|  |  |  |  |
| --- | --- | --- | --- |
| **Prisoners’ Name Changes** | | | |
| **Section** | | 4. Prisoner Services | |
| **CR Number** | 4.3.1 | **Current Issue Date** | June 2020 |
| **Legislation & Policy** | | Corrections Act 1986  Births, Deaths and Marriages Registration Amendment Act2019  Charter of Human Rights and Responsibilities Act 2006 | |
| **Standard** | | Prisoner Administration Services – Requests and Complaints | |
| **Attachments** | | Nil | |
| **Forms** | | Prisoner’s Application for Name Change | |

1. **PURPOSE**

To advise of requirements when prisoners seek to change their names.

1. **REQUIREMENT**

Prisons must have processes in place that:

* provide for a prisoner to request a change of name;
* appropriately assess the request; and
* advise the prisoner of the outcome.

1. **GUIDING PRINCIPLE**

The *Corrections Act* *1986* section 47H, provides the Secretary, Department of Justice and Community Safety with authority to prevent a prisoner from changing their name. It is unlawful for a prisoner to seek to change their name without having obtained the Secretary’s written approval.

1. **CONTEXT**

The Secretary, Department of Justice and Community Safety, is able to approve a prisoner’s application for a change of name, if they are satisfied the change of name is necessary or reasonable. Examples of this may be if a prisoner would like to change their name for religious or cultural reasons.

1. **INSTRUCTION**
   1. **Protocol**
      1. The Secretary must refuse a name change in specified circumstances. The request must be refused if the Secretary considers that the proposed name change would be reasonably likely to:

* be a threat to a prison security;
* jeopardise a prisoner’s safe custody and welfare;
* be used to further an unlawful activity or purpose; or
* be regarded as offensive by a victim of crime or an appreciable sector of the   
   community.
  + 1. It is an offence for a prisoner or a person on their behalf, to apply for a name change without the Secretary’s approval.
    2. Prison general managers must:
* Include reference to the name change procedural requirements in induction materials provided to prisoners to ensure they are aware that applications for change of name can only be made to the Secretary and not directly to the Victorian Registrar of Births, Deaths and Marriages;
* Make an application form available to prisoners (Prisoner’s Application for Name Change);
* Ensure staff are instructed to withhold (in accordance with section 47D(1)(e) of the *Corrections Act* 1986) any name change applications addressed to the Registrar of Births, Deaths and Marriages; and
* Refer any breaches (advertent and inadvertent) of section 47J of the *Corrections Act* 1986 to Victoria Police.
  + 1. The Victorian Registrar of Births, Deaths and Marriages may register a prisoner’s change of name only if they have received a copy of the Secretary’s approval. In the event a prisoner’s change of name is inadvertently registered without the Secretary’s approval, the Registrar is empowered to correct the register. For example, this could occur if a prisoner fails to obtain the Secretary’s approval for a name change and deliberately conceals the fact they are a prisoner when applying for a name change.
  1. **Application Process**
     1. Applications are forwarded to the Assistant Commissioner, Sentence Management Division (SMD), who is responsible for assessing each application and preparing a brief for the Secretary, with a recommendation to support or not support the application.
     2. The application and brief are forwarded to the Deputy Commissioner, Custodial Operations, the Commissioner and the Deputy Secretary, Corrections and Justice Services, for consideration and seeking their endorsement. The application is then forwarded to the Secretary for consideration.
     3. Following the Secretary’s decision, the application is returned to the Assistant Commissioner, Sentence Management Division, where the Secretary’s letter is sent to the prisoner, advising of the decision. A copy of the letter is also sent to the Deputy Director, Operations, Registry of Births, Deaths and Marriages for their process purposes.
     4. If approved, the prisoner may proceed with their application to the Registry of Births, Deaths and Marriages, except if the prisoner is a registered sex offender. In this instance, they must also seek the written approval of the Chief Commissioner of Victoria Police before they can proceed.
     5. If the application is approved by the Registry of Births, Deaths and Marriages, they will notify the Secretary in writing, who will in turn notify the Assistant Commissioner, Sentence Management Division. Sentence Calculation and Warrant Administration, within Sentence Management Division, must update PIMS/E\*Justice with the new name details. In addition, the prison must update the prisoner’s IMF.

|  |
| --- |
|  |
| Emma Cassar  **Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

|  |  |
| --- | --- |
| **Acronyms** | |
| IMF | Individual Management File |
| PIMS | Prisoner Information Management System |

| **Definitions** | |
| --- | --- |
|  | Nil |

|  |
| --- |
| **Associated Commissioner’s Requirements** |
| 4.3.3 - Prisoners' Application to Alter their Record of Sex |

|  |  |
| --- | --- |
| **Document Detail** | |
| Title: | Prisoners’ Name Changes |
| Owner: | Assistant Commissioner, Sentence Management Division |

|  |  |  |
| --- | --- | --- |
| **Version Control** | | |
| Version | Date | Description |
| V9 | Jun-20 | Update |
| V8 | Aug-18 | Update |
| V7 | Sep-17 | Update |
| V6 | Sep-16 | Update |
| V5 | Sep-15 | Update |
| V4 | Aug-14 | Update |
| V3 | Feb-10 | Update |
| V2 | May-09 | Update |
| V1 | Jan-05 | First Issue |

**PRISONER’S APPLICATION FOR NAME CHANGE**

SECTIONS 47G, 47H, *CORRECTIONS ACT*1986

GIVEN NAME AND SURNAME: ……………………………………………………..……………………..

CRN: ………………

PRISON / UNIT: ……………………………………………………………………………………………..

I apply to change my name\* to: ……………………………………………………………………………..

for the following reasons:

*(Please attach additional sheets if insufficient space is provided)*

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

\* Please indicate if it is intended to change your child’s name, or both your name and your child’s name.

SIGNED: ……………………………………….

DATED: …….. / …….. / 20……

**PRISON GENERAL MANAGER’S COMMENTS:**

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |

NAME: ………………………………………………………………....

SIGNED: ....................................................................................... DATED: …….. / …….. / 20……