



**ASIC**  
Australian Securities &  
Investments Commission

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and Investments Commission**

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Our Reference:



24 April 2023



Thank you for your email dated 13 April 2023 addressed to the Australian Taxation Office (**ATO**) which has been referred to the Australian Securities and Investments Commission (**ASIC**) for response. In your email, you have raised concerns about a business name that appeared on the public Business Names register, Ultimate Holding for all Company (**the Business Name**).

### **The Business Names register**

ASIC is responsible for registering, renewing and administering business names for all Australian businesses under the *Business Names Registration Act 2011* and the *Business Names Registration Regulations 2011* (**legislative framework**).

ASIC maintains information on the Business Names Register by reference to business name registration applications and notification from business name-holders, as lodged with ASIC. Under the legislative framework, certain details regarding a business name or entity must be made public by ASIC on the internet, or otherwise free of charge. This information is available via the Business Names Register.

### **Business Names and business name registration**

A business name is a name or title under which a person or entity conducts a business. A business name is not an entity. A person or entity may apply to ASIC to register a business name. Section 24 of the *Business Names Registration Act 2001* (**BNR Act**) requires ASIC to register a business name if an applicant provides that the following conditions are met:

- a) The entity has an ABN; and
- b) The registration fee has been paid; and
- c) The name is available to the entity; and
- d) The entity is not disqualified

Once a business name has been registered, ASIC is required to publish details about the business name on the public Business Names Register, in accordance with section 22 of the BNR Act.

**ASIC Action**

Confidentiality provisions within the BNR Act prevent disclosure of details about the particular circumstances under which the business name registration for Ultimate Holding for all Company came to be removed from the Business Names register.

I can confirm however, that the ATO is not associated to the entity that registered the business name.

Generally speaking, the BNR Act allows ASIC to cancel a business name in certain circumstances, or to update and change the information on the public Business Names register if information is found to be invalid or incorrect.

I trust this answers the concerns that you have raised. If you have any questions regarding this matter, please contact Ms. Tina Masters at [tina.masters@asic.gov.au](mailto:tina.masters@asic.gov.au).

Yours sincerely



Amanda Keeble

Assistant Commissioner

Australian Business Registry Services

On behalf of the Australian Securities and Investments Commission