



Australian Government

Office of the Registrar of Indigenous Corporations



POLICY STATEMENT 08

Corporation names

Policy	PS-08: Corporation names
Relevant legislative provisions	CATSI Act Part 3-4 CATSI Regulations Division 3-4 CATSI Transitional Act Schedule 3, items 19, 20, 21
Last updated	4 February 2013
Other relevant policies	PS-10: Corporations' native title status PS-19: Transferring registration in and out of the CATSI Act

PS-08: Corporation names

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PS-08: Corporation names

1 Purpose

- 1.1 In this policy statement the Registrar of Aboriginal and Torres Strait Islander Corporations (the Registrar) provides guidance on corporation names, including name requirements for registered native title bodies corporate (RNTBCs). It also contains information on when an application for a corporation name change will be accepted.
- 1.2 References to sections in this policy statement are references to sections of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) unless otherwise specified. References to corporations in this policy statement are references to Aboriginal and Torres Strait Islander corporations unless otherwise specified. In addition, references in this policy statement to the Registrar are also references to a delegate who is lawfully exercising the powers of the Registrar.

2 Corporation name requirements

- 2.1 In determining whether to accept a name on registration or a proposed name change for a corporation, the Registrar must ensure that the corporation complies with the requirements of section 85-1.
- 2.2 A corporation may have as its name, a name that is available, or the expression 'Indigenous Corporation Number' (ICN) followed by the corporation's ICN.
- 2.3 One of the following sets of words must be included in the corporation's name:
 - 'Aboriginal Corporation'
 - 'Torres Strait Islander Corporation'
 - 'Aboriginal and Torres Strait Islander Corporation'
 - 'Torres Strait Islander and Aboriginal Corporation' or
 - 'Indigenous Corporation'.
- 2.4 These sets of words ensure that corporations registered under the CATSI Act are readily identifiable and distinguishable from corporations registered under the *Corporations Act 2001* or other legislation.
- 2.5 These sets of words must be used consecutively and additional words cannot be inserted between the sets of words. For example, you cannot call your corporation the 'Aboriginal and ABC Torres Strait Islander Corporation'—but you may call your corporation the 'ABC Aboriginal and Torres Strait Islander Corporation'.
- 2.6 A corporation that is not a registered native title body corporate must not use the term 'registered native title body corporate' or the abbreviation RNTBC in its name—section 85-1(6).

2.7 For more information on name changes and naming requirements for RNTBCs refer to policy statement 'PS-10: Corporations' native title status'.

A. Available names

2.8 A name is available unless it is (section 85-5):

- identical to a name that is:
 - used in another application for registration under the CATSI Act
 - registered under the CATSI Act for another Aboriginal and Torres Strait Islander corporation
 - registered under the *Corporations Act 2001* or
 - reserved for a company under section 152 of the *Corporations Act 2001*
- identical to a name that is included on the National Names Index. The National Names Index is an index of corporate and business names. More information on the index can be obtained on the Australian Securities and Investments Commission's website at www.asic.gov.au or by contacting the commission on 1300 300 630
- unacceptable for registration under the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007 (the Regulations).

B. Identical names

2.9 The rules for determining whether a name is identical to another name are set out in regulation 85-5.01(1) and Schedule 1, Part 1 of the Regulations.

2.10 In considering whether a name is identical to another name, the Registrar will undertake searches of the following:

- the Register of Aboriginal and Torres Strait Islander Corporations
- the National Names Index.

C. Similar names

2.11 The Registrar will take account of any similar names that may have already been registered. The onus, however, remains with the body seeking registration to have regard to similar names or to names which may possibly be confused with or mistaken for another, already registered, name.

2.12 The registration of a name by the Registrar will not make a corporation immune from any action which may be taken by another person, organisation or government agency for infringing the intellectual property of another.

D. Unacceptable names

2.13 The rules for determining whether a name for registration is unacceptable are set out in regulation 85-5.01(2) and Schedule 1, Part 2 of the Regulations.

2.14 A name is unacceptable if:

- in the opinion of the Registrar it is:
 - undesirable or
 - likely to be offensive to members of the public or members of any section of the public.
 - the name contains one of the following restricted words, phrases or abbreviations (or contains a word, phrase or an abbreviation which is similar or has the same meaning as a restricted word, phrase or an abbreviation):

– ADI	– Friendly society
– Authorised deposit-taking institution	– GST
– Bank	– G.S.T.
– Banker	– Guarantee
– Banking	– Incorporated
– Building society	– Limited
– Chamber of commerce	– Ltd
– Chamber of manufacture	– Made in Australia
– Chartered	– NL
– Co	– No Liability
– Company	– Proprietary
– Consumer	– Pty
– Cooperative	– RSL
– Coy	– R.S.L.
– Credit society	– Starr-Bowkett
– Credit union	– Stock Exchange
– Executor	– Trust
	– Trustee
 - the name includes the word ‘Commonwealth’ or ‘Federal’ (unless the Registrar is satisfied that the word is used in a geographical context)
 - the name, in the context in which it is proposed to be used, suggests a connection with:
 - the Crown
 - the Commonwealth Government
 - the government of a state or territory
 - a municipal or other local government
 - the government of any other part of the Queen’s dominions, possessions or territories
 - a department, authority or instrumentality of the Commonwealth Government
 - a department, authority or instrumentality of the government of a state or territory
- and that connection does not exist, or

- the name, in the context in which it is proposed to be used, suggests a connection with:
 - a member of the Royal family
 - the receipt of Royal patronage
 - an ex-serviceman’s organisation
 - Sir Donald Bradman or
 - Mary MacKillopand that connection does not exist, or
- the name, in the context in which it is proposed to be used, suggests that members of the corporation are totally or partially incapacitated if those members are not so affected.

E. Undesirable or offensive to members of the public

- 2.15 In determining whether a name is undesirable or offensive to members of the public, or a section of the public, the Registrar will consider whether the name:
- contains swear words or
 - has suggestive words or abbreviations that may cause offence
 - suggests illegal activity.

F. Acceptable abbreviations

- 2.16 The following acceptable abbreviations may be used in a corporation’s name:
- ‘Aust’ instead of ‘Australian’
 - ‘No’ instead of ‘Number’
 - ‘&’ instead of ‘and’
 - ‘ICN’ instead of ‘Indigenous Corporation Number’
 - ‘ABN’ instead of ‘Australian Business Number’
 - ‘RNTBC’ instead of ‘registered native title body corporate’.
- 2.17 It is acceptable to use full-stops at the end of an abbreviation (e.g. Aust.).

G. Written consent by Registrar

- 2.18 The Registrar may consent in writing to a name being available to a corporation even if the name is identical to another name or is unacceptable for registration under the Regulations.
- 2.19 Consent will normally be granted to the use of the words ‘Commonwealth’ or ‘Federal’ where the name as a whole indicates clearly that the corporation is not connected with the Commonwealth Government.
- 2.20 The general rule for identical names is that they cannot be registered. In exceptional cases, the Registrar may consent to the use of an identical name—for example, where the owner of the existing name has consented to the applicant registering an identical name or where the applicant can show that the

existing name has been secured by a person who has a history of reserving corporation names for no genuine purposes of their own.

- 2.21 The overall policy consideration in considering applications made for written consent to a name being available is whether the proposed name would be likely to mislead people dealing with the corporation about the nature of the corporation's activities. However, each application is to be considered on its merits, having regard to the individual circumstances involved.
- 2.22 The consent to a name being available may be given subject to conditions. If a condition is breached, the Registrar may direct the corporation to change its name under section 88-5.

3 Ministerial consent

- 3.1 For a name to include certain words or expressions (or words or expressions that are similar), the consent of the relevant federal minister is required. Those words and expressions are:
- ANZAC
 - Geneva Cross
 - Red Crescent
 - Red Cross
 - Red Lion and Sun
 - United Nations
 - University.

4 Punctuation and style

- 4.1 The Registrar will allow corporations registered under the CATSI Act to include parentheses or round brackets as part of their name. However, parentheses or round brackets cannot be used at the beginning or end of a name, for example:
- (ABC) Aboriginal Corporation
 - Aboriginal Corporation (ABC)
- would not be permitted.
- 4.2 Apostrophes are permitted as part of a corporation's name. For example:
- ABC's Aboriginal Corporation
- 4.3 The Registrar will not allow corporations registered under the CATSI Act to use symbols such as commas, quotation marks, full stops, colons, semi-colons, dashes or slashes as part of their name. For example:
- ABC, Aboriginal Corporation
 - 'ABC' Aboriginal Corporation
 - "ABC" Aboriginal Corporation

- ABC. Aboriginal Corporation
- ABC: Aboriginal Corporation
- ABC; Aboriginal Corporation
- ABC - Aboriginal Corporation
- ABC – Aboriginal Corporation
- ABC — Aboriginal Corporation and
- ABC / Aboriginal Corporation

would not be permitted, regardless of where the punctuation was in the name.

4.4 The Registrar will generally not allow corporations registered under the CATSI Act to include certain symbols in their name. If the Registrar permits a symbol to be used as part of a corporation's name, the name must also include words.

4.5 The Registrar will allow corporations registered under the CATSI Act to have names starting with the words 'The' and 'A'. For example:

- The ABC Aboriginal Corporation and
- A ABC Aboriginal Corporation

would be permitted.

4.6 The Registrar will allow corporations registered under the CATSI Act to include numbers, both numerical and spelled out. For example:

- 1 Aboriginal Corporation and
- One Aboriginal Corporation

would be permitted.

5 Registrar's power to direct a corporation to change its name

5.1 The Registrar may direct a corporation in writing to change its name within two months if:

- the name should not have been registered
- the corporation has breached a condition under section 85-5(3) on the availability of the name
- a consent by the Registrar given to use the name has been withdrawn
- the corporation has breached a condition set by the Registrar
- the corporation ceases to be permitted to use the name.

5.2 A corporation which does not do everything necessary to change its name within two months of being given a direction by the Registrar commits an offence.

5.3 If a corporation fails to change its name within two months, the Registrar may change the corporation's name to its ICN and any other words that section 85-1 requires by altering the details of the corporation's registration.

6 Process to change corporation name

- 6.1 To change its name a corporation must [section 88-1(1)]:
- pass a special resolution adopting a new name
 - lodge an application with the Registrar.
- 6.2 A corporation must also lodge a copy of the special resolution and a copy of the minutes which relate to the passing of the special resolution with the Registrar within 28 days of it being passed—section 88-1(2). Failure to comply with these requirements is an offence.
- 6.3 A corporation’s name must comply with the legislative requirements set out in section 85-1, including availability and acceptable use of abbreviations.
- 6.4 If the proposed name complies with these requirements, the Registrar must change the corporation’s name by altering the corporation’s registration details in the Register of Aboriginal and Torres Strait Islander Corporations—section 88-1(4). Once the Registrar alters the corporation’s registration details the change takes effect.

7 Name on transfer of registration

- 7.1 A corporation transferring its registration under section 540-1 of the CATSI Act to registration under another Commonwealth, state or territory law should not include any of the following sets of words in the corporation’s new name:
- ‘Aboriginal Corporation’
 - ‘Torres Strait Islander Corporation’
 - ‘Aboriginal and Torres Strait Islander Corporation’
 - ‘Torres Strait Islander and Aboriginal Corporation’ or
 - ‘Indigenous Corporation’.

These sets of words identify corporations registered under the CATSI Act. See ‘PS-19: Transferring registration in and out of the CATSI Act’.

END OF POLICY STATEMENT