



Australian Association of Social Workers

Incorporated in the ACT
ACN 008 576 010
ABN 93 008 576 010

National Office
Suite 17b National Press Club
16 National Circuit, Barton ACT 2600

Postal Address
PO Box 4956, Kingston ACT 2604

Telephone 02 6270 7200
Facsimile 02 6273 5020
Email: aaswnat@aasw.asn.au
Website: www.aasw.asn.au

Mandatory Reporting of Domestic Violence
Legal Policy Division
Department of Justice
GPO Box 1722
Darwin NT 0801

2nd October 2008

Dear Sir / Madam

Thank you for the opportunity to provide comment on the proposed Amendments to the Domestic and Family Violence Act (2007).

The protection of family members from violence and neglect is one of our society's highest priorities. The Australian Association of Social Workers (AASW) believes family violence is unacceptable and cannot be tolerated. The Association believes that every child should grow up free of violence and in caring and nurturing environments which allow them to develop to their full potential. The experience of family violence in a child's upbringing is not conducive to this. The Association believes that family violence is a crime for which there is no excuse and is a breach of the victim's human rights.

Social Workers in the Northern Territory (NT) work for Government agencies, in health and community services and work for Indigenous communities. Working in this range of roles, our members are able to see and understand the causes and effects of family violence.

The AASW expressed concern (in our submission on the Mandatory Reporting of Domestic and Family Violence by Health Professionals in the Northern Territory) at proposals to create mandatory reporting arrangements for health professionals involved in the provision of services to women and children. These concerns included:

- The failure of mandatory reporting requirements in other States and Territories to successfully address the root causes of child abuse and neglect;
- Welfare agencies and the police would have to try to manage unwieldy caseloads with no mechanism for identifying highly potential victims. This leaves large cracks in the protection system and so fails to adequately protect potential victims;
- The creation of a climate of distrust between a health professional and a patient – a large body of evidence confirms that women and children are less likely to present to health and community services when they believe the professionals in those services are compelled to notify authorities and it is possible that the proposed mandatory reporting arrangements will endanger lives.

None of these concerns are addressed by the proposed amendments to extend the obligation to report suspected harm to all adults in the NT and so the AASW cannot support them.

Further, the amendments will compel friends and families of victims to notify the police, even if this is against the express wishes of the victim. AASW believes this fundamentally undermines the right of individuals to self determination and cannot see how such a policy is in the best interests of victims of these crimes.

The AASW calls attention to the proven and effective measures that exist to reduce family violence and child abuse in both Indigenous communities and in the rest of Australia. A greater emphasis on listening to, and working with the victims of such violence and the agencies which support them, would more likely reduce the incidence of family violence in the NT.



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Such programs include:

- An increased Investment in maternal and child health services including home visiting programs;
- Increased investment in child and family services;
- Culturally relevant specific measures to target domestic and family violence in Indigenous communities;
- Increased investment in social infrastructure including primary health, education, and housing.

The Association would support a policy that increases the safety and protection of children and families based on proven and effective programs.

The AASW thanks the NT Government for the opportunity to provide comments on the proposed amendments to the Domestic and Family Violence Act (2007). For further information on this submission please contact Kandie Allen-Kelly, Senior Executive Officer on 02 6270 7200.

Yours sincerely

Dr Bob Lonne

AASW National President