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## Legislative Instrument

# Business Names Registration—Transitional Registry Disclosure Framework 2022

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I, Chris Jordan, Commissioner of Taxation in my capacity as the Registrar, make this instrument under subsection 62L(1) of the *Business Names Registration Act 2011* for the purpose of the disclosure of registry information.

**Chris Jordan**  
Registrar

16 June 2022

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### 1 Name

This instrument is the *Business Names Registration—Transitional Registry Disclosure Framework 2022*.

### 2 Commencement

This instrument commences immediately after the commencement of item 20 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020*.

### 3 Authority

This instrument is made under the *Business Names Registration Act 2011*.

### 4 Definitions

Note: A number of terms used in this instrument are defined in the *Business Names Registration Act 2011*, including the following:

- (a) official employment;
- (b) protected information;
- (c) Registrar.

In this instrument:

**commencement day** means the day on which item 20 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures) Act 2020* commences.

**BNR Acts** means the *Business Names Registration Act 2011* and *Business Names Registration (Transitional and Consequential Provisions) Act 2011*.

**old BNR Acts** means the *Business Names Registration Act 2011* and *Business Names Registration (Transitional and Consequential Provisions) Act 2011* as in force immediately before the commencement of this instrument.

**old BNR instrument** means an instrument, prescribed form or approved form made under the old BNR Acts.

**registry information** means any information that is protected information within the meaning of the BNR Acts; for the avoidance of doubt, that includes information:

- (a) provided to, obtained or held by the Registrar in connection with particular functions or powers of the Registrar; or
- (b) provided to, obtained or held by ASIC on behalf of the Registrar in connection with particular functions or powers of the Registrar.

## **5 Disclosure of registry information**

- (1) The disclosure of registry information is permitted by this instrument where:
  - (a) ASIC would have been permitted to make the disclosure immediately prior to the commencement day under:
    - (i) the old BNR Acts
    - (ii) the old BNR instruments; or
    - (iii) the *Australian Securities and Investments Commission Act 2001*; or
  - (b) the disclosure is to ASIC or persons in official employment of ASIC; or
  - (c) the disclosure is of information that has been lawfully made available to the public prior to the commencement day.

Note: The effect of this subsection is that a disclosure of protected information in accordance with this instrument is authorised by paragraph 62M(3)(f) of the *Business Names Registration Act 2011*.
- (2) Without limiting subsection (1), registry information that may be disclosed in accordance with that subsection may be disclosed by ASIC, the Registrar or persons in official employment of ASIC or the Registrar.
- (3) For the avoidance of doubt, and without limiting subsections (1) and (2), a disclosure that is permitted by those subsections may be made:
  - (a) using notices, forms or systems or any other means by which the disclosure would have been made by ASIC immediately before the commencement day; or
  - (b) in accordance with any arrangement that was in place immediately before the commencement day.
- (4) All arrangements in relation to payments for the disclosure of registry information in place immediately before the commencement date apply on and from the commencement date.

## **6 Application to prevent the disclosure of particular protected information**

- (1) Any application to the Registrar made under section 62P of the *Business Names Registration Act 2011* is to be made on the same basis as an application under subsection 60(6) of the *Business Names Registration Act 2011* as in force immediately before the commencement of this instrument was permitted to be made to ASIC.
- (2) The Registrar may decide the application on the same basis as ASIC would have decided an application under subsection 60(6) of the *Business Names Registration Act 2011* as in force immediately before the commencement of this instrument.
- (3) For the avoidance of doubt, and without limiting subsections (1) and (2), the application or the decision may be made using notices, forms or systems or any other means by which the application would have been made to ASIC or the decision would have been made by ASIC under the old BNR Acts.