South Australia

**Births, Deaths and Marriages Registration (Change of Name) Amendment Act 2015**

An Act to amend the *Births, Deaths and Marriages Registration Act 1996*; and to make a related amendment to the *Child Sex Offenders Registration Act 2006*.

---

**Contents**

Part 1—Preliminary

1 Short title
2 Commencement
3 Amendment provisions

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

4 Insertion of heading
   Division 1—General requirements for change of name
5 Substitution of section 24
   24 Application to register change of adult's name
6 Amendment of section 25—Application to register change of child's name
7 Insertion of Division 2
   Division 2—Requirements for change of name of restricted persons
   29B Interpretation
   29C Application of Division
   29D Application for change of name by or on behalf of restricted person
   29E Approval by supervising authority for change of name of restricted person
   29F Additional requirements for registration of change of name of restricted person
   29G Information exchange between Registrar and supervising authority

Schedule 1—Related amendment

Part 1—Amendment of *Child Sex Offenders Registration Act 2006*

1 Amendment of section 66K—Change of name of registrable offender

---

The Parliament of South Australia enacts as follows:

**Part 1—Preliminary**

1—Short title

This Act may be cited as the *Births, Deaths and Marriages Registration (Change of Name) Amendment Act 2015*.
Births, Deaths and Marriages Registration (Change of Name) Amendment Act 2015—No 27 of 2015
Part 1—Preliminary

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of Births, Deaths and Marriages Registration Act 1996

4—Insertion of heading

Before section 23 insert:

Division 1—General requirements for change of name

5—Substitution of section 24

Section 24—delete the section and substitute:

24—Application to register change of adult's name

(1) Subject to this Part, an adult person may apply to the Registrar, in a form approved by the Registrar, for registration of a change of the person's name if—

(a) the person's birth is registered in the State; or

(b) —

(i) the person was born outside Australia; and

(ii) the person's birth is not registered in another State or Territory; and

(iii) the person has been resident in the State for at least 12 consecutive months immediately before the date of the application.

(2) The Registrar may waive the requirement under subsection (1)(b)(iii) if the Registrar is satisfied that the change of name—

(a) is sought for the purpose of the protection of the applicant or a child of the applicant; or

(b) is related to a marriage or divorce of the applicant.

(3) An application under subsection (1) must contain a declaration by the person indicating whether he or she is, at the time of the making of the application—

(a) a restricted person as defined in section 29B; or

(b) a registrable offender within the meaning of the Child Sex Offenders Registration Act 2006.
6—Amendment of section 25—Application to register change of child's name

Section 25(1)—delete subsection (1) and substitute:

(1) The parents of a child may apply to the Registrar, in a form approved by the Registrar, for registration of a change of the child's name if—

(a) the child's birth is registered in the State; or

(b) —

(i) the child was born outside Australia; and

(ii) the child's birth is not registered in another State or Territory; and

(iii) the child has been resident in the State for at least 12 consecutive months immediately before the date of the application.

(1a) The Registrar may waive the requirement under subsection (1)(b)(iii) if the Registrar is satisfied that the change of name—

(a) is sought for the purpose of the protection of the child or the applicants; or

(b) the applicants have legally married and wish the child to change to the married name of both applicants.

(1b) The requirement under subsection (1)(b)(iii) does not apply if the Court has approved the proposed change of a child's name under subsection (2)(c).

7—Insertion of Division 2

After section 29A insert:

Division 2—Requirements for change of name of restricted persons

29B—Interpretation

In this Division—

domestic partner means a person who is a domestic partner within the meaning of the Family Relationships Act 1975, whether declared as such under that Act or not;

immediate family of a person means any 1 or more of the following:

(a) a spouse or domestic partner;

(b) a parent (including a person who stands in the position, and undertakes the responsibilities, of a parent);

(c) a grandparent;

(d) a child (including an adult child);

(e) a grandchild (including an adult grandchild);

(f) a brother or sister;
restricted person means—
(a) a prisoner; or
(b) a prisoner released on parole or home detention under the Correctional Services Act 1982; or
(c) a person subject to an extended supervision order under the Criminal Law (High Risk Offenders) Act 2015; or
(d) a person released on licence under section 24 of the Criminal Law (Sentencing) Act 1988; or
(e) a person or a class of persons declared by the regulations to be a restricted person;

prisoner has the same meaning as in the Correctional Services Act 1982;

spouse—a person is the spouse of another if they are legally married;

supervising authority means—
(a) the person holding or acting in the position of Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the Correctional Services Act 1982; or
(b) a person declared by the regulations to be a supervising authority in respect of a restricted person or a class of restricted person.

29C—Application of Division
(1) The requirements and restrictions in this Division are in addition to the requirements and restrictions contained in Division 1.
(2) This Division does not apply to a change of name of a restricted person who is a registrable offender within the meaning of the Child Sex Offenders Registration Act 2006.

Note—

The Child Sex Offenders Registration Act 2006 provides for the requirements in relation to changing, or applying to change, the name of a registrable offender.

29D—Application for change of name by or on behalf of restricted person
(1) A restricted person must not—
(a) apply to the Registrar to register a change of his or her name under this Act; or
(b) apply to a registering authority to register a change of his or her name under a corresponding law,
without the written approval of the supervising authority.

Maximum penalty: $10 000 or imprisonment for 2 years.
(2) A person must not, on behalf of a restricted person—
   (a) apply to the Registrar to register a change of his or her name under this Act; or
   (b) apply to a registering authority to register a change of his or her name under a corresponding law,
without the written approval of the supervising authority.
Maximum penalty: $10 000 or imprisonment for 2 years.

(3) If a court convicts a person of an offence under subsection (1) or (2),
the court may, on application by the prosecution, declare a change of name registered in relation to the person to be void and the Registrar must, on being notified of that declaration, correct the Register.

29E—Approval by supervising authority for change of name of restricted person

(1) The supervising authority may approve the making of an application to the Registrar or a registering authority for registration for a change of name of a restricted person.

(2) In determining whether to grant an approval under subsection (1), the supervising authority must have regard to the following:
   (a) the safety of the restricted person and other persons;
   (b) the rehabilitation, care or treatment of the restricted person;
   (c) whether the proposed change of name—
      (i) could be used to further an unlawful activity or purpose; or
      (ii) could be used to evade or hinder the supervision of the restricted person; or
      (iii) could be considered offensive to a victim of crime or the immediate family of a deceased victim of crime.

(3) The supervising authority must not approve the making of an application to the Registrar or a registering authority for registration of a change of name of a restricted person unless the supervising authority is satisfied that the change is necessary or reasonable.

(4) The supervising authority must, on approving the making of an application under subsection (1)—
   (a) as soon as practicable, give written notice of the approval to the person who intends to make the application; and
   (b) give a copy of the written notice of approval to the Registrar or the registering authority (as the case requires).
(5) The supervising authority may, by instrument in writing, delegate to a person (including a person for the time being holding or acting in a particular position) a function or power of the supervising authority under this section.

(6) A delegation under subsection (5)—
   (a) may be unconditional or subject to conditions specified by the delegator; and
   (b) does not derogate from the power of the delegator to act personally in any matter; and
   (c) may be further delegated; and
   (d) is revocable at will by the delegator.

29F—Additional requirements for registration of change of name of restricted person

(1) The Registrar must not register a change of name of a restricted person unless the Registrar has received a copy of the notice of approval of the supervising authority to the application for registration of a change of name.

(2) The Registrar must notify the supervising authority of a change of name of a restricted person.

(3) The Registrar may correct the Register if a change of name of a person has been registered in contravention of this Division.

29G—Information exchange between Registrar and supervising authority

(1) The Registrar and the supervising authority may enter into an arrangement for the provision or exchange of information for the purposes of this Division.

(2) Information may be provided or exchanged in accordance with an arrangement under this section despite any other Act or law.

Schedule 1—Related amendment

Part 1—Amendment of Child Sex Offenders Registration Act 2006

1—Amendment of section 66K—Change of name of registrable offender

Section 66K—after subsection (2) insert:

(2a) The Registrar under the Births, Deaths and Marriages Registration Act 1996—
   (a) must not register a change of name of a registrable offender unless he or she has received a copy of the Commissioner's written permission; and
(b) must notify the Commissioner of a change of name of a registrable offender.