

Restricted and Undesirable names

Under the Associations Incorporation Act 1985

This factsheet outlines a Ministerial Direction Notice (which is published in the Government Gazette) and contains restrictions and undesirable names that cannot be used for an incorporated association without ministerial consent.

The restrictions include:

1. Names that are likely to be confused with or mistaken for:
 - (a) the name of an incorporated association, building society, registered co-operative, credit union, or friendly society; or
 - (b) a registered business name; or
 - (c) a name reserved or registered under the Corporations Law of the Commonwealth.
2. Names that are likely to be offensive to members of the public or members of any section of the public.
3. Names containing the following words or phrases or any abbreviation thereof or any words, phrases or abbreviation of like import:

'Trust', 'Trustee', 'Chamber of Commerce', 'Chamber of Manufacturers', 'Chartered', 'Stock Exchange', 'Guarantee', 'Building Society', 'Made in Australia', 'Proprietary', 'Unlimited', 'Corporation', 'Executor', 'Order of St John', 'Credit Union', 'Friendly Society', 'Consumer', 'Savings', 'University', 'College of Advanced Education' or 'Institute of Advanced Education', 'Co-operative', 'Institute of Vocational Education'.
4. Names which in the context in which they are proposed to be used are capable of suggesting:
 - (a) connection with a member- of the Royal Family when the connection suggested does not exist; or
 - (b) that Royal Patronage has been received when this is not the case.
5. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with the Crown, the Government of the Commonwealth of Australia or of a State or Territory, or any other part of the Queen's or King's dominions, possessions or territories.
6. Names which include the words 'Commonwealth' or 'Federal'.
7. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with the Government of a foreign country.
8. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with a department, authority or instrumentality of the Government of the Commonwealth of Australia or of a State or Territory or with a municipal or other local authority.
9. Names containing the abbreviation 'R.S.L.' or phrase 'Returned and Services League' where the abbreviation or phrase is capable of suggesting a connection with an ex-servicemen's or ex-servicewomen's organisation, or names which, in the context in which they are proposed to be used, are capable of suggesting:
 - (a) connection with ex-servicemen's or ex-servicewomen's organisations when the connection suggested does not exist; or
 - (b) that the members of an organisation are totally or partially incapacitated when this is not the case.
10. Names containing the phrases 'returned servicemen' or 'returned servicewomen', unless the applicant is a body that provides services of or engages in activities for:
 - (a) an educational, charitable or benevolent purpose for returned servicemen or servicewomen; or
 - (b) for a purpose promoting the interest of returned servicemen or servicewomen.
11. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with Saint Mary MacKillop, where the connection does not exist.

Restrictions in relation to State Statutes

The following is a list of some **South Australia Statutes** which contain additional restrictions on the use of names in the State:

- Architects Act, 1939
- Builders Licensing Act, 1986
- Chiropodists Act, 1950
- Chiropractors Act, 1991
- Medical Practitioners Act, 1983
- Occupational Therapists Act, 1974
- Optometrists Act, 1920
- Psychological Practices Act, 1973
- South Australian Tourism Commission Act, 1993
- War Terms Regulation Act, 1920

Restrictions in relation to Commonwealth Statutes

The following is a list of some **Commonwealth Statutes** which contain additional restrictions on the use of names:

1. International Organisations (Privileges and Immunities) Act 1963; provides that except with the consent in writing of the Minister for the time being administering the Act, a person shall not assume or use in connection with any trade, business, profession, calling or occupation the name or an abbreviation of the name of the United Nations or of any other prescribed international organisation.
2. Banking Act 1959; provides that, except with the consent in writing of the Treasurer, a person or body of persons, not being a body corporate authorised under that Act to carry on banking business in Australia, shall not assume or use, in relation to the business or any part of the business carried on by that person or body, the word 'bank', 'banker' or 'banking' or any word of like import.
3. Protection of word 'Anzac' Regulations (Statutory Rules 1989, No. 419) provide that no person shall, without the authority of the Minister for the time being administering paragraph 22 (e) of the War Precautions Act Repeal Act 1920, assume or use the word 'Anzac*' or any word resembling the word 'Anzac' in connection with any trade, business, calling or profession or in connection with any entertainment or any lottery or art union or as the name or part of the name of any private residence, boat, vehicle or charitable or other institution, or any building in connection therewith.
4. Defence (Prohibited Words and Letters) Regulations (Statutory Rules 1957, No. 16; Statutory Rules 1976, No. 51; Statutory Rules 1981, No. 102 and Statutory Rules 1990, No. 378) prohibit the use in connection with a trade, business, calling or profession or by an organisation or body of persons of the words and letters set out therein (being words and letters indicative of a part of the armed forces of Australia) without the consent in writing of the Minister for the time being administering the Defence Act 1903.
5. The Boy Scouts' Association Act 1924, prohibits the use without authority, of the name 'Scout Association' or the name of any local branch of the Association or any name implying that any other society or body is the Association or a branch of the Association.
6. Australian Bicentennial Authority Act 1980; provides that, except with the consent in writing of the Australian Bicentennial Authority, a person shall not use the name of the Authority, an abbreviation of the name of the Authority or a prescribed expression (as listed in paragraph 22 (6) (d) of the Australian Bicentennial Authority Act) in connection with a business, trade, profession or occupation.
7. Geneva Conventions Act 1957; prohibits the use of certain designations including 'Red Cross', 'Geneva Cross', 'Red Crescent' or 'Red Lion and Sun*', or wording resembling any of those designations, for any purpose whatsoever, without the consent of the Minister for Defence or an authorised person.

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