

# DOMESTIC AND FAMILY VIOLENCE OBLIGATIONS – NORTHERN TERRITORY



In this tool, you will find:

- » An overview of your obligations under the *Domestic and Family Violence Act 2007*
- » Answers to common questions
- » Links to additional resources

Related tool:

- » [Sharing Information in Relation to Child Safety and Wellbeing – NT](#)

## BACKGROUND AND CONTEXT

This document provides information for CaFIS providers in the Northern Territory about their obligations under the *Domestic and Family Violence Act 2007*.

Whilst this guidance provides an overview of obligations, it is expected that CaFIS providers will have their own processes for ensuring employees are aware of their legal responsibilities as part of onboarding and ongoing training.

## KEY GUIDANCE

### Domestic and family violence legislation

In the Northern Territory (NT) the principal legislation relating to domestic and family violence is the *Domestic and Family Violence Act 2007* (the Act).

The objectives of the Act are:

- To ensure the safety and protection of all persons, including children, who experience or are exposed to domestic violence
- To ensure people who commit domestic violence accept responsibility for their conduct
- To reduce and prevent domestic violence.

### What is domestic and family violence?

In general, there are two parts to any definition of domestic and family violence:

- what constitutes a domestic or family relationship
- what constitutes violence or abuse.

The NT legislation defines a domestic relationship as a (current or previous) relationship between two people:

- in a family relationship (spouse or de facto partner, or otherwise a relative), or their child usually lives with the other person, or lives with someone else who is in a family relationship (spouse or de facto partner, otherwise a relative) with the other person
- in an intimate personal relationship (engaged to be married, or betrothed under cultural or religious tradition, or in certain circumstances are dating)
- has right of access, custody or guardianship of the other person or the other person has right of access, custody or guardianship of them
- in a carer relationship, where one person is dependent on the ongoing paid or unpaid care of the other.

The definition of domestic violence in the Act is when someone in a domestic relationship with another person threatens, attempts or engages in the following types of conduct against them:

- conduct that causes harm (e.g. physical or sexual assault)
- damaging property (including injuring or killing an animal)
- intimidation (e.g. harassment, regular and unwanted contact, unreasonably controlling behaviour, threats of violence or property damage)
- stalking (e.g. following, watching or approaching with the intent to harm or cause fear)
- economic abuse (e.g. withholding money, forcing a person to give them money).

### The effects of domestic and family violence

Domestic and family violence can have devastating short term and long term effects on families, and communities, and in particular on women and children.

In addition to causing physical injuries and being the leading cause of death, illness and disability for women under the age of 45, domestic and family violence can lead to depression, anger and suicide, the use of alcohol and other drugs, and homelessness.

Over 50% of women who experience domestic and family violence have children in their care. Children can be impacted by being subjected to the same violence, by witnessing the violence, or by knowing about the violence.

The impact of family violence on children can depend on the child's age and gender, and the extent and frequency of the violence. Children may cry frequently, refuse to eat, withdraw emotionally, or act out by hitting, biting or becoming aggressive. Children might have frequent illness, severe shyness, low self-esteem, anxiety, and depression. They might believe they are the cause of the violence or think violence is an appropriate way to resolve conflict.

## Reporting domestic and family violence

Under the Act, everyone over the age of eighteen in the Northern Territory must report domestic and family violence to the NT Police.

This includes if you believe a person has caused, or is likely to cause, harm to someone else, or if someone's life or safety is under serious or immediate threat because of domestic violence. You must report this as soon as possible.

Your obligation to report domestic and family violence is an obligation shared by every person in the NT; it is not because of your role as a CaFIS provider.

It can be a very difficult decision to report domestic and family violence, particularly in small communities where you may know every family, or when the violence is occurring between members of your own family.

You may be concerned that reporting could lead to an escalation of violence or 'payback', or everyone will find out you have reported.

These considerations will need to be balanced with your understanding of the impacts of family violence on adults and children and knowing why it is important for families to receive assistance.

## What Information should I report?

You should tell NT Police the following information:

- where the violence or harm has happened
- if the person needs medical help
- if there are any children nearby
- if there are any weapons involved
- the name of the victim or the other person if you know
- the relationship between the victim and the other person.

## Sharing information about domestic and family violence

The Act enables prescribed agencies to share information. Information must be shared for the purpose of assessing serious threats to a person's life, health, safety or welfare because of domestic violence, or to lessen or prevent these threats by providing or arranging domestic violence services.

Agencies who can share information about domestic violence are called Information Sharing Entities (ISEs).

ISEs are certain government agencies and some non-government organisations that provide a domestic violence related service. Non-government organisation ISEs are prescribed in the Domestic and Family Violence Regulations.

To determine whether your organisation is an ISE you should check the Domestic and Family Violence Regulations.

CaFIS providers are Authorised Information Sharers (AIS) under the *Care and Protection of Children Act 2007*, which means you may be required to share information when it relates to child safety and wellbeing (see CaFIS tool *Sharing Information in Relation to Child Safety and Wellbeing – NT*).

## APPLICATION TO CaFIS PROVIDERS

### Key questions and answers

#### Am I required to report domestic and family violence if the person harmed doesn't want it reported?

In the NT you are legally required to report domestic and family violence to the NT Police as soon as practicable if you believe a person has been or may be harmed, or their life or safety is threatened.

The obligation to report domestic and family violence is a personal obligation in NT, just like the obligation to report when you believe a child is being, or may be, harmed.

#### Do I need to give my name and contact details if I report domestic and family violence?

You don't have to give your name and contact details if you don't want to.

#### Can I get in trouble if I report domestic and family violence?

A person acting in good faith in making a report under section 124A of the Act is not civilly or criminally liable, or in breach of any professional code of conduct:

- (a) for making the report; or
- (b) for disclosing any information in the report.

### Can I get in trouble if I DON'T report domestic and family violence?

If the NT Police believe you have not made a report and there is sufficient evidence you should have, you may be charged with an offence.

#### Disclaimer

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#### Where to go for more information on this topic

NT Domestic and Family Violence Act 2007  
<https://legislation.nt.gov.au/Legislation/DOMESTIC-AND-FAMILY-VIOLENCE-ACT-2007>

NT Domestic and Family Violence Regulations 2008  
<https://legislation.nt.gov.au/Legislation/DOMESTIC-AND-FAMILY-VIOLENCE-REGULATIONS-2008>

NT Information Sharing Guidelines  
[https://nt.gov.au/\\_\\_data/assets/pdf\\_file/0004/949774/information-sharing-guidelines.pdf](https://nt.gov.au/__data/assets/pdf_file/0004/949774/information-sharing-guidelines.pdf)

Domestic violence as a form of child abuse:  
Identification and prevention  
<https://aifs.gov.au/cfca/publications/domestic-violence-form-child-abuse-identification>