

Tasmania Prison Service

Director's Standing Order

DSO – 2.23 Change of Name by a Prisoner

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1. Statement of Purpose

The purpose of this Director's Standing Order is to ensure that prisoners who wish to make a change of name application during their period of custody with the Tasmania Prison Service (TPS) do so in accordance with the [Births, Deaths and Marriages Registration Act 1999](#) and [Corrections Act 1997](#).

This Director's Standing Order outlines the protocols for managing a prisoner who intends to change their name via means of a change of name application (as per section 23 of the [Births, Deaths and Marriages Registration Act 1999](#)).

In determining whether to give consent for a prisoner to make a change of name application, the Director of Prisons (as delegated powers under the [Corrections Act 1997](#)) may consider any matter he / she thinks fit in the circumstances.

2. Desired Outcome

In determining whether to provide consent for a prisoner to make a change of name application, the Director of Prisons (as delegated powers under the [Corrections Act 1997](#)) will have regard to the matters described in this Director's Standing Order.

3. Scope

This Director's Standing Order applies to prisoners, detainees and other persons in the custody of the TPS. All sections of this Director's Standing Order apply to watch-house detainees.

4. References (including Legislation, Policy, Forms and Other Documents)

[Births, Deaths and Marriages Registration Act 1999](#), sections 3, 4, 22, 23, 26 and 27

[Corrections Act 1997](#), sections 6(3), 8(3)(f), 34AC and Schedule 1, Part 2, 35D

[Community Protection \(Offender Reporting\) Act 2005](#), sections 3, 6, 38 and 43

[Director's Standing Order 1.23 - Disciplinary Process](#)

[Director's Standing Order 2.02 - Induction and Case Management](#)

[Director's Standing Order 2.21 - Records Management](#)

[Director's Standing Order 4.01 - Requests and Complaints](#)

[Memorandum of Understanding between the Department of Police and Emergency Management and TPS](#)

[Memorandum of Understanding between the Victims Assistance Unit, Victims Support Service and TPS](#)

[Births, Deaths and Marriages Application to Register Change of Name - 18 years or over](#)

[Form 6BB – Request for Change of Name Application](#)

5. Definitions and Abbreviations

Change of name – includes an addition, omission or substitution.

Change of name application – means an application to a Registrar for the registration of a change of a prisoner's name.

CIS – means the Custodial Information System.

Community Protection Offender Register – provides the legislative framework for Tasmania Police to register and monitor offenders who commit sexual or other serious offences. A Court will sentence an offender to the Community Protection Offender Register, where the offender will typically commence reporting to Tasmania Police for a specified period of time post-prison sentence.

CM – means Content Manager, the Department of Justice records management system.

DSO – means Director’s Standing Order.

Prisoner – means, unless otherwise stated, prisoners and detainees (as defined in the *Corrections Act 1997*). All sections of this Director’s Standing Order relate to watch-house detainees.

Registrar – means (as defined in the *Corrections Act 1997*) –

- (a) the Tasmanian Registrar; or
- (b) an authority responsible, under a law of another State or a Territory, for the registration of births, deaths and marriages.

Tasmanian Registrar – means the Registrar of Births, Deaths and Marriages appointed or employed under the *Births, Deaths and Marriages Registration Act 1999*. The Tasmanian Registry of Births, Deaths and Marriages is responsible for registering changes of name for people who were born or reside in Tasmania.

TPS – means the Tasmania Prison Service.

VAU – means the Victims Assistance Unit.

VSS – means the Victims Support Services (services provided by the VAU). VSS is part of the Department of Justice and is dedicated to victims of crime. VSS is responsible for the administration of the Eligible Persons Register (previously known as the Victims Register) and the provision of information to victims from that Register.

6. Mandatory Policy

- 6.1. The Director of Prisons must determine whether to give consent for a prisoner to make a change of name application in accordance with the [Births, Deaths and Marriages Registration Act 1999](#) and [Corrections Act 1997](#).
- 6.2. No prisoner is to make a change of name application without obtaining permission from the Director of Prisons.

7. Responsibilities

7.1. All staff

Any TPS staff member who becomes aware, during the course of their duties, that a prisoner has successfully changed their name without obtaining consent from the Director of Prisons must advise the TPS Directorate office.

7.2. Correctional Officers (Case Management)

Correctional Officers assigned case management duties for a prisoner who wants to change their name are responsible for explaining the contents of this DSO to that prisoner. They will also provide the prisoner with assistance when requesting permission from the Director of Prisons to make a change of name application.

7.3. Directorate

The TPS Directorate is responsible for providing support to the Director of Prisons in the making of decisions whether to allow a prisoner to make a change of name application.

The Directorate will advise the VSS if approval is granted for a prisoner, who has a registered victim, to change their name, and this new name has been registered by the Tasmanian (or other) Registrar.

7.4. Security and Intelligence Unit

The Security and Intelligence Unit is responsible for liaising with Tasmania Police (State Intelligence Service) (or equivalent Police service in another jurisdiction if legislation in that jurisdiction allows for the exchange of information) when a prisoner seeks to obtain permission to make a change of name application.

7.5. Director of Prisons

The Director of Prisons is responsible for making decisions whether to allow a prisoner to make a change of name application, in accordance with the [Corrections Act 1997](#) and in consultation

with the VSS and Tasmania Police (or, if applicable, and where legislation allows for the exchange of information, equivalent services in interstate jurisdictions).

The Director of Prisons will advise the prisoner of the decision and, should approval be granted to make a change of name application, the Director will advise the Tasmanian (or other interstate) Registrar and the Parole Board of Tasmania of this decision.

7.6. **Sentence Administration Unit**

The Sentence Administration Unit are responsible for updating CIS 'Alias' information following a successful name change by a prisoner. Regardless of successful prisoner name changes, the TPS must record prisoner name details in accordance with the name shown on legal documentation (i.e. remand order/sentence warrant).

7.7. **Tasmania Police (State Intelligence Service) / Equivalent Police Service in another jurisdiction (where applicable)**

Upon request from the TPS Security and Intelligence Unit, Tasmania Police (State Intelligence Service) (or equivalent Police service in another jurisdiction if legislation in that jurisdiction allows for the exchange of information) are responsible for advising whether a prisoner has a history of using aliases. Tasmania Police are to advise whether there are any known risks associated with the approval of a request to make a change of name application (i.e. the name could be used for unlawful or improper ends). These views are to be communicated to the Director of Prisons.

7.8. **Tasmanian Registrar, Births, Deaths and Marriages**

The Tasmanian Registrar of Births, Deaths and Marriages will not knowingly accept a prisoner change of name application unless approval has been granted by the Director of Prisons.

Following the Director's approval for a prisoner to make a change of name application, the Tasmanian Registrar is responsible for advising the TPS Directorate when the new name has been registered.

When a prisoner who is to be subject to reporting under the Community Protection Offender Register post-release has successfully changed their name, the Tasmanian Registrar will inform Tasmania Police (State Intelligence Service) of the name change in writing.

7.9. **VSS / Equivalent victims of crime service in another jurisdiction (where applicable)**

Upon request, the VSS (or equivalent victims of crime service in another jurisdiction if legislation in that jurisdiction allows for the exchange of information) is responsible for obtaining victims' views in relation to proposed prisoner name changes and communicating these views to the Director of Prisons.

In instances where approval is granted for the prisoner to change their name, and this new name is registered by the Tasmanian (or other) Registrar, the VSS, upon advice from the TPS Directorate, must update the Eligible Persons Register, and keep registered victims informed of prisoner name changes.

8. Prisoner Application to Change Name

8.1. Request for application to change name

8.1.1. A prisoner must not make a change of name application, with the Tasmanian (or other interstate) Registry of Births, Deaths and Marriages, without the consent of the Director of Prisons.

8.1.2. A prisoner must apply to the Director of Prisons requesting permission to change their name using [Form 6BB – Request for Change of Name Application](#). Prisoners may seek assistance completing this form from their allocated Correctional Officer (Case Management).

8.2. Decision

8.2.1. In deciding whether to allow a prisoner to make a change of name application, the Director of Prisons may have regard to such matters as he or she thinks fit in the circumstances, including –

- whether the proposed change of name could reasonably be expected to excite adverse community reaction, particularly from victims of crime; and
 - whether there is any risk that the proposed change of name could be used for unlawful or improper ends (including disguise or evasion); and
 - whether the proposed change of name could disrupt prison routine or compromise its management, good order or security; and
 - whether the prisoner or detainee has previously changed his or her name or has any history of using aliases; and
 - whether, so far as the Director is aware, every complaint or information alleging an offence by the prisoner or detainee against the law of any State/Territory or the Commonwealth has been finalised.
- 8.2.2. The Director of Prisons must consult with the VSS (or, if applicable, and where legislation allows for the exchange of information, equivalent victims of crime service in another jurisdiction) in relation to any request made by a prisoner to make a change of name application. The VSS is responsible for obtaining victims views in relation to the proposed prisoner name changes and communicating this to the Director of Prisons within a reasonable timeframe.
- 8.2.3. If a prisoner's victim is listed on the register, the Director of Prisons must then consider whether a proposed name change could be considered offensive to the victim/s of the crime committed by the prisoner or an immediate family member of a deceased victim of the crime.
- 8.2.4. The TPS Security and Intelligence Unit, upon instruction from the Director of Prisons, must consult with Tasmania Police (State Intelligence Service) (or equivalent Police service in another jurisdiction if legislation in that jurisdiction allows for the exchange of information) in relation to any request made by a prisoner to make a change of name application. Tasmania Police are responsible for advising whether a prisoner has a history of using aliases. Tasmania Police are also to advise whether there are any known risks associated with the approval of a request to make a change of name application (i.e. the name could be used for unlawful or improper ends).
- 8.2.5. The Director of Prisons must advise the prisoner of the decision in writing using the "Decision" section of [Form 6BB – Request for Change of Name Application](#).
- 8.2.6. If approval is given for the prisoner to make a change of name application, the prisoner may then apply to the Tasmanian Registry of Births, Deaths and Marriages using the appropriate form ([Births, Deaths and Marriages Application to Register Change of Name - 18 years or over](#) – which can be sent in hard copy) (or equivalent Births, Deaths and Marriages office in another jurisdiction).
- 8.2.7. Applications made to the Tasmanian Registry of Births, Deaths and Marriages (or equivalent Births, Deaths and Marriages office in another jurisdiction) must be at the prisoner's expense.
- 8.2.8. The Director of Prisons is to notify the relevant Registrar of the provision of consent, together with relevant particulars, as soon as practicable after the consent is given. The Tasmanian Registrar is not to register a prisoner change of name if they have not received this consent from the Director of Prisons.

8.3. Advising the VSS of the granting of approval for a prisoner name change

- 8.3.1. If approval is granted for the prisoner, who has a registered victim, to make a change of name application, and this new name has been registered by the Tasmanian (or other) Registrar, the TPS Directorate must advise the VSS of the change.
- 8.3.2. Advice must be provided to allow the VSS to update the Eligible Persons Register (previously known as the Victims Register), and keep registered victims informed of prisoner name changes.

8.4. Advising the Parole Board of Tasmania of the granting of approval for a prisoner name change

- 8.4.1. The Director of Prisons is to notify the Parole Board of Tasmania of the provision of consent, together with relevant particulars, as soon as practicable after the consent is given.

8.5. Prisoner failure to apply for name change

- 8.5.1. If a prisoner succeeds by any means in having a change of name registered in any State or Territory without being given the required consent, the Director of Prisons may apply to the relevant Registrar to correct the relevant Register by cancelling the relevant entry. The Tasmanian Registrar, unless prevented from so doing by an order of a court, is to correct the Tasmanian Register accordingly.
- 8.5.2. If any TPS staff member becomes aware, during the course of their duties, that a prisoner has successfully changed their name without obtaining consent from the Director of Prisons, they must advise the TPS Directorate office.

9. Records Management

- 9.1. If approval is granted for the prisoner to change their name, and this new name is registered by the Tasmanian (or other) Registrar, the Sentence Administration Unit must record the prisoner's new name in CIS as an 'Alias', along with a case note identifying the prisoner change of name.
- 9.2. TPS Records Management staff must also update CM accordingly with new prisoner name details as an alias.
- 9.3. Regardless of successful prisoner name changes, the TPS must record prisoner name details in accordance with the name shown on legal documentation (i.e. remand order/sentence warrant).

10. Document History and Access

Implementation Date	16/10/2018
Version Number	1.1
Date of First Issue	01/12/2017
Date of Further Amendments	16/10/2018 – Change of titles to reflect organisational restructure
Additional Information	
Next Review Date	Five years from date of implementation
Access to this DSO	Routine Disclosure

Approved by:

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