

South Australia

**Births, Deaths and Marriages (Change of Name)
Amendment Bill 2009**

A BILL FOR

An Act to amend the *Births, Deaths and Marriages Registration Act 1996*.

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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 (Change of Name) Amendment Act 2009*.

5 2—Commencement

This Act will come into operation 3 months after the date of assent.

3—Amendment provisions

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

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

4—Insertion of section 24A

After section 24 insert:

15 24A—Declaration on application and provision of information to Commissioner of Police

- (1) An adult person who applies for registration of a change of the person's name must, at the time of making the application, make a declaration indicating whether—
 - (a) he or she has been convicted of an indictable offence in the 5 years immediately preceding the application; or
 - (b) he or she is, at the time of making the application, charged with an indictable offence.
- (2) Subsection (1) does not apply to an application if the Registrar is satisfied that the application is for a change of name related only to a marriage or divorce.

- (3) A person who makes a false or misleading representation in a declaration under subsection (1), knowing it to be false or misleading, is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (4) The Commissioner of Police may provide to the Registrar the name of a person who has been convicted of a prescribed offence.

- (5) If the Registrar receives the name of a person from the Commissioner of Police under subsection (4), the Registrar must—

- (a) retain that name, in a manner the Registrar thinks fit, for a period of 5 years from the date of its receipt; and
- (b) notify the Commissioner of Police of any application made by that person to change that name while the name is kept under paragraph (a).

- (6) If—

- (a) a person who applies for a registration of a change of name declares under this section that—

(i) he or she has been convicted of an indictable offence in the 5 years immediately preceding the application; or

(ii) he or she is, at the time of making the application, charged with an indictable offence; or

- (b) a person whose name is being retained by the Registrar under subsection (5) makes an application for registration of a change of his or her name,

the Registrar must provide to the Commissioner of Police the following details of the application:

(c) the name of the applicant before the proposed registration of change of name;

(d) the address of the applicant;

(e) the name proposed for registration by the applicant,

and must not register the change of name until those details have been provided.

- (7) In this section—

prescribed offence means—

(a) a major indictable offence against Part 5 of the *Criminal Law Consolidation Act 1935*; or

(b) an offence against Part 5A or 7 of the *Criminal Law Consolidation Act 1935*; or

(c) an offence of a sexual nature committed against a child.