finished by ASIC

If:

(a) before the appointment day, ASIC started doing a thing under the National Credit Act as in force immediately before that day; and

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(b) immediately before that day, ASIC had not finished doing that thing; and

(c) after that day, that thing falls within the powers or functions of the Registrar;

then, on and after that day:

(d) ASIC may finish doing the thing as if the thing were being done by the Registrar in the performance or exercise of the Registrar's functions or powers; or

(e) if ASIC does not finish doing the thing under paragraph (d)—the Registrar may finish doing the thing in the performance or exercise of the Registrar's functions or powers.

Superannuation Industry (Supervision) Act 1993

1415 Subsection 10(1)

Insert:

data standards means standards made by the Registrar under section 13 of the *Commonwealth Registers Act 2020* to the extent that they relate to the Registrar's functions or powers in connection with this Act.

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

(a) the collection of information; and

(b) the manner and form in which information is given to the Registrar; and

(c) the manner and form of communication between the Registrar and persons who give information to the Registrar or seek to access information held by the Registrar.

Registrar has the meaning given by section 21.

1416 Subsection 10(1) (paragraph (rg) of the definition of *reviewable decision*)

After "Regulator", insert "or the Registrar".

1417 At the end of Division 2 of Part 1

Add:

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21 Meaning of *Registrar*

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

(a) if only one Commonwealth body is appointed as Registrar under section 6 of the *Commonwealth Registers Act 2020*—that body; or

(b) if more than one Commonwealth body is appointed under that section, but only one Commonwealth body is appointed under that section with functions and powers in connection with this Act—the Commonwealth body appointed under that section with those functions and powers; or

(c) if more than one Commonwealth body is appointed under that section, and more than one Commonwealth body is appointed under that section with functions and powers in connection with this Act:

(i) if the reference relates to one or more particular functions or powers—any Commonwealth body so appointed with any of those particular functions or powers; or

(ii) otherwise—any of the Commonwealth bodies appointed under that section with functions and powers in connection with this Act.

1418 Section 128H

Before "If", insert "(1)".

1419 Paragraph 128H(c)

Repeal the paragraph, substitute:

(c) a change occurs in any matter required to be included in a record of particulars relating to an approved SMSF auditor or suspended SMSF auditor maintained by the Registrar under section 128J; or

1420 Section 128H

Omit "give to the Regulator, in the approved form, particulars of that event", substitute "notify the Registrar of the event".

1421 Section 128H (note)

Repeal the note.

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1422 At the end of section 128H

Add:

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

1423 Subdivision C of Division 1A of Part 16

Repeal the Subdivision, substitute:

Subdivision C—Registrar must record certain particulars

128J Particulars relating to approved SMSF auditors etc.

(1) The Registrar must maintain records of particulars relating to the following persons:

(a) a person who is an approved SMSF auditor or suspended SMSF auditor;

(b) a person whose registration as an approved SMSF auditor has been cancelled under section 128E;

(c) a person for whom an order disqualifying a person from being an approved SMSF auditor is in force under section 130F.

(2) Maintaining the records may involve removing a record relating to a particular person.

1424 Subsection 128L(1) (table items 6 to 8)

Repeal the items, substitute:

6	Notifying the Registrar of an event under section 128H within 1 month after the notification was due	The person giving the notification
7	Notifying the Registrar of an event under section 128H more than 1 month after the notification was due	The person giving the notification

1425 Subsections 128L(2) and (4)

After "Regulator", insert "(or, for item 6 or 7 of the table, the Registrar)".

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1426 Subsection 128L(4)

After "Regulator's", insert "(or, for one of those table items, the Registrar's)".

1427 Subsection 128L(5)

Omit "(other than a matter referred to in item 8 of the table in subsection (1))".

1428 Subsection 128L(6)

After "Regulator", insert "(or, for item 6 or 7 of the table, the Registrar)".

1429 Section 128M

Repeal the section.

1430 Section 285

After "Regulator,", insert "the Registrar,".

Taxation Administration Act 1953

1431 Subsection 6B(6A)

Repeal the subsection, substitute:

(6A) For the purposes of subsection (6), if the Commissioner is appointed as the Registrar under section 6 of the *Commonwealth Registers Act 2020*, the Commissioner's powers and functions include powers and functions given to the Commissioner in the Commissioner's capacity as that Registrar.

1432 Subsection 8(1A)

Omit "his or her capacity as Registrar of the Australian Business Register", substitute "the Commissioner's capacity as the Registrar (within the meaning of the *A New Tax System (Australian Business Number) Act 1999*)".

1433 Subsection 16-147(5) in Schedule 1

Repeal the subsection, substitute:

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(5) If the Commissioner decides to register the entity, the *Registrar must maintain a record of information relating to registrations under this section.

(6) A record in relation to the registration of an entity is taken to be a notification of the entity for the purposes of subsection (4).

1434 At the end of subsection 16-147(7) in Schedule 1

Add "to register an entity".

1435 Subsection 16-148(7) in Schedule 1

Repeal the subsection, substitute:

(7) The *Registrar must maintain a record of information relating to cancellations of registrations under this section.

1436 At the end of subsection 16-148(8) in Schedule 1

Add "to cancel an entity's registration".

1437 Section 426-1 in Schedule 1

Omit ", and entry of the details of endorsement on the Australian Business Register", substitute "and the recording of information about the endorsement by the Registrar".

1438 Subdivision 426-C of Part 5-35 in Schedule 1 (heading)

Repeal the heading, substitute:

Subdivision 426-C—Registrar must record certain statements

1439 Section 426-65 in Schedule 1 (heading)

Repeal the heading, substitute:

426-65 Registrar must record certain statements

1440 Subsection 426-65(1) in Schedule 1

Omit "an entity that", substitute "an entity".

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1441 Subsection 426-65(1) in Schedule 1

Omit "*Australian Business Registrar must enter in the *Australian Business Register", substitute "*Registrar must make a record of".

1442 Subsection 426-65(1) in Schedule 1 (note 1)

Omit "An entry (or lack of entry)", substitute "The recording (or otherwise)".

1443 Subsection 426-65(2) in Schedule 1

Repeal the subsection, substitute:

(2) The *Registrar may remove the record of the statement after the end of the period.

1444 Subsection 426-65(2A) in Schedule 1

Omit "*Australian Business Registrar must also enter in the *Australian Business Register", substitute "*Registrar must also maintain a record of".

1445 Subsection 426-65(2B) in Schedule 1

Omit "*Australian Business Registrar may remove the statements from the *Australian Business Register", substitute "*Registrar may remove the records of the statements".

1446 Subsection 426-65(3) in Schedule 1

Omit "*Australian Business Registrar must take reasonable steps to ensure that a statement appearing in the *Australian Business Register", substitute "*Registrar must take reasonable steps to ensure that a statement recorded".

1447 Paragraph 426-65(3)(a) in Schedule 1

Before "statement", insert "record of the".

1448 Paragraph 426-65(3)(b) in Schedule 1

Omit "statement from the Register", substitute "record of the statement".

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1449 Paragraph 426-65(3)(c) in Schedule 1

Repeal the paragraph, substitute:

(c) remove the record of the statement and make a record of another statement for the purposes of this section.

1450 Subsection 426-65(4) in Schedule 1

Omit "an entry in the *Australian Business Register", substitute "a record".

1451 Section 426-104 in Schedule 1 (heading)

Repeal the heading, substitute:

426-104 Registrar must record public ancillary fund status

1452 Subsection 426-104(1) in Schedule 1

Omit "*Australian Business Registrar must enter in the *Australian Business Register in relation to the fund", substitute "*Registrar must make a record of".

1453 Subsection 426-104(1) in Schedule 1 (note 1)

Omit "An entry (or lack of entry)", substitute "The recording (or otherwise)".

1454 Subsection 426-104(1) in Schedule 1 (note 2)

Omit "Australian Business Register will also show if a public ancillary fund", substitute "Registrar will also record a statement about a public ancillary fund that".

1455 Subsection 426-104(2) in Schedule 1

Omit "*Australian Business Registrar must take reasonable steps to ensure that a statement appearing in the *Australian Business Register", substitute "*Registrar must take reasonable steps to ensure that a statement recorded".

1456 Paragraph 426-104(2)(a) in Schedule 1

Before "statement", insert "record of the".

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1457 Paragraph 426-104(2)(b) in Schedule 1

Omit "statement from the Register", substitute "record of the statement".

1458 Section 426-115 in Schedule 1 (heading)

Repeal the heading, substitute:

426-115 Registrar must record private ancillary fund status

1459 Subsection 426-115(1) in Schedule 1

Omit "*Australian Business Registrar must enter in the *Australian Business Register in relation to the fund", substitute "*Registrar must make a record of".

1460 Subsection 426-115(1) in Schedule 1 (note 1)

Omit "An entry (or lack of entry)", substitute "The recording (or otherwise)".

1461 Subsection 426-115(1) in Schedule 1 (note 2)

Omit "Australian Business Register will also show if a private ancillary fund", substitute "Registrar will also record a statement about a private ancillary fund that".

1462 Subsection 426-115(2) in Schedule 1

Omit "*Australian Business Registrar must take reasonable steps to ensure that a statement appearing in the *Australian Business Register", substitute "*Registrar must take reasonable steps to ensure that a statement recorded".

1463 Paragraph 426-115(2)(a) in Schedule 1

Before "statement", insert "record of the".

1464 Paragraph 426-115(2)(b) in Schedule 1

Omit "statement from the Register", substitute "record of the statement".

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Part 3—Application of amendments

1465 Application of amendments relating to the Australian Business Register

The amendments made by items 20 to 101, 1372 to 1387 and 1433 to 1466 of this Schedule apply on and after the day the Minister appoints as Registrar, under section 6 of the *Commonwealth Registers Act 2020*, a Commonwealth body with functions and powers in connection with the *A New Tax System (Australian Business Number) Act 1999*.

1466 Application of amendments relating to certain registers under the *Superannuation Industry (Supervision) Act 1993*

The amendments made by items 1417 to 1432 of this Schedule apply on and after the day (the ***appointment day***) the Minister appoints as Registrar, under section 6 of the *Commonwealth Registers Act 2020*, a Commonwealth body with functions and powers in connection with the *Superannuation Industry (Supervision) Act 1993*.

1467 Things started but not finished by ASIC under the *Superannuation Industry (Supervision) Act 1993*

If:

(a) before the appointment day, ASIC started doing a thing under the *Superannuation Industry (Supervision) Act 1993* as in force immediately before that day; and

(b) immediately before that day, ASIC had not finished doing that thing; and

(c) after that day, that thing falls within the powers or functions of the Registrar;

then, on and after that day:

(d) ASIC may finish doing the thing as if the thing were being done by the Registrar in the performance or exercise of the Registrar's functions or powers; or

(e) if ASIC does not finish doing the thing under paragraph (d)—the Registrar may finish doing the thing in

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the performance or exercise of the Registrar's functions or powers.

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Schedule 2—Director identification numbers

Corporations (Aboriginal and Torres Strait Islander) Act 2006

1 After paragraph 21-1(3)(e)

Insert:

(ea) the person's director identification number, or the fact that the person does not have a director identification number;

2 After paragraph 22-1(4)(d)

Insert:

(da) the person's director identification number, or the fact that the person does not have a director identification number;

3 After paragraph 23-1(4)(d)

Insert:

(da) the person's director identification number, or the fact that the person does not have a director identification number;

4 Subsection 304-5(4)

Repeal the subsection (not including the note), substitute:

(4) The personal details of a person who is a director, alternate director, secretary or contact person are:

(a) the person's given and family names; and

(b) all of the person's former given and family names; and

(c) the person's date and place of birth; and

(d) the person's address; and

(e) the person's director identification number, or the fact that the person does not have a director identification number.

5 After Part 6-7

Insert:

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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 2020*: 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

(b) the Commonwealth Registrar has given the person another director identification number.

(4) If:

(a) at the time the person is given a director identification number under this section, the person is not an eligible officer; and

(b) the person does not, within 12 months after that time, become an eligible officer;

the person's director identification number is taken to have been cancelled at the end of the 12 month period.

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308-10 Applying for a director identification number

(1) An eligible officer may apply to the Commonwealth Registrar for a director identification number if the officer does not already have a director identification number.

(2) The Commonwealth Registrar may direct an eligible officer to apply to the Commonwealth Registrar for a director identification number (whether or not the officer already has a director identification number).

(3) A person who is not an eligible officer may apply to the Commonwealth Registrar for a director identification number if:

(a) the person intends to become an eligible officer within 12 months after applying; and

(b) the person does not already have a director identification number.

(4) An application for a director identification number must meet any requirements of the data standards.

Note: A person may commit an offence if the person knowingly gives false or misleading information (see section 561-1 of this Act and section 137.1 of the *Criminal Code*).

308-15 Eligible officers

(1) An ***eligible officer*** is:

(a) a director of an Aboriginal and Torres Strait Islander corporation who:

(i) is appointed to the position of a director; or

(ii) is appointed to the position of an alternate director and is acting in that capacity;

regardless of the name that is given to that position; or

(b) any other officer of an Aboriginal and Torres Strait Islander corporation who is an officer of a kind prescribed by the regulations;

but does not include a person covered by a determination under subsection (2) or (3).

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(2) The Commonwealth Registrar may determine that a particular person is not an ***eligible officer***. The Commonwealth Registrar must notify the person of the determination.

(3) The Commonwealth Registrar may, by legislative instrument, determine that a class of persons are not ***eligible officers***.

308-20 Requirement to have a director identification number

(1) An eligible officer commits an offence if the officer does not have a director identification number.

Penalty: 25 penalty units.

(2) Subsection (1) does not apply if:

(a) the officer applied to the Commonwealth Registrar under section 308-10 for a director identification number:

(i) before the day the officer first became an eligible officer (or an eligible officer within the meaning of the *Corporations Act 2001*); or

(ii) if the regulations specify an application period—within that period, starting at the start of that day; or

(iii) within the longer period (if any) the Commonwealth Registrar allows under section 308-30, starting at the start of that day; and

(b) the application, and any reviews arising out of it, have not been finally determined or otherwise disposed of.

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

(3) Subsection (1) does not apply if the officer became an eligible officer without the officer's knowledge.

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

(4) An offence based on subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(5) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: This subsection is a civil penalty provision (see section 386-1).

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Note 2: Section 694-55 defines ***involved in***.

308-25 Requirement to apply for a director identification number

(1) An eligible officer commits an offence if:

(a) the Commonwealth Registrar, under subsection 308-10(2), directs the officer to apply for a director identification number; and

(b) the officer does not apply to the Commonwealth Registrar under section 308-10 for a director identification number:

(i) within the application period under subsection (2) of this section; or

(ii) within such longer period as the Commonwealth Registrar allows under section 308-30.

Penalty: 25 penalty units.

(2) The application period is the period of:

(a) the number of days specified in the direction; or

(b) if the number of days is not specified in the direction—28 days;

after the day the Commonwealth Registrar gives the direction.

(3) An offence against subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: This subsection is a civil penalty provision (see section 386-1).

Note 2: Section 694-55 defines ***involved in***.

308-30 Commonwealth Registrar may extend application periods

(1) The Commonwealth Registrar may, on the application of an eligible officer, allow, as a longer period for applying to the Commonwealth Registrar under section 308-10 for a director identification number:

(a) the period specified in the application; or

(b) such other period as the Commonwealth Registrar considers reasonable.

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Note: An application for an extension of the period for applying can be made, and the period can be extended, after the period has ended: see section 694-50.

(2) The Commonwealth Registrar may, by legislative instrument, allow, for persons included in a specified class of persons, a longer period for applying to the Commonwealth Registrar under section 308-10 for a director identification number.

308-35 Infringement notices

(1) Subsections 308-20(1) and 308-25(1) are subject to an infringement notice under Part 5 of the Regulatory Powers Act.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officer

(2) For the purposes of Part 5 of the Regulatory Powers Act, each member of the staff of the Commonwealth Registrar who holds, or is acting in, an office or position that is equivalent to an SES employee is an infringement officer in relation to subsections 308-20(1) and 308-25(1) of this Act.

Relevant chief executive

(3) For the purposes of Part 5 of the Regulatory Powers Act, the relevant chief executive in relation to subsections 308-20(1) and 308-25(1) of this Act is:

(a) the person specified as the relevant chief executive in the Commonwealth Registrar's instrument of appointment under section 6 of the *Commonwealth Registers Act 2020*; or

(b) if there is no person specified—the Commonwealth Registrar.

Matters to be included in an infringement notice

(4) Subparagraph 104(1)(e)(iii) of the Regulatory Powers Act applies to an infringement notice relating to an alleged contravention of subsection 308-20(1) or 308-25(1) of this Act as if that subparagraph did not require the notice to give details of the place of the contravention.

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308-40 Applying for additional director identification numbers

(1) A person commits an offence if:

(a) the person applies for a director identification number; and

(b) the person knows that the person already has a director identification number.

Penalty: 100 penalty units or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply if the Commonwealth Registrar directed the person under subsection 308-10(2) to make the application.

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

(3) Subsection (1) does not apply if the person purports to make the application only in relation to Part 9.1A of the *Corporations Act 2001*.

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

(4) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: This subsection is a civil penalty provision (see section 386-1).

Note 2: Section 694-55 defines ***involved in***.

308-45 Misrepresenting director identification numbers

(1) A person commits an offence if the person intentionally represents to an Aboriginal and Torres Strait Islander corporation, as the director identification number of the person or another person, a number that is not that director identification number.

Penalty: 100 penalty units or imprisonment for 12 months, or both.

(2) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: This subsection is a civil penalty provision (see section 386-1).

Note 2: Section 694-55 defines ***involved in***.

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6 After paragraph 386-1(1)(b)

Insert:

(ba) subsections 308-20(5), 308-25(4), 308-40(4) and 308-45(2) (director identification numbers);

7 At the end of Division 694

Add:

694-120 Commonwealth Registrar

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

(a) if only one Commonwealth body is appointed under section 6 of the *Commonwealth Registers Act 2020*—that body; or

(b) if more than one Commonwealth body is appointed under that section, but only one Commonwealth body is appointed under that section with functions and powers in connection with this Act—the Commonwealth body appointed under that section with those functions and powers; or

(c) if more than one Commonwealth body is appointed under that section, and more than one Commonwealth body is appointed under that section with functions and powers in connection with this Act:

(i) if the reference relates to one or more particular functions or powers—any Commonwealth body appointed with any of those particular functions or powers; or

(ii) otherwise—any of the Commonwealth bodies appointed under that section with functions and powers in connection with this Act.

8 Section 700-1

Insert:

Commonwealth body has the same meaning as in the *Commonwealth Registers Act 2020*.

Commonwealth Registrar has the meaning given by section 694-120.

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data standards means standards made by the Registrar under section 13 of the *Commonwealth Registers Act 2020* 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 1272 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*.

9 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 6 of the *Commonwealth Registers Act 2020*:

(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* as amended by this Act.

(2) If a person was an eligible officer immediately before the application day:

(a) if a period (the ***transitional application period***) is specified under subsection (3) of this section—section 308-20 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* as amended by this Act applies to the person as if:

(i) the reference in subparagraph 308-20(2)(a)(ii) of that Act as so amended to an application period specified by regulations were instead a reference to the transitional application period; and

(ii) references in paragraph 308-20(2)(a) of that Act as so amended to the day the person first became an eligible officer (or an eligible officer within the meaning of the

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Corporations Act 2001) were instead references to the day the transitional application period came into effect; and

(b) until the transitional application period comes into effect—section 308-20 of that Act as so amended does not apply to the person.

(3) The Minister may, by legislative instrument, specify the transitional application period for the purposes of subsection (2).

(4) If a person:

(a) was not an eligible officer immediately before the application day; and

(b) becomes an eligible officer within the 12 month period starting on the application day;

section 308-20 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* as amended by this Act applies to the person as if a period of 28 days were the application period specified in regulations made for the purposes of subparagraph 308-20(2)(a)(ii) of that Act as so amended.

Corporations Act 2001

10 Section 9

Insert:

director identification number means a director identification number given under:

(a) section 1272; or

(b) section 308-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

eligible officer has the meaning given by section 1272B.

11 Before Part 9.1

Insert:

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Part 9.1A—Director identification numbers

1272 Giving and cancelling director identification numbers

(1) The Registrar must, by notifying a person who has applied under section 1272A, give the person a director identification number if the Registrar is satisfied that the person's identity has been established.

(2) The Registrar must make a record of the person's director identification number.

(3) The Registrar may, by notifying a person, cancel the person's director identification number if:

(a) the Registrar is no longer satisfied that the person's identity has been established; or

(b) the Registrar has given the person another director identification number.

(4) If:

(a) at the time the person is given a director identification number under this section, the person is not an eligible officer; and

(b) the person does not, within 12 months after that time, become an eligible officer;

the person's director identification number is taken to have been cancelled at the end of the 12 month period.

1272A Applying for a director identification number

(1) An eligible officer may apply to the Registrar for a director identification number if the officer does not already have a director identification number.

(2) The Registrar may direct an eligible officer to apply to the Registrar for a director identification number (whether or not the officer already has a director identification number).

(3) A person who is not an eligible officer may apply to the Registrar for a director identification number if:

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(a) the person intends to become an eligible officer within 12 months after applying; and

(b) the person does not already have a director identification number.

(4) An application for a director identification number must meet any requirements of the data standards.

Note: A person may commit an offence if the person knowingly gives false or misleading information (see section 1308 of this Act and section 137.1 of the *Criminal Code*).

1272B Eligible officers

(1) An ***eligible officer*** is:

(a) a director of a company, or of a body corporate that is a registered Australian body or registered foreign company, who:

(i) is appointed to the position of a director; or

(ii) is appointed to the position of an alternate director and is acting in that capacity;

regardless of the name that is given to that position; or

(b) any other officer of a company, or of a body corporate that is a registered Australian body or registered foreign company, who is an officer of a kind prescribed by the regulations;

but does not include a person covered by a determination under subsection (2) or (3).

(2) The Registrar may determine that a particular person is not an ***eligible officer***. The Registrar must notify the person of the determination.

(3) The Registrar may, by legislative instrument, determine that a class of persons are not ***eligible officers***.

1272C Requirement to have a director identification number

(1) An eligible officer must have a director identification number.

(2) Subsection (1) does not apply if:

(a) the officer applied to the Registrar under section 1272A for a director identification number:

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(i) before the day the officer first became an eligible officer (or an eligible officer within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*); or

(ii) if the regulations specify an application period—within that period, starting at the start of that day; or

(iii) within the longer period (if any) the Registrar allows under section 1272E, starting at the start of that day; and

(b) the application, and any reviews arising out of it, have not been finally determined or otherwise disposed of.

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

(3) Subsection (1) does not apply if the officer became an eligible officer without the officer's knowledge.

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

(4) An offence based on subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(5) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: Subsection (5) is a civil penalty provision (see section 1317E).

Note 2: Section 79 defines ***involved***.

1272D Requirement to apply for a director identification number

(1) An eligible officer whom the Registrar has directed under subsection 1272A(2) to apply for a director identification number must apply to the Registrar under section 1272A for a director identification number:

(a) within the application period under subsection (2) of this section; or

(b) within such longer period as the Registrar allows under section 1272E.

(2) The application period is the period of:

(a) the number of days specified in the direction; or

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(b) if the number of days is not specified in the direction—28 days;

after the day the Registrar gives the direction.

(3) An offence based on subsection (1) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: Subsection (3) is a civil penalty provision (see section 1317E).

Note 2: Section 79 defines ***involved***.

1272E Registrar may extend application periods

(1) The Registrar may, on the application of an eligible officer, allow, as a longer period for applying to the Registrar under section 1272A for a director identification number:

(a) the period specified in the application; or

(b) such other period as the Registrar considers reasonable.

Note: An application for an extension of the period for applying can be made, and the period can be extended, after the period has ended: see section 70.

(2) The Registrar may, by legislative instrument, allow, for persons included in a specified class of persons, a longer period for applying to the Registrar under section 1272A for a director identification number.

1272F Infringement notices

(1) Subsections 1272C(1) and 1272D(1) are subject to an infringement notice under Part 5 of the Regulatory Powers Act.

Note: Part 5 of the Regulatory Powers Act creates a framework for using infringement notices in relation to provisions.

Infringement officer

(2) For the purposes of Part 5 of the Regulatory Powers Act, each member of the staff of the Registrar who holds, or is acting in, an office or position that is equivalent to an SES employee is an

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infringement officer in relation to subsections 1272C(1) and 1272D(1) of this Act.

Relevant chief executive

(3) For the purposes of Part 5 of the Regulatory Powers Act, the relevant chief executive in relation to subsections 1272C(1) and 1272D(1) of this Act is:

(a) the person specified as the relevant chief executive in the Registrar's instrument of appointment under section 1270; or

(b) if there is no person specified—the Registrar.

Matters to be included in an infringement notice

(4) Subparagraph 104(1)(e)(iii) of the Regulatory Powers Act applies to an infringement notice relating to a contravention of subsection 1272C(1) or 1272D(1) of this Act as if that subparagraph did not require the notice to give details of the place of the contravention.

1272G Applying for additional director identification numbers

(1) A person must not apply for a director identification number if the person knows that the person already has a director identification number.

Note: Failure to comply with this subsection is an offence: see subsection 1311(1).

(2) Subsection (1) does not apply if the Registrar directed the person under subsection 1272A(2) to make the application.

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

(3) Subsection (1) does not apply if the person purports to make the application only in relation to Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

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

(4) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

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Note 1: Subsection (4) is a civil penalty provision (see section 1317E).

Note 2: Section 79 defines ***involved***.

1272H Misrepresenting director identification numbers

(1) A person must not intentionally represent to a Commonwealth body, company or registered body, as the director identification number of the person or another person, a number that is not that director identification number.

Note: Failure to comply with this subsection is an offence: see subsection 1311(1).

(2) A person who contravenes, or is involved in a contravention of, subsection (1) contravenes this subsection.

Note 1: Subsection (2) is a civil penalty provision (see section 1317E).

Note 2: Section 79 defines ***involved***.

12 In the appropriate position in subsection 1317E(3)

Insert:

subsection 1272C(5)	requirement to have a director identification number	financial services
subsection 1272D(4)	requirement to apply for a director identification number	financial services
subsection 1272G(4)	applying for additional director identification numbers	financial services
subsection 1272H(2)	misrepresenting a director identification number	financial services

13 In the appropriate position in Chapter 10

Insert:

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Part 10.35A—Transitional provisions relating to Schedule 2 to the Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020

1653 Director identification numbers

(1) Part 9.1A applies on and after the day (the ***application day***) the Minister appoints, under section 1270:

(a) a Commonwealth body to be the Registrar; or

(b) if more than one such body is appointed—such a body with functions and powers in connection with Part 9.1A.

(2) If a person was an eligible officer immediately before the application day:

(a) if a period (the ***transitional application period***) is specified under subsection (3) of this section—section 1272C applies to the person as if:

(i) the reference in subparagraph 1272C(2)(a)(ii) to an application period specified by regulations were instead a reference to the transitional application period; and

(ii) references in paragraph 1272C(2)(a) to the day the person first became an eligible officer (or an eligible officer within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*) were instead references to the day the transitional application period came into effect; and

(b) until the transitional application period comes into effect—section 1272C does not apply to the person.

(3) The Minister may, by legislative instrument, specify the transitional application period for the purposes of subsection (2).

(4) If a person:

(a) was not an eligible officer immediately before the application day; and

(b) becomes an eligible officer within the 12 month period starting on the application day;

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section 1272C applies to the person as if a period of 28 days were the application period specified in regulations made for the purposes of paragraph 1272C(2)(b).

14 In the appropriate position in Schedule 3

Insert:

Subsection 1272C(1)	60 penalty units
Subsection 1272D(1)	60 penalty units
Subsection 1272G(1)	1 year imprisonment
Subsection 1272H(1)	1 year imprisonment

Income Tax Assessment Act 1936

15 At the end of section 202

Add:

; and (u) to facilitate the administration of Part 9.1A of the *Corporations Act 2001* and Part 6-7A of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Taxation Administration Act 1953

16 Paragraphs 8WA(1AA)(b) and 8WB(1A)(a) and (b)

Omit "or (t)", substitute ", (t) or (u)".

[*Minister's second reading speech made in—*
House of Representatives on 4 December 2019
Senate on 13 February 2020]

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