



Commonwealth Registers Rules 2021

I, Jane Hume, Minister for Superannuation, Financial Services and the Digital Economy, make the following rules.

Dated 25 March 2021

Jane Hume
Minister for Superannuation, Financial Services and the Digital Economy

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Part 1—Preliminary

1 Name

This instrument is the *Commonwealth Registers Rules 2021*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) 4 April 2021.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the following:

- (a) the *Business Names Registration Act 2011*; and
- (b) the *Commonwealth Registers Act 2020*; and
- (c) the *Corporations Act 2001*; and
- (d) the *National Consumer Credit Protection Act 2009*.

4 Definitions

Note: Paragraph 13(1)(b) of the *Legislation Act 2003* has the effect that expressions have the same meaning in this instrument as in the *Business Names Registration Act 2011*, *Commonwealth Registers Act 2020*, *Corporations Act 2001* and *National Consumer Credit Protection Act 2009* as appropriate and as in force from time to time.

In this instrument:

ASIC means the Australian Securities and Investments Commission.

business names registration legislation means:

- (a) the *Business Names Registration Act 2011*; and
- (b) the *Business Names Registration (Transitional and Consequential Provisions) Act 2011*; and

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- (c) a legislative instrument made under an Act mentioned in paragraph (a) or (b).

Corporations legislation has the meaning given by the *Corporations Act 2001* but also includes a legislative instrument made under that Act or the *Australian Securities and Investments Commission Act 2001*.

excluded law has the meaning given by the *Commonwealth Registers Act 2020*.

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

Part 2—Additional functions of the Registrars

5 Additional functions of the Commonwealth Registers Act Registrar

- (1) For the purposes of paragraph 7(b) of the *Commonwealth Registers Act 2020*, all of the following functions of the Registrar (within the meaning of that Act) are prescribed:
 - (a) to assist ASIC in the performance of each function conferred on it by a law of the Commonwealth (other than an excluded law) and that will instead be conferred on the Registrar following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act;
 - (b) to prepare for, and implement all systems necessary for, the conferral on the Registrar of functions, by a law of the Commonwealth (other than an excluded law), following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act.
- (2) Subsection (1) no longer applies in relation to a particular function once a law of the Commonwealth (other than this instrument) confers that function on the Registrar.

6 Additional functions of the Business Names Registration Act Registrar

- (1) For the purposes of paragraph 62B(b) of the *Business Names Registration Act 2011*, all of the following functions of the Registrar (within the meaning of that Act) are prescribed:
 - (a) to assist ASIC in the performance of each function conferred on it by the business names registration legislation and that will instead be conferred on the Registrar following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act;
 - (b) to prepare for, and implement all systems necessary for, the conferral on the Registrar of functions, by the business names registration legislation, following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act.
- (2) Subsection (1) no longer applies in relation to a particular function once the business names registration legislation (other than this instrument) confers that function on the Registrar.

7 Additional functions of the Corporations Act Registrar

- (1) For the purposes of paragraph 1270A(b) of the *Corporations Act 2001*, all of the following functions of the Registrar (within the meaning of that Act) are prescribed:
 - (a) to assist ASIC in the performance of each function conferred on it by the Corporations legislation and that will instead be conferred on the Registrar following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act;
 - (b) to prepare for, and implement all systems necessary for, the conferral on the Registrar of functions, by the Corporations legislation, following the

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commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act.

- (2) Subsection (1) no longer applies in relation to a particular function once the Corporations legislation (other than this instrument) confers that function on the Registrar.

8 Additional functions of the National Consumer Credit Protection Act Registrar

- (1) For the purposes of paragraph 212B(b) of the *National Consumer Credit Protection Act 2009*, all of the following functions of the Registrar (within the meaning of that Act) are prescribed:
- (a) to assist ASIC in the performance of each function conferred on it by the Commonwealth credit legislation (within the meaning of the *National Consumer Credit Protection Act 2009*) and that will instead be conferred on the Registrar following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act;
 - (b) to prepare for, and implement all systems necessary for, the conferral on the Registrar of functions, by the Commonwealth credit legislation, following the commencement of one or more items in Part 2 of Schedule 1 to the Registries Modernisation Act.
- (2) Subsection (1) no longer applies in relation to a particular function once the Commonwealth credit legislation (other than this instrument) confers that function on the Registrar.