

Northern Territory Births, Deaths and Marriages – Change of Name Policy

Document title	Northern Territory Births, Deaths and Marriages – Change of Name Policy
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Approved by	Registrar-General, Chris Cox
Date approved	31 August 2022
Document review	Annually

Acronyms	Full form
ABN	Australian Business Number
ATM	Automated Teller Machine
ImmiCard	Official commencement of identity and travel document for visa holders
NT	Northern Territory

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1. Introduction

This policy document replaces any previous change of name policy documents. The purpose of this Change of Name Policy document is to strengthen the procedures associated with validating identity of applicants and has been issued in conjunction with legislative changes made to the Northern Territory *Births, Deaths and Marriages Registration Act 1996* (the Act) and Regulations by the *Births, Deaths and Marriages Registration Amendment Act 2022*.

This policy document also sets out factors concerning the exercise of discretion by the Registrar when approving change of name applications under the Act and Regulations.

The Registrar's discretion in deciding entitlement to a change of name being registered is not exhausted by this policy. Decisions may be made by the Registrar in any unusual case that may fall outside of this policy, taking into account the merits of each individual case.

This policy only relates to the registration of changes of name. It does not apply to names used for non-official purposes.

2. Entitlement

2.1. Who may apply

Registration of a change of name for an adult or a child may be lodged by an applicant in the following two circumstances:

- Was born outside Australia; and immediately before the time of the application, was domiciled or ordinarily resident in the Territory for a period of at least 12 consecutive months, or
- Whose birth is registered in the Territory;

An applicant may apply to the Registrar in a form approved, to register a change of name in the NT.

A child being a person under 18 years is defined in the Act as an adult if they are or have been married.

A person who is under 18 years of age but is or has been legally married must make an application as an adult.

2.2. Change of name by persons born in Australia (other than in the NT)

Applications by persons born in Australia, but not in the NT, should, as a general rule, be directed to the state or territory where the person was born.

2.3. Application to register a child's change of name

The parents of a child may apply to the Registrar for registration of a change of a child's name.

An application may be made by only one parent if one or other of the following applies:

- The applicant is the sole parent named in the registration of the child's birth; or
- There is no other surviving parent of the child and no other person has legal responsibilities towards the child; or
- The Supreme Court approves the proposed change of name by one parent.

An application may be made by the guardian(s) of a child if the parents of the child are deceased, cannot be found or for some other reason cannot exercise their parental responsibilities.

2.4. Child's consent to the registration of a change of name

If the application to register a change of name relates to a child, the child's consent to the change of name is required if the child is aware of the meaning and implication of their name.

If the child is 14 years of age or more then the child is in the absence deemed to be aware of the meaning and implication of their name.

Any application regarding a child aged over 14 years of age must have either the child's consent or any explanation of why it is considered that the child is not aware of their name and or its implications.

3. Frequency of Change of Name

3.1. Number of name changes within a 12 month period

A child or adult change of name can only be registered once in the Northern Territory within a twelve (12) month period. Any further change of name applications made in the Northern Territory within that twelve (12) month period are subject to the Registrar's discretion in appropriate circumstances.

3.2. Number of name changes within a lifetime

Subject to the exceptions set out in the next paragraph the name of a child or adult may only be changed three times whether in the Territory or another State or both, in the period after 31 August 2022.

Changes of name that occurred in the NT or elsewhere in Australia prior to 31 August 2022 are not counted for the purpose of this limitation.

3.3. Exceptions to certain requirements and limitation

Despite the limitations spelt out above, the registration of a change of name can also occur if one or the other of the following circumstances applies:

- The Registrar is satisfied registering the change of name is required to protect the person whose name is to be changed and any current or future children from domestic violence as defined in section 5 of the *Domestic and Family Violence Act 2007*.
- The Registrar may register a change of a person's name if the change of name is because of marriage or divorce of the person whose name is to be changed.
- The change of name is ordered by a court of the Territory, the Commonwealth or another state or the change of name is ordered by the Civil and Administrative Tribunal or a tribunal of another State that corresponds to the Civil and Administrative Tribunal.

4. Period of residency – applications from persons born outside of Australia

4.1. Adult applicant residency requirements

Any adult lodging a change of name application whose birth is not registered in the Northern Territory and is born overseas must provide evidence of at least twelve (12) consecutive months residency in the Northern Territory. Applications where the period of residency in the Northern Territory is less than twelve (12) consecutive months are subject to the Registrar's discretion in appropriate circumstances.

4.2. Child applicant residency requirements

If an application to change a child's name is lodged and the birth is not registered in the Northern Territory and is born overseas, the parent(s) or guardian(s) of the child must provide evidence of residency in the Northern Territory for at least twelve (12) consecutive months. Applications where the period of residency of the child in the Northern Territory is less than twelve (12) consecutive months are subject to the Registrar's discretion in appropriate circumstances.

4.3. Further residency requirements for overseas born applicants

The policy for dealing with applications from overseas born persons whose birth is not registered in the Northern Territory is that the applicant must be either an Australian citizen or hold a permanent residency Visa. Applications that do not meet these requirements are subject to the Registrar's discretion in appropriate circumstances.

4.4. Proof of residency documents

Evidence of Proof of Residency may include the following:

- Bank Statements covering the required residency period from a current passbook/credit card/ATM or Cheque Account. The statements must include the applicant's name, residential/postal address and evidence of transactions within the Northern Territory.
- Electricity and/or Water Bills covering the required residency period and include the applicant's name, residential address and proof of payment.
- Official summaries of Pay from an Employer located in the Northern Territory that cover the required residency period and include the applicant's name, employer's name and/or ABN Number and dates of employment.

4.5. Registrar may make enquires

The Registrar may make enquiries into the validity of the proof of residency documents provided by applicants.

5. Change of name application form

5.1. Approved form

Applications to register a change of name in the Northern Territory must be submitted on an approved form and all signatures must be witnessed by a person of 18 years or over.

5.2. Reason for the name change

A reason for the change of name must be provided. Statements such as “Personal”, “I want to”, “Religion”, or similar statements are not acceptable and applications may be refused if an appropriate reason is not provided.

5.3. Providing false or misleading information

If false or misleading information is provided on the application form then the application will be refused.

False information includes:

- All former names used by the applicant are not recorded on the application; or
- Date and/or Place of Birth varies from one application to another; or
- Incorrect information, including usual place of residence, has been knowingly provided.

If it is established that false information has been knowingly provided, the application will be refused immediately and any future change of name applications lodged by the applicant will only be considered upon a formal written request to the Registrar.

The potential maximum penalty for providing misleading information is 200 penalty units ¹or 2 years imprisonment.

6. Proof of Identity

6.1. Identity requirements

It is a requirement of the Act that an applicant applying to register a change of name provide evidence to satisfactorily establish their identity and age. The Registrar may also require an applicant to establish that the change of name is not sought for fraudulent purposes or for some other improper purpose.

6.2. Identity documents to be produced

Proof of identity that may be produced with the application for registration of a change of name for an adult or child should include one (1) type of photographic identity and two (2) types of non-photographic identity. Examples of possible evidence of identity can include the following:

- Full Australian Birth Certificate (if birth registered in Australia)

¹ As at 1 July 2022 - \$32,000 (*Penalty Units Regulations 2010*)

- Australian Passport
- Australian Citizenship Certificate
- Evidence of Permanent Residency Visa in Australia/ImmiCard
- Overseas Birth Certificate with Translated Copy (if not in English) by a certified translating agency
- Overseas Passport
- Name Change Certificate or Deed Poll
- Overseas Change of Name Certificate or Orders with Translated Copy (if not in English) by a certified translating agency
- Full Australian Marriage Certificate
- Overseas Marriage Certificate with Translated Copy (if not in English) by a certified translating agency
- Australian Driver's License
- Australian Evidence of Age Card
- NT Ochre Card
- Defence Force Identification
- Police Service Identification
- Firearms Licence
- Government Employee Identification
- Medicare Card
- Health Care Card
- Concession Card
- Credit Card/Debit Card/Passbook
- Larrakia Nation/Tangentyere Council Identification Card
- Tertiary Student Identification Card with Photo
- Identification Letter from an Aboriginal Community
- Tax Assessment Notice
- Bank Statement
- Electricity Bill/Water Bill/Rates Notice
- NT Security Identification
- Other Evidence deemed by the Registrar to be sufficient

6.3. Former names

Proof of all former names used by an applicant, including the original birth name, must be included with each change of name application.

6.4. Registrar may make enquiries

The Registrar may make enquiries into the validity of the proof of identity documents provided by applicants.

7. Prohibited Names Policy

An individual has the right to choose and change his or her name and the Prohibited Names Policy is to be applied in a way which does not unduly interfere with a person's right to change their name. A name will not be refused solely on the grounds that it is too eccentric.

The Prohibited Names Policy was developed in order to ensure consistency as far as possible across the various Australian Registries. The Registrar will follow the guidelines set out below in order to assist in determining what constitutes a prohibited name. The guidelines listed below are not a complete list of grounds for refusal but they can assist in determining what constitutes a prohibited name:

Grounds of Refusal	Examples
Obscene or offensive Name	<ul style="list-style-type: none"> Offensive Names such as: Prime Minister John Piss On The Family Court; Words that incite violence or are swear words; Racial, religious, ethnic or cultural slurs or words which imply such slurs such as: Jesus, God; Words which may insult, humiliate, offend or intimidate a person or group on the basis of race, gender, sexuality, religion or ability.
Not a practical name for use as it is too long	<ul style="list-style-type: none"> Excessive names registered in recognition of sporting teams, entertainers etc. and are not intended for common use; Not practical for use as it is too long.
Not a practical name for use as it contains emoji's or symbols without phonetic significance of any form, language or description in the English language	<ul style="list-style-type: none"> Emoji's or certain symbols which are used in order to replace an English letter character such as: η also known as a 'tail n' symbol or é 'acute symbol'; The only exception is the use of hyphens (-) for hyphenated names and an apostrophe (') where phonetic, familial or cultural significance applies.
Not a practical name for some other reason as it can't be established by repute or usage	<ul style="list-style-type: none"> If the name includes or resembles an official title or rank such as: President, Premier, Chief Minister, Minister, Prime Minister, Governor-General, King, Queen, Prince, Princess, Majesty, Bishop, God, Goddess, Saint, Sir,

Grounds of Refusal	Examples
	<p>Lord, Judge, Colonel, Commander, Commissioner, Inspector or Marshal (this list is provided as examples only and the Registrar may refuse any other name if deemed inappropriate);</p> <ul style="list-style-type: none"> • If the name is more like a statement and not an actual name such as: 'Justice Neville Abolish Legal Aid And The Family Court' or 'Have You Got A Problem With That'; • If the name provided is only a given name with that are initials such as K.C. and no surname/Family name.
Contrary to Public Interest	<ul style="list-style-type: none"> • If the name is misleading because it is similar to the name of a body or organisation; • If the name interferes with the rights of another person or capitalises on the name of a well-known person; • The name is sought for fraudulent or improper use; • The name may represent commercial or company interests such as, a name chosen to participate in a commercial marketing promotion.

8. Registration of a change of name

An entry will be created for all approved change of name applications in the register, including the particulars required by the regulations.

An applicant whose birth is registered in the Northern Territory will have all change of name entries noted on their birth registration. Applicants whose birth is registered in the Northern Territory can also request to have the new name appear as the registered name on any birth certificates issued after the change of name has been registered.

9. Exemption to recording former names

All former names will be recorded on a change of name certificate and birth certificate. Any requests to remove a former name from a certificate must be made in writing to the Registrar.

When considering the omission from the birth certificate of a former name, it must be determined that the applicant is not seeking the omission for improper or fraudulent purposes.

Appropriate considerations and evidence may include:

- If the former name noted on the certificate would place the applicant in a life-threatening situation. A letter may be required from a senior officer in a law enforcement body confirming that it is necessary to remove the former name(s).

- If the former name noted on the certificate were to cause psychological distress. Independent supporting evidence from a registered psychologist or psychiatrist may be required.
- If the change of name application was registered in conjunction with a change of sex application or for any post-operative, transgender or intersex name changes. The following evidence may be required; a completed change of sex application which meets all requirements of the Act or documentation from an independent expert which satisfies the Registrar.

If any former names are omitted, an endorsement indicating that the registration was previously made in another name must be included.

10. Interstate notification of change of name

10.1. Interstate birth

If, in accordance with the exceptions set out in part 3.4 of this document, if the birth of the applicant is registered in another State or Territory within Australia; the Registrar in that jurisdiction will be notified in writing by the Registrar of the change of name.

To enable identification of the birth registration entry and recording of the change of name, the notification must include the following:

- Birth name
- New name
- Old name
- Sex
- Date and place of birth
- Birth registration number or parents/mother's names
- Change of name registration date
- Residential address

10.2. Interstate registration

If a notification of a change of name has been received from another jurisdiction in relation to a person born in the Northern Territory, the change of name must be noted against the entry relating to the birth. The new name must appear on any birth certificates issued after registration of the change of name.

11. Endorsement on change of name certificates

All change of name certificates issued by the Registry Office will indicate that the certificate confirms a lawful change of name only. Verification of a date and place of birth should be obtained from other documentation.

12. Change of name by marriage

Any person who marries in Australia may choose to assume their spouses surname. This is done as a matter of custom and not law. A marriage certificate issued by an Australian Births, Deaths and Marriages office is usually sufficient evidence to have personal identification documents changed to the married surname.

No formal registration of a name change is required if you are married in Australia and you are only assuming your spouse's surname. If a person applies to register a change of name as a result of getting married in Australia the above information should be provided to the applicant. If the applicant still wishes to register a change of name, the application should proceed.

If an applicant wishes to assume their spouses surname and modify any part of their given name(s) then it is advisable that they register a change of name.

If an applicant is married overseas then they should be advised to contact the various organisations who issue identity documents to see if a name change must be registered or if the surname can be assumed by producing the official overseas marriage certificate.

13. Change of name after divorce/separation

There is no legal requirement to register a change of name if a person wishes to return to their pre-marriage name. However; applicants should be advised to contact the various organisations where they intend to change their identification documents as each one may have different requirements.

14. Self-disclosure of offender reporting and criminal history

All applicants lodging an adult change of name must specify if they have any registration and reporting obligations under the Northern Territory Child Protection (Offender Reporting and Registration) Act or any other corresponding Act from another jurisdiction. If yes, you must comply with the relevant reporting requirements eg. Section 19(1c) of the *Child Protection (Offender Reporting and Registration) Act 2004* where you have to provide the Commissioner of Police with a copy of your new birth certificate issued in relation to the change of name and any other documents relating to the change of name.

All applicants lodging an adult change of name must specify if they have any Serious Sex Offenders requirements. Section 108(1) of the *Serious Sex Offenders Act 2013* provides a person subject to that Act (ie, a supervisee or detainee) commits an offence if an application is made to change their name without the written permission from the Commissioner or Correctional Services.

If you are a person subject to the *Serious Sex Offenders Act 2013* you must provide a letter from the Commissioner of Correctional Services granting permission for your proposed change of name together with the change of name application. Please note the Commissioner of Correctional Services may direct BDM to refuse to register the change of name or if the change of name has been registered – to reverse the change.

Applicants lodging an adult change of name in the Northern Territory may also be required to undergo a National Police Check through NT Police. Applicants will be given the option to either agree or disagree to the National Police Check. If a National Police Check is required then we may ask you to provide a recent National Police Check at your own cost and this may delay your application

An application for registration of a change of name must include details of any conviction of the person whose name is to be changed. An applicant does not need to disclose a spent record as defined in section 3. In general terms a spent conviction is any criminal conviction older than 10 years (or 5 years if convicted in the Youth Justice Court) where the original sentence was not more than 6 months imprisonment and where no further offending punishable by imprisonment or where all or any part of a sentence of imprisonment has been served since that time. Convictions for sexual offences are not spent.

Criminal History information relating to any offences committed by adult applicants that were punishable by imprisonment for twelve (12) months or more must also be supplied. An offence punishable by imprisonment for twelve (12) months or more relates to the maximum penalty which can be received for an offence. If an applicant has been charged or convicted of an offence punishable by imprisonment for twelve (12) months or more then details of the offence must be provided in the change of name application and include:

- the date of the offence/charge
- type of offence/charge
- the outcome of the charge/conviction
- where it occurred (jurisdiction)