

Prohibited name policy



Acknowledgement of Traditional Custodians



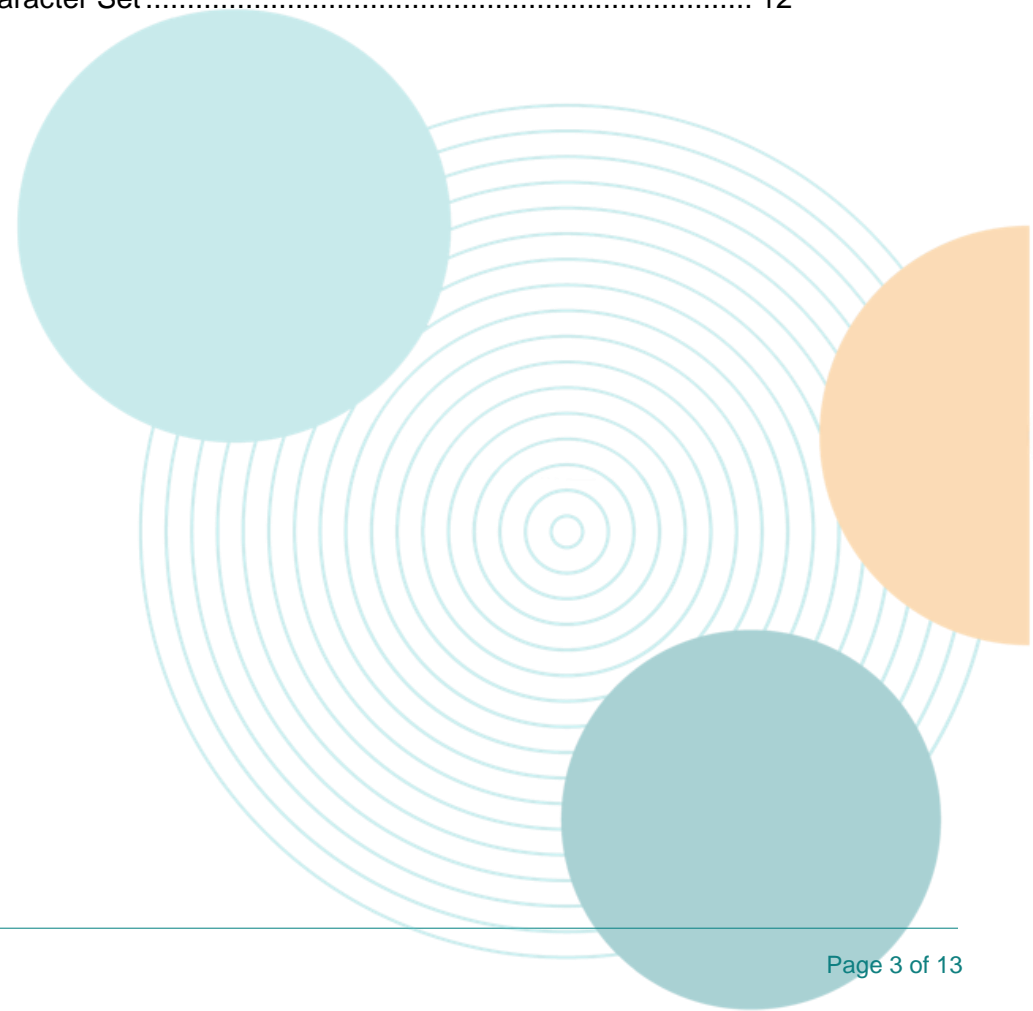
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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1.0 Introduction

A person's name is essential for their identity. When a child is born, their parents choose their name. This name can be changed while a person is still a child, or later when a person becomes an adult.

A name can be significant in linking a person 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* by the law, meaning a person is **not allowed** to use that name:

- when applying to register their child's birth,
- when applying to change their child's name, or
- when applying to change their own name.

Almost all names chosen by parents for their child, or chosen by an adult for themselves, are allowed. Before making a decision that a name is prohibited, 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.

2.0 Scope

In scope – this policy covers:

- How RBDM decides whether a name is prohibited under the law.

Out of scope – this policy does not cover:

- Applications to change a person's name – see the ***Adult Change of Name Policy*** or ***Child Change of Name Policy***.

3.0 What is a prohibited name?

A name cannot be registered with RBDM if it is a 'prohibited name'.

Under the law, a name will be prohibited if:

1.	It is obscene or offensive
OR	
2.	It cannot practically be established in the community by common use or reputation

OR	
3.	It includes or resembles an official title or rank
OR	
4.	It is, or includes, a statement
OR	
5.	It is contrary to the public interest
OR	
6.	The name is listed in the law as being a prohibited name.

The sections below explain what each of these categories mean.

3.1 Obscene or offensive

RBDM cannot register a name if it is obscene or offensive.

A name is obscene or offensive if it includes:

1.	Swear words, including swear words from another language
OR	
2.	Descriptions of sexual acts or violence
OR	
3.	Racial, ethnic or cultural slurs or discriminatory terms
OR	
4.	Names that are considered reasonably likely to insult, offend or intimidate a person or group

3.2 Cannot practically be established in the community by common use or reputation

A person's name must be practical, and able to be formed through regular use in the community.

The law 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 family name. 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 ensures that an individual's name can appear in full on a birth certificate, along with other identity documents acquired over time and used in the community such as a Medicare Card, Driver Licence, and Passport.

Unpronounceable: Symbols without phonetic significance

A name must be able to be written down and spoken out loud. Otherwise, it cannot be shown on a certificate, or be used practically in the community.

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.

For example, any of the following would be difficult or confusing to pronounce if they were included in a word:

1.	Symbols Examples: @ # \$ + ^ & * ® © % <
2.	Punctuation Examples: , . ? ! : ; " ' ()
3.	Numbers

	Examples: 1 2 3 4 5 6 7 8 9 0
4.	Custom or personalised marks Examples: ☞

All English alphabet letters have sounds associated with them (phonetic significance). However, their phonetic significance can be lost when used for stylistic purposes. For instance, using a capital letter in the middle of a word or having too many consonants or vowels in a row can cause the usual sounds of a letter to change and can make the word confusing to say.

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

- Dashes (-) and apostrophes (') for given names (Anne-Marie) or family names (Smith-Jones, Fa'anape, or O'Toole)
- Symbols that help people say the word, 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

Non-Latin alphabet phonetic symbols

While Queensland is a culturally diverse state, English is spoken by most people and official documents are recorded in English. For this reason, names with characters from another language (for instance, Japanese Kanji) are impractical to establish in Queensland and cannot be used. However, RBDM may accept a name from another language if it has been converted to (spelled out in) English characters.

As written English is based on the Latin alphabet, RBDM may also accept 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.

Any other reason

There may be other reasons why a name is impractical to form by use in the community. For example, RBDM may consider that a name is impractical if it cannot be printed on a certificate.

3.3 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.

3.0 What is a prohibited name?

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

1.	Royal or peerage titles in the English language Examples: Duchess, Sir, Dame or Highness
2.	Military ranks Examples: Commander, Admiral, Commodore or Sergeant
3.	Law enforcement ranks Examples: Constable, Inspector and Commissioner
4.	Political titles Examples: Minister, President or Premier
5.	Judicial titles Examples: The Honourable or 'Hon', Judge
6.	Academic and vocational titles Examples: Professor or Doctor

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

Post-nominals (words or letters after a name) that imply an honour, rank or credential may not be registered at the end of a family name 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 meaning

RBDM will exercise caution when considering 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, applicants should contact RBDM so that the cultural significance of the name can be understood and considered.

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

3.5 Contrary to the public interest

When deciding whether a name is contrary to the public interest, RBDM balances 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.

Names for a commercial purpose

The purpose of the name registration process at RBDM 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 trademark or business name, may be regarded as unacceptable as a matter of public interest.

Other reasons

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

Examples could include:

1.	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).
2.	The name appears to have been chosen for fraudulent or another improper purpose.
3.	The name is misleading, and may cause confusion among the public (e.g. name 'Not Stated')

4.	The name would cause social harm – such as the perpetrator of a crime applying to change their name to be the same as the victim of their crime.
5.	The name 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.
6.	The name that refers to formal documents or administrative processes such as ‘passport’ or ‘driver licence’.

3.6 The name is listed in the law as being a prohibited name

The law expressly states that a name that is, includes, or is part of, a political slogan is a prohibited name.

4.0 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 in accordance with the law.

RBDM makes decisions on a case-by-case basis. Before deciding to register or refuse to register a name, RBDM will consider a number of relevant factors.

RBDM may contact you to better understand the reasons for choosing the name, particularly 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.

5.0 Reviewing the decision of the Registrar

Any person not happy with a decision made by RBDM can seek a review of the decision by applying to QCAT in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

6.0 Compatibility with Human Rights

RBDM is committed to upholding, safeguarding, and advancing human rights. Under the *Human Rights Act 2019*, RBDM is required to act and make decisions in a manner that aligns with human rights. When deciding whether a name is prohibited, decision-

makers must give careful consideration to human rights and ensure compliance with this obligation.

7.0 Commencement and version

Commencement date: 24 June 2024

Version: 2.0

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