

~~Newman on his visit to the golden triangle region south of Emerald on the Springsure Creek—and it is Arcturus Downs, not Springsure—in my electorate are this precisely. Mr Newman told the people of the golden triangle and also other interested parties and media groups there that an LNP government would not mine strategic cropping land—open cut or underground. In the case of Springsure Creek, his comment was that, now that Bandanna Energy has permission from this government with their exploration permit to progress, at no such time can an LNP opposition block this; only a Labor government can block it. If that project is in progress after a change of government—if that eventuates—an LNP government will not be able to block a project that is already in progress. It is up to the current Labor government to block that project.~~

~~Mr SPEAKER: I did allow some latitude there. In a personal explanation the honourable gentleman should demonstrate how he has been personally impacted by it.~~

~~Mr JOHNSON: Thank you, Mr Speaker.~~

~~Mr FRASER: It was two bob each way. It was not a personal explanation.~~

~~Ms SPENCE: He never mentioned himself.~~


~~Mr SPEAKER: Those on my right will cease interjecting.~~

~~Mr JOHNSON: I was present. On two occasions in this House the minister has levelled that criticism at me. I was a part of that party with Campbell Newman at Arcturus Downs. I find it offensive. I will be writing to you, Mr Speaker, about this matter.~~

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BUSINESS NAMES (COMMONWEALTH POWERS) BILL

Introduction and Referral to the Legal Affairs, Police, Corrective Services and Emergency Services Committee

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (3.38 pm): I present a bill for an act to refer certain matters relating to the registration and use of business names to the parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Commonwealth Constitution, and to provide for related matters. I table the bill and explanatory notes. I nominate the Legal Affairs, Police, Corrective Services and Emergency Services Committee to consider the bill.

Tabled paper: Business Names (Commonwealth Powers) Bill 2011.

Tabled paper: Business Names (Commonwealth Powers) Bill 2011, explanatory notes.

The Business Names (Commonwealth Powers) Bill 2011 proposes to refer legislative power of this House to the Commonwealth parliament to make legislation for the registration of business names. The bill follows on from this government's commitment to the Council of Australian Governments, COAG, agreement in 2008 to transfer responsibility for the registration of business names from state and territory governments to the Australian government.

This bill represents an important step in the government's commitment to making life simpler for Queensland businesses by cutting red tape. Mr Deputy Speaker O'Brien, you might be interested to know that in Queensland approximately 40,574 new business names are registered annually. The register currently holds approximately 261,000 business names in total. Currently, the cost to register a business in Queensland is \$133.60 for one year. Under the new national system, the charge will be \$30—that is an 80 per cent decrease in fees for Queensland businesses.

A business name is the simplest and, in many cases, most convenient method for a business to establish a profile and customer base in the marketplace. It is an identifier and it also is a meaningful way to distinguish a business from its competition. As it currently stands, businesses have to register their business name in each of the states or territories they trade in. For some businesses this is a considerable administrative burden and one which the referral of power to the Commonwealth seeks to redress.

As I have already noted, the bill proposes to refer legislative power of this parliament. A collaborative approach by the COAG means that the text of the proposed Commonwealth Business Names Registration Bill 2011 was developed by representatives of all state, territory and Commonwealth jurisdictions.

The COAG business names registration project proposes a new business model to develop a seamless, single online registration system for both Australian business numbers and business names, including trademark searching. This will be done through the establishment of a national registration system which will also deliver online business information services and improve ongoing interactions between government and business, through such innovations as automatic form filling—single, simple registrations that can be filled out online and paid for online and at a lower cost. The red tape reduction for businesses in Queensland is clear.

I will now take members briefly through the components of the bill because I know that they are very interested in them. The referral of power is proposed in two manners. Firstly, the bill proposes an initial text based referral through reference to the text of the proposed Commonwealth bill as tabled in the Tasmanian Legislative Assembly on 5 July 2011. The text based method was chosen as one of the strongest ways to safeguard the states rights with the referral of power by restricting the power of the Commonwealth parliament in the drafting of its proposed bill.

The bill also contains a subject matter amendment reference for the Commonwealth parliament. This has been constrained by proposing amendments only being made under certain circumstances. The bill goes further in restricting this subject matter amendment reference by carving out specific areas which do not fall into the proposed amending power of the Commonwealth parliament.

COAG has also agreed to an intergovernmental agreement for this project. This agreement governs the ministerial voting procedures for making any amendments to the Commonwealth Business Names Registration Bill the subject of the initial text based reference.

I now turn to those provisions in the bill which propose to allow the chief executive of my department to transfer existing Queensland Business Names Register data to the Australian Securities and Investments Commission. The transfer of this data is for the purposes of establishing or maintaining the proposed new national online register to be managed by ASIC.

The bill proposes also to allow the chief executive to give ASIC notice, to be allowed under the proposed Commonwealth transitional act, that a business name is to be held and not registered on the ASIC register. The purpose of this notice is to reserve a proposed business name where my department has received an application to register a business name before the commencement of the national scheme and a decision has not been reached at that time. Once a decision is reached to grant the registration of the proposed name, the chief executive will notify ASIC to do so on the national register.


In allowing this transfer of information, the bill proposes to provide officers of my department with protection from civil liability for acts or omissions made honestly and without negligence when carrying out these functions. I do note this provision is a standard provision in Queensland legislation when carrying out such functions. An aggrieved person is also not prevented from bringing an action in relation to this transfer of information as any liability attaches to the state.

At its core, registration of a business name is about ensuring there is no confusion in the marketplace for consumers and this is done by ensuring identical names are not registered. So, if a business goes to register a new name and there is an identical match, that business can then think of a way of distinguishing the name. One common way this might occur is by using their state of origin in brackets following their business name.

I will now provide members with some brief comments regarding the remaining elements of the bill. The bill proposes to repeal the current Business Names Act 1962 and its regulation, but in doing so it allows certain provisions to continue in their operation. This continuation is to allow for those applications received by my department but not decided at the commencement of the national register, referred to as the 'changeover day'. These continued provisions work in tandem with the proposed Commonwealth Transitional Act and proposed business names held under that proposed act.

Finally, the bill proposes several consequential amendments to the Queensland statute book referring to the proposed national ASIC Business Names Register and the Commonwealth legislation.

First Reading

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (3.45 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.

~~CIVIL PROCEEDINGS BILL~~

~~Message from Governor~~

 ~~**Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (3.45 pm): I present a message from Her Excellency the Governor.~~