



**LIFE
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COMMUNITY
MEMORIES**

Prohibited Name Policy



Registry of Births, Deaths and Marriages



**Queensland
Government**

TABLE OF CONTENTS

Policy overview	3
Purpose.....	3
Scope.....	3
Legislative Framework.....	3
Unuseable: A name that cannot practically be established by repute or usage.....	6
Too long	6
Unpronounceable: Symbols without phonetic significance	6
Unpronounceable: Phonetic symbols used improperly	7
Non-Latin alphabet phonetic symbols	7
Obscene or offensive.....	7
Misleading or confusing.....	8
Includes or resembles an official title or rank	8
Specific religious imputation	8
Is, or includes, a statement.....	9
Otherwise contrary to public interest.....	9
How RBDM makes a decision to register a name.....	10
Reviewing the decision of the Registrar.....	10
Compatibility with the <i>Human Rights Act 2019</i> (Qld)	10
Commencement & Version.....	10
Attachment 1 - ASCII Character Set.....	11

POLICY OVERVIEW

Names are essential for a person's legal identity. A person's name is often the very first thing they are 'given' as an infant, and can be significant in linking them with their family, culture and community. People use their name to introduce themselves and interact with others, it's how they're known, addressed and referred-to.

A person's name is reproduced across a range of legal identity documents, appearing on passports, driver licences, and Medicare cards, and assists people to access a range of government and financial services.

Recognising the important role names play in people's lives, some names are prohibited if they cannot reasonably be used in the community, or on legal identity documents.

Almost all names chosen by parents for their child, or chosen by an adult for themselves, are registrable. Before making a decision that a name is prohibited, the Registrar of the Registry of Births, Deaths and Marriages (RBDM) will take into account relevant factors including family and cultural relevance, and how that name would be perceived in the community.

While the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act) requires a child's name to be included on their birth registration, and enables a person to apply to register a change of their name, a name **must not be approved** if the proposed name is a **prohibited name**.

PURPOSE

The purpose of this document is to outline the policy considerations of the Registrar in determining if a name, proposed in an application, is a prohibited name that must not be registered under the BDMR Act.

SCOPE

This policy does not address the broader processes, and legislative and policy considerations in relation to name **changes** under the BDMR Act. These are set out in the RBDM Change of Name Policy.

LEGISLATIVE FRAMEWORK

The term 'prohibited name' is defined in the Schedule 2 dictionary of the BDMR Act and used multiple times throughout the Act:

prohibited name means a name that—

- (a) is obscene or offensive; or
- (b) could not practically be 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 another reason; or

- (c) includes or resembles an official title or rank; or
- (d) is, or includes, a statement; or

Examples—

‘Save Mother Earth’ or ‘Down with Capitalism’

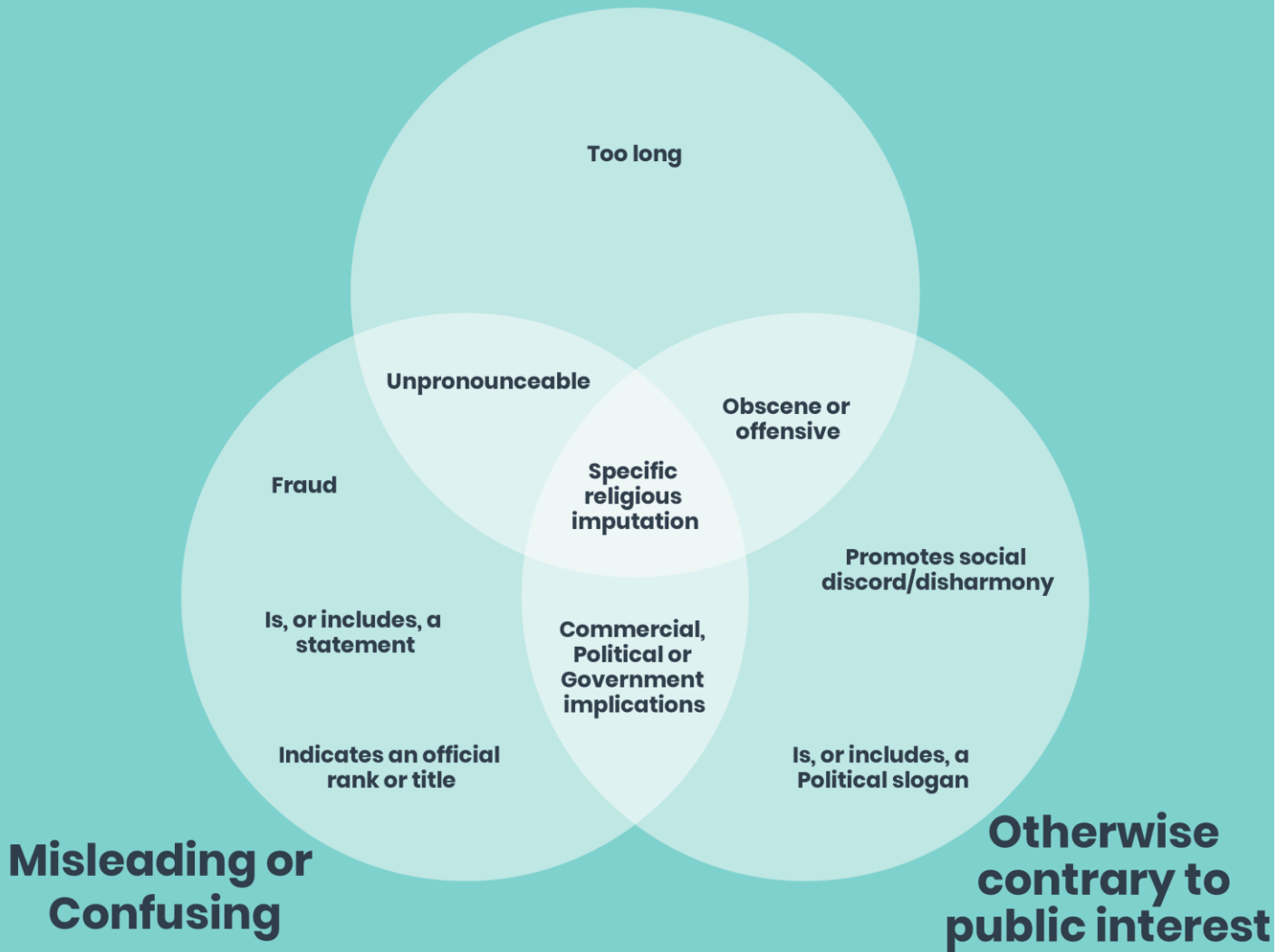
- (e) is contrary to the public interest for another reason; or
- (f) a regulation states is a prohibited name.

Legislation	Section	Application
Births, Deaths and Marriages Registration Act 2003	Schedule 2	Definition of a <i>prohibited name</i>
	Section 12	A birth registration application must state the child’s name
	Section 13	If a prohibited name is proposed on a birth registration application, the Registrar can choose a name for the child
	Section 19	The Registrar must not approve an application to register a change of name to a prohibited name
	Section 20	The Registrar must not approve an application to note a change of name to a prohibited name
Births, Deaths and Marriages Registration Regulation 2015	Section 28	A name that is, includes, or is part of, a political slogan is a prohibited name

Prohibited names

At common law, generally speaking any person is allowed to assume and use any name, provided its use is not contrary to the public interest

Unuseable



UNUSEABLE: A NAME THAT CANNOT PRACTICALLY BE ESTABLISHED BY REPUTE OR USAGE

At common law, generally speaking any person is allowed to assume and use any name, provided its use is not intended to deceive or inflict financial loss¹. A person's name is what they call themselves (usage) and what they are called in society (repute).

The BDMR Act recognises that for various reasons it would be improper and impractical to establish certain names through regular use in the community, and therefore these names are prohibited.

TOO LONG

A name or series of names that is very long cannot be consistently used in full, in day-to-day personal interactions, or on standard forms and documentation. Therefore, names that are too long cannot practically be established by repute or usage in the Queensland community.

RBDM's limit for given names is 60 characters in total, and 50 for the surname. This limit is consistent with that of the Department of Home Affairs Document Verification Service (DVS). DVS is the major system utilised by government agencies to verify identity documentation.

Having a maximum length for names to be recorded by RBDM ensures that an individual's name can appear in full on a birth certificate, along with other transactional and identity records acquired over time and utilised in the community such as a Medicare Card and a Driver Licence.

UNPRONOUNCEABLE: SYMBOLS WITHOUT PHONETIC SIGNIFICANCE

Phonetics is the study of human speech. A name that includes symbols without a corresponding spoken sound cannot be practically used in the community, because the symbols make no contribution to the way the name is pronounced, and in the written form could cause confusion for the reader.

Some punctuation marks may be used where recognised phonetic, familial or cultural significance applies, for example:

- Hyphens and apostrophes for given names (Anne-Marie) or surnames (Smith-Jones, Fa'anape, or O'Toole)
- Symbols that have a specific phonetic meaning, for example a cedilla under the letter c ("Ç") to indicate that it should be pronounced with a soft 's' not a hard 'k' sound

¹ *Earl Cowley v Countess Cowley* [1901] AC 450

Other English punctuation marks without phonetic significance are prohibited. This includes brackets (), colons (:), semicolons (;), commas (,), and exclamation (!), question (?) and quotation (") marks.

UNPRONOUNCEABLE: PHONETIC SYMBOLS USED IMPROPERLY

Names that include symbols that function as abbreviations for proper words or phrases are prohibited, for example:

- numerals or numeral substitution (such as 7om 5mith for Tom Smith)
- the email address “at” @ symbol, registered ® trade mark symbol, and copyright © symbols
- mathematical symbols such as “percent” (%), “less than” (<), and “plus” (+)
- currency symbols (\$), ampersands (&), and asterisks (*)

NON-LATIN ALPHABET PHONETIC SYMBOLS

This policy applies within the context of registering a person's name at birth, or an application to change their name, within the State of Queensland.

As the modern English alphabet is based on the Latin alphabet, RBDM accepts a range of characters with phonetic significance in the American Standard Code for Information Exchange (ASCII) Latin Character Set, in names (see **Attachment 1**).

For example, permissible characters of phonetic significance in the Latin Character Set include grave (à), acute (é), circumflex (û), tilde (ñ), umlaut (ö) and ring (Å). RBDM uses the ASCII character table.

While acknowledging the diverse cultural makeup of our State, names including phonetic characters or symbols related to non-Latin alphabets, for example Japanese *Kanji*, cannot be registered on a Queensland birth certificate.

For the same reason that improperly used phonetic symbols would prevent an English-speaker from reasonably attempting to read and pronounce the name correctly, names of non-European origin should be adapted to an appropriate ASCII character set as described at Attachment 1, to be registered.

OBSCENE OR OFFENSIVE

A name that is obscene or offensive includes:

- swear words
- descriptions of sexual acts or violence
- racial, ethnic or cultural slurs or discriminatory terms
- names that are considered reasonably likely to insult, offend or intimidate a person or group

In Queensland, the use of offensive, obscene, indecent, abusive or threatening language is considered a public nuisance offence. An obscene or offensive name therefore can't reasonably be used in the community, and would be contrary to the public interest.

MISLEADING OR CONFUSING

INCLUDES OR RESEMBLES AN OFFICIAL TITLE OR RANK

Names containing an official title, position or rank recognised in the community, and structured in a way that might mislead others, are prohibited. For example, an adult with the given names of 'Major John' could be presumed to hold that military rank when introducing themselves by phone or in formal correspondence.

Examples of titles and ranks that may not be registered as a person's **first name** include, however are not limited to:

- royal or peerage titles in the English language – Duchess, Sir, Dame or Highness
- military ranks - Commander, Admiral, Commodore or Sergeant
- law enforcement ranks - Constable, Inspector and Commissioner
- political titles - Minister, President or Premier
- judicial titles - Judge, The Honourable or 'Hon.'
- academic and vocational titles - Professor or Doctor

Names in this category that are already in common usage, for example Earl, Honour, Baron or Marshall, are less likely to mislead, and are not prohibited.

Post-nominals that imply an honour, rank or credential may not be registered at the end of a surname such as:

- MP (political – Member of Parliament)
- SC/QC (legal – Senior Counsel/Queen's Counsel)
- AO or AC (Office of the Order or Companion of the Order of Australia) or
- those resembling Defence Honours and Awards (e.g. VC for Victoria Cross)

SPECIFIC RELIGIOUS IMPUTATION

RBDM will exercise caution in regard to a name that looks like a religious title or the name of a figure of religious significance, as use of the name in the community may cause social disharmony.

For example, religious titles for a first name such as Saint, Bishop, Goddess, Father, Sister or Pope, and the complete names of religious figures such as 'Jesus Christ', 'God', 'Satan', or 'Dalai Lama', are prohibited names.

Names that are commonly or traditionally taken in representation of personal faith, such as Jesus or Mohammed, are permissible as a name.

Where a name is of particular significance to a culture, clients should contact RBDM so that the cultural significance of the name can be understood and considered.

IS, OR INCLUDES, A STATEMENT

While descriptive names are commonplace and acceptable, names that are or include a statement may be confusing when used in the community, and diverge from the primary purpose of a name in establishing a person's identity.

The BDMR Act includes examples of statements 'Save Mother Earth' or 'Down with Capitalism'. Self-referential statements like 'Sam Is Amazing' or 'Truly Awesome' are also prohibited.

Section 28 of the *Births, Deaths and Marriages Registration Regulation 2015* broadens this category, stating that 'A name that is, includes, or is part of, a political slogan is a prohibited name.'

OTHERWISE CONTRARY TO PUBLIC INTEREST

In the context of the BDMR Act and change of name applications, determining if something is contrary to the public interest involves balancing the rights of an individual to choose their name against the public's rights, interests and legitimate expectations not to be confused, threatened, intimidated or otherwise negatively affected.

The purpose of the name registration process under the BDMR Act is to establish a person's legal identity for a range of community, not commercial or company, purposes. A name that appears to have been chosen for the dominant or exclusive purpose of business marketing or promotion, or that either deliberately or accidentally creates confusion with a trade mark or business name, may be regarded as unacceptable as a matter of public interest.

The Registrar may decide that a name is prohibited because it is contrary to the public interest for another reason.

Examples could include:

- circumstances where registering the name would contravene or conflict with an existing law, legal rights or registration regime (e.g. trade mark, business name registration, or copyright laws)
- a name that is chosen for a fraudulent or improper purpose
- a name that is otherwise misleading, and may cause confusion among the public
- a name that expresses a meaning or has significance that would cause social disharmony – such as the perpetrator of a crime applying to change their name to be the same as the victim of their crime
- a name that implies an official connection to a government or commercial entity or enterprise – for example the use of the name Australia is prohibited, as are names that are the same as major sporting events
- a name that refers to formal documents or administrative processes such as 'passport' or 'driver licence'

HOW RBDM MAKES A DECISION TO REGISTER A NAME

This policy is not intended to provide an exhaustive list of criteria for identifying a prohibited name. The Registrar's duty to refuse to register a name is carried out within the broad provisions of the BDMR Act.

RBDM makes decisions on a case-by-case basis. Before making a decision to register or refuse to register a name, RBDM will take into account a number of relevant factors.

RBDM may call you to better understand the reasons for choosing the name, in particular whether the name has specific relevance to you, your family or culture.

If you are seeking to register a name that might be prohibited, RBDM will work with you to ensure the proposed name, be it for you or your child, is meaningful to you, reflects community expectations, and can be registered.

REVIEWING THE DECISION OF THE REGISTRAR

Section 49 of the BDMR Act provides that a person who is dissatisfied with a decision of the Registrar may, as provided under the [Queensland Civil and Administrative Tribunal Act 2009](#), apply to QCAT for a review of the decision.

COMPATIBILITY WITH THE *HUMAN RIGHTS ACT 2019* (QLD)

RBDM is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, RBDM has an obligation to act and make decisions in a way that is compatible with human rights and when making a decision, to give proper consideration to human rights. When making a decision about a prohibited name, decision-makers must comply with that obligation.

COMMENCEMENT & VERSION

Commencement date:	25 January 2022
Version:	1.1
Approved:	Registrar-General

ATTACHMENT 1 - ASCII CHARACTER SET

A prohibited name includes a name that consists of, or includes, symbols without phonetic significance. Permissible characters from the 'Latin Character Set' include codes 192 to 255 - excluding code 215 (multiplication sign) and 247 (division sign).

For example, permissible symbols include grave, acute, circumflex, tilde, umlaut and ring.

Character	Code	Name	Character	Code	Name
À	192	A grave	Ð	208	ETH
Á	193	A acute	Ñ	209	N tilde
Â	194	A circumflex	Ò	210	O grave
Ã	195	A tilde	Ó	211	O acute
Ä	196	A umlaut	Ô	212	O circ
Å	197	A ring	Õ	213	O Tilde
Æ	198	AE ligature	Ö	214	O umlaut
Ç	199	C cedilla		215	NOT USED
È	200	E grave	Ø	216	O Slash
É	201	E acute	Ù	217	U grave
Ê	202	E circumflex	Ú	218	U acute
Ë	203	E umlaut	Û	219	U circumflex
Ì	204	I grave	Ü	220	U umlaut
Í	205	I acute	Ý	221	Y acute
Î	206	I circumflex	Þ	222	THORN
Ï	207	I umlaut	ß	223	Sharp s

<i>Character</i>	<i>Code</i>	<i>Name</i>	<i>Character</i>	<i>Code</i>	<i>Name</i>
à	224	a grave	ð	240	eth
á	225	a acute	ñ	241	n tilde
â	226	a circumflex	ò	242	o grave
ã	227	a tilde	ó	243	o acute
ä	228	a umlaut	ô	244	o circumflex
å	229	a ring	õ	245	o tilde
æ	230	ae ligature	ö	246	o umlaut
ç	231	c cedilla		247	NOT USED
è	232	e grave	ø	248	o slash
é	233	e acute	ù	249	u grave
ê	234	e circumflex	ú	250	u acute
ë	235	e umlaut	û	251	u circumflex
ì	236	i grave	ü	252	u umlaut
í	237	i acute	ý	253	y acute
î	238	i circumflex	þ	254	thorn
ï	239	i umlaut	ÿ	255	y umlaut