



**Submission to:** Director, Legal Policy, Department of the Attorney-General and Justice

**Submission regarding:** Modernisation of the Northern Territory Anti-Discrimination Act

The Domestic and Family Violence Network (DFVN) welcomes the opportunity to make a submission to the Director of Legal Policy, Department of the Attorney-General and Justice to advance improved outcomes for victims of Domestic and Family Violence in the Northern Territory (NT). Our brief submission will focus on the importance of introducing Domestic and Family Violence (DFV) into the legislation as a protected attribute.

#### **About the DFVN**

The DFVN was established in 1996 to link the various government and non-government organisations working in the area of Domestic and Family Violence in the Greater Darwin area. The Network keeps the focus of its work on subjects directly related to DFV. The Network is committed to the prevention of DFV in the Darwin community and has zero tolerance towards Domestic and Family Violence. The key objectives of the DFVN are Information sharing, encouraging a more effective service system and strategic advocacy.

#### **Our recommendations are:**

1. *Include domestic and family violence as an attribute under the Act.*
2. *Limit the protection of the domestic and family violence attribute to victims and survivors.*

#### **Key points for the consideration**

1. *Include domestic and family violence as an attribute under the Act.*

Providing domestic violence as an attribute under the Act would create rights for people experiencing domestic or family violence in relation to public areas of life such as employment, education and accommodation.

Including domestic violence as an attribute would create a number of protections for individuals including;

- a positive obligation that employers reasonably accommodate leave or work hour changes to enable workers to respond to the impact of DFV
- a positive obligation that employers reasonably accommodate requests to ensure safety such as blocking phone numbers, changing email addresses, changing work sites or stations
- protect workers from being dismissed, harassed or not employed because of DFV
- prevent the removal of children from education institutions because of domestic or family violence
- prevent refusal of accommodation

Whilst DFV protections will be afforded victims of DFV in South Australia and the Australian Capital Territory the lack of such an attribute in the NT facilitates discrimination against victims of DFV and others by association.

#### **Case study 1:**

Marika<sup>1</sup> worked in an administrative position in a community outside of Darwin. She had recently separated from her partner due to DFV. One evening her former partner assaulted her. Her employer found out about the assault through informal means and terminated her with immediate effect for bringing harm to the reputation of the organisation.

#### **Case study 2:**

Karen<sup>2</sup>, an Aboriginal woman in Darwin, applied for a private rental for herself and her young child. She was asked to provide proof of income and references, which were all given. One of the rental references was from Dawn House Women's Shelter<sup>3</sup>. When Karen was viewing the property, the agent said 'I know what Dawn House is', 'we don't want any trouble here', 'this is a quiet area'. The real estate agent then questioned Karen's ability to pay the rent<sup>4</sup> and Karen advised that she would pay her rent using Centrepay.<sup>5</sup> The real estate demanded proof of this. Centrelink advised they would not provide this 'proof' as it was not possible to set it up until

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<sup>1</sup> Identifying details have been changed or omitted to protect the identity of the person concerned.

<sup>2</sup> Identifying details have been changed or omitted to protect the identity of the person concerned.

<sup>3</sup> Dawn House Women's Shelter accommodates and supports women escaping domestic violence.

<sup>4</sup> The private rental cost was \$280 per week and Karen had been assessed by the Department of Housing as being able to afford rent up to \$300 per week on her income.

<sup>5</sup> A system where bills are automatically paid out of Centrelink income before the client has access to it.

Karen had been approved for the property. The Centrelink social worker noted it was an unusual request and rang the real estate agent to explain why it wasn't possible. Karen's support worker from Dawn House also rang the estate agent to explain how Centrepay works. The rental application was denied.

### **Case Study 3:**

Sheree<sup>6</sup> is a final year student in a health-related field and currently completing her final practicum in a hospital. Sheree was also separating from her husband, against whom she has an Application for a Domestic Violence Order, and seeking custody of her children.

The legal processes underway, and the difficulties associated with settling her children into a new family structure and routine had been making it difficult for Sheree to attend her placement on a full-time basis. Nevertheless, apart from court dates and the occasional day when either her children or she were too unwell, she had attended the workplace and fulfilled the requirements of her clinical practice assessments whilst present.

Despite the efforts Sheree had made to attend as much as possible, disclose the reason for her absences and provide a letter from a treating doctor, her university deemed that she had not fulfilled the requirements of her course. Sheree was advised she would have to retake the entire 3 month placement although she had demonstrated competence in all the clinical aspects during the time she was present.

If Domestic Violence was a protected attribute under the Act, this would provide a clear protection for Sheree and enable her to make a request for the accommodation of her special need.

## ***2. Limit the protection of the domestic and family violence attribute to victims and survivors.***

Since 2010 Australia has seen the introduction of Domestic and Family Violence Leave across the country with such leave entitlements covering approximately two million Australian workers. However, the consequence of the lack of a standard entitlement is such that there is great variation and confusion regarding whether the leave is an entitlement for perpetrators of DFV as well as victim survivors.

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The DFVN submits that the inclusion of a DFV attribute to the Act is limited to the protection of victim survivors. A clear limitation of the provision will serve to provide clarity and consistency and ensure that the function of the Act maintains a focus on those who are most marginalised and disadvantaged.

#### **To Contact the DFVN**

Thank you for your consideration of the above. If you wish to discuss this submission further, or have any questions for the network, please contact the facilitator of the DFVN- Alex Richmond, Community Educator at Dawn House Women's Shelter via

