

Serial  
Domestic and Family Violence Amendment Bill 2008  
Dr Burns

A Bill for an Act to amend the *Domestic and Family Violence Act*

**DRAFT ONLY**

**Prepared by the Office of the Parliamentary Counsel**

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NORTHERN TERRITORY OF AUSTRALIA

DOMESTIC AND FAMILY VIOLENCE AMENDMENT ACT 2008

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Act No. [ ] of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. [ ] of 2008

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An Act to amend the *Domestic and Family Violence Act*

[Assented to [ ] 2008]  
[Second reading [ ] 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Domestic and Family Violence Amendment Act 2008*.

**2 Act amended**

This Act amends the *Domestic and Family Violence Act 2007*.

**3 Amendment of section 4 (Definitions)**

Section 4

*insert (in alphabetical order)*

***DVO contravention offence*** means an offence against section 120(1), and includes an offence of contravening a restraining order under the repealed *Domestic Violence Act* as in force from time to time before the commencement of this Act.

**4 Amendment of section 43 (What police officer must do after the DVO is made)**

Section 43(3)

*omit*

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and

*substitute*

or

**5 Amendment of section 121 (Penalty for contravention of DVO – adult)**

(1) Section 121(2)

*omit*

such an offence

*substitute*

a DVO contravention offence

(2) Section 121(5)

*omit*

found guilty of a second or subsequent offence

*substitute*

who has previously been found guilty of a DVO contravention offence

**6 Amendment of section 122 (Penalty for contravention of DVO – young person)**

Section 122(2)

*omit*

such an offence

*substitute*

a DVO contravention offence

**7 New section 124A**

After section 124, in Part 5.2

*insert*

**124A Reporting domestic violence**

(1) An adult commits an offence if the person:

- 
- (a) believes on reasonable grounds:
- (i) another person has caused, or is likely to cause, harm to someone else with whom the other person is in a domestic relationship; or
  - (ii) another person's life or safety is under serious or imminent threat because domestic violence has been or is being committed; and
- (b) does not, as soon as practicable after forming the belief, report (orally or in writing) to a police officer:
- (i) the belief; and
  - (ii) any knowledge of the person forming the grounds for the belief; and
  - (iii) any factual circumstances on which that knowledge is based.

Maximum penalty: 200 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.
- (3) Without limiting subsection (2), it is a reasonable excuse for the defendant to establish the defendant honestly and reasonably believed someone else who had formed the same belief had already made a report under subsection (1) about the belief.
- (4) On receipt of the report, the police officer must take reasonable steps to ensure the report is investigated.
- (5) This section has effect despite another law of the Territory.
- (6) In this section:

***harm*** means physical harm that is serious harm.

***physical harm***, see section 1A of the Criminal Code.

***serious harm***, see section 1 of the Criminal Code.

## **8 Repeal and substitution of section 125**

Section 125

*repeal, substitute*

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**125      Protection for reporting domestic violence**

- (1) A person acting in good faith in making a report under section 124A 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.
- (2) In any proceeding before a court, except with the court's leave:
  - (a) the report or evidence of its contents is not admissible; and
  - (b) a person cannot be compelled to give evidence, or to produce a record, about the report or the identity of the maker of the report.
- (3) The leave may be granted only if:
  - (a) the report, evidence or record is of critical importance to the proceeding; and
  - (b) failure to grant the leave would prejudice the proper administration of justice.