PO 18 Prohibited Names Policy

Summary

This policy outlines the factors that the NSW Registry of Births Deaths and Marriages (the Registry) considers concerning the names when registering the name at the birth and changing a name.
PO 18 Prohibited Names Policy

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1  About this document

1.1  Purpose

This policy is the statement of intent of the Registry in relation to restrictions on registering of Prohibited Names.

1.2  Scope

This document covers the definition of Prohibited Names and its application when registering a name.

1.3  Glossary of terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Act</td>
<td>The Births, Deaths and Marriages Registration Act 1995</td>
</tr>
<tr>
<td>Obscene</td>
<td>Offensive to modesty or decency</td>
</tr>
<tr>
<td>Offensive</td>
<td>Causing offence or displeasure</td>
</tr>
<tr>
<td>Register</td>
<td>The register containing particulars of each registrable event required under the Act or another law</td>
</tr>
<tr>
<td>Registrar</td>
<td>Registrar of the NSW Registry of Births Deaths &amp; Marriages</td>
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<tr>
<td>Registry</td>
<td>The NSW Registry of Births Deaths &amp; Marriages</td>
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<tr>
<td>Rank</td>
<td>Position or standing in the social scale or in any graded body</td>
</tr>
<tr>
<td>Repute</td>
<td>Estimation in the view of others</td>
</tr>
<tr>
<td>Title</td>
<td>A descriptive or distinctive appellation, especially one belonging to a person by right of rank, office, attainment, etc.</td>
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<tr>
<td>Usage</td>
<td>The act or fact of using</td>
</tr>
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</table>
2 Background

Names are very significant. You carry your name around with you, and you, your family and friends, and the wider community use it on a daily basis. Names are therefore important both to the individual and to the community.

Names are also important for your legal identity. Your name appears on legal identity documents such as, your medicare card, passport and driver licence and assists you to access a range of government and non-government services.

The vast majority of names chosen by parents for their child, or by people for themselves, can be registered with the Registry. However, the Act prohibits some names from being registered if they cannot reasonably be used by the community and/or on legal identity documents.
3 Relevant Legislation

Under section 4(1) of the Act, Prohibited name means: a name that is:

(a) obscene or offensive, or

(b) could not be practicably established by repute or usage:
   
   (i) because it is too long, or
   
   (ii) because it consists of or includes symbols without phonetic significance, or
   
   (iii) for some other reason, or

(c) it includes or resembles an official title or rank, or

(d) is contrary to the public interest for some other reason.
4  Types of prohibited names under Section 4 of the Act

A name that is obscene or offensive, for example:

- Swear words;
- Descriptions of lewd or sexual acts;
- Racial, ethnic or cultural slurs or that imply racial, ethnic or cultural slurs; or
- Names that might be considered reasonably likely to insult, humiliate, offend or intimidate a person or group on the basis of race, gender, sexuality, religion, ability or other distinguishing characteristic.

4.1  A name that can't be established by repute or usage

4.1.1  Names that are too long

The Registry applies a maximum length on names to be recorded in the register. This is necessary, as a person’s name appears on their birth certificate, which is a principal identity document, and other government agencies and companies rely on the name.

The Registry is guided by the following restrictions on names to be registered:

- A maximum length of 50 characters in total for the family name, which includes spaces between names
- A maximum length of 50 characters in total for the first given names, which includes spaces between names.
- A maximum length of 50 characters in total for the other given names or middle names (middle name or other given names), which includes spaces between names.

4.1.2  Names that contain symbols without phonetic significance

The Registry will not register names that contain numbers or symbols without phonetic significance of any form, language or description. This restriction includes the registration of prefixes and suffixes. For example:

- 1st, 2nd, or 3rd
- Jnr and Snr
- Roman numerals.

The Registry will not register names that contain punctuation in any position in the name. The only exception is the use of hyphens for hyphenated names and an apostrophe (‘), where phonetic, familial or cultural significance applies.
Machine readable documents

The Registry adopts the International Civil Aviation Organization ICAO Doc 9303 standard for the transliteration of multinational characters to English. The standard is used as an international standard for machine-readable travel documents issued by English speaking countries.

4.1.3 It includes or resembles an official title or rank

The Registry endeavours to ensure that names which could be potentially confused with titles and ranks that have been awarded as a result of a recognised and official process, including descent or inheritance, are not recorded in the Register.

Examples of the titles and ranks are:

- Judicial, Military and Civil Law Enforcement titles - Colonel, Commander, Commissioner, Inspector, Judge, Marshal
- Religious titles and categories - Bishop, God/Goddess, Saint
- Royal titles - Majesty, Prince/Princess, Queen/King
- Political titles - Premier, President, Prime Minister.

Examples of how the titles cannot be used v/s can be used are:

- Queen Mary of Sydney Smith is not acceptable v/s Queen Mary Smith may be acceptable
- Duke of Edinburgh Smith is not acceptable v/s Edward Duke Smith may be acceptable
- Royal Prince Alfred Smith is not acceptable v/s Prince Smith may be acceptable.

**Note:** This list is not exhaustive but simply provides some examples for guidance and the Registry can refuse to register a name based on any of the other provisions of this policy and the Act.

4.2 Is contrary to the public interest for some other reason

Possible ways a name can be contrary to the public interest are:

- The name might be misleading;
- The name expresses a meaning or has significance that would cause social disharmony;
- The name might represent commercial or company interests, for example, the name is chosen to participate in a commercial marketing promotion;
• The name is chosen for a fraudulent or improper purpose; or
• The name is contrary to the public interest for some other reason.
5 How the Registry makes a decision to register a name

The Registry makes decisions on a case-by-case basis about whether a name can be registered or not. If a name might be a prohibited name, the Registry will first take into account a number of relevant factors before making a decision to register the name or not.

If the name you have applied to register is a prohibited name, the Registry will contact you to understand the reasons for choosing the name, in particular whether the name has specific relevance to you, your family or culture.

The Registry will also take into account a number of other relevant factors, these include:

- How the name is perceived in the community (noting that community perceptions change over time)
- How the name is spelt and how it sounds when spoken
- Suitability of the name for legal identity and administrative purposes
- Consideration of cultural or religious reasons for choosing a name or
- The Registry’s legal obligations.

5.1 Registering a name that might be prohibited

If you are seeking to register a name that might be prohibited, contact the Registry on:

Phone: 13 77 88

or

Email: bdm-webmail@customerservice.nsw.gov.au

or

In person:

The Registry offices at:

35 Regents Street, Chippendale NSW, or 160 Marsden St Parramatta NSW (Monday to Friday between 8am to 4.30pm)

or

A local Service NSW Centre (www.service.nsw.gov.au)

The Registry will take into account a number of relevant factors as described above and work with you to ensure your child’s name or your own is meaningful to you and reflects community expectations.
6 What happens if the name cannot be registered?

If the name chosen for the child cannot be registered, and the parents do not provide an alternative, the Registrar may assign a name so that the child’s birth can be legally registered.

Where a person applies to change their name, the Registry will not register the change if, as a result of the change, the person’s name would become a prohibited name.
7 References

Births, Deaths and Marriages Registration Act 1995

International Civil Aviation Organization ICAO Doc 9303