



# Banking (Exemption) Order No 104

*Banking Act 1959*

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I, Charles Watts Littrell, a delegate of the Australian Prudential Regulation Authority (*APRA*), make this order under subsections 11(1) and (4) of the *Banking Act 1959* (the *Banking Act*):

## **Citation**

1. This order may be cited as *Banking (Exemption) Order No 104*.

## **Application of order**

2. This order applies to corporations included in Category D of the list of registered entities, as varied from time to time, kept by APRA under section 11 of the *Financial Sector (Collection of Data) Act 2001*.

## **Exemption**

3. Subject to clause 4, each corporation to which this order applies is exempt from compliance with section 66 of the *Banking Act* to the extent that the section prohibits the corporation from using the word *bank*, *banker* or *banking* in relation to the business or any part of the business carried on by the corporation.

## **Conditions**

4. This order is subject to the following conditions:
  - (a) that a corporation to which this order applies must not use the word *bank*, *banker* or *banking* except in relation to the business or any part of the business carried on by the corporation, otherwise than in the expressions *merchant bank*, *merchant banker* and *merchant banking*; and
  - (b) that a corporation to which this order applies must not state, imply or suggest that:
    - (i) the word *bank* is part of the name under which the corporation was registered under the law of a State or Territory; or
    - (ii) the word *bank* is a business name registered in relation to the corporation under the law of a State or Territory; or
    - (iii) the corporation is an authorised deposit-taking institution within the meaning of the *Banking Act*; or
    - (iv) the corporation is subject to prudential supervision by APRA.

**Revocation**

5. *Banking (Exemption) Order No 65* is revoked.

Dated 18 August 2005

[Signed]  
Charles Littrell  
Executive General Manager  
Policy, Research and Statistics Division  
Australian Prudential Regulation Authority