

Certificate Establishing Experience of Domestic Violence

Section 4A(1)(c) Residential Tenancies Act 1999
Part 4 Oaths, Affidavits and Declarations Act 2010

Please complete this form using **BLOCK LETTERS**

1. Tenant Details	
Given name: _____	Last name _____
Address of tenancy premises: _____	
	Postcode _____

2. Tenant Declaration		
<p>I solemnly and sincerely declare the information I have provided to the person listed below about domestic violence that I, or another occupant of a premises has experienced, is true and accurate to the best of my knowledge and was provided in good faith.</p> <p>I understand that it is an offence under the <i>Oaths, Affidavits and Declarations Act 2010</i> to make a declaration that is false in any material particular. A penalty of up to 400 penalty units and/or 4 years' imprisonment may apply.</p>		
_____	_____	_____
Declared at	Date	Signature

3. Prescribed Occupation Details	
Name of person making declaration	
Given name: _____	Last name _____
Prescribed occupation	

Address	
Postal Address: _____	Postcode _____
Phone	Email
_____	_____

4. Prescribed Person's Declaration

I, do solemnly and sincerely declare:

1. I am a person with an occupation prescribed under regulation 9A of the *Residential Tenancies Regulations 2000*;
2. Based on my assessment of the information provided by the tenant, I am satisfied that the tenant, or another occupant of a premises as named above, has experienced domestic violence for the purposes of the *Residential Tenancies Act 1999*.

I understand that it is an offence under the *Oaths, Affidavits and Declarations Act 2010* to make a declaration that is false in any material particular. A penalty of up to 400 penalty units and/or 4 years imprisonment may apply.

Declared at

Date

Signature

PRIVACY STATEMENT

NT Consumer Affairs complies with the Information Privacy Principles scheduled to the *Information Act 2002*.

To view the NT Consumer Affairs Privacy Statement, please access www.consumeraffairs.nt.gov.au or 08 8999 1999

DARWIN

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Fax: (08) 8935 7738
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ALICE SPRINGS

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Tel: (08) 8924 7052 Fax: (08) 8935 7738
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NOTES FOR COMPLETING THIS FORM

PURPOSE

This form may be used by a tenant to establish that they, or another occupant of a premises, has experienced domestic violence, when accessing domestic violence protections and options established under the *Residential Tenancies Act 1999*, including:

- terminating the tenant's interest in the tenancy; and
- listing a tenant on a residential tenancy database.

Under section 4A of the *Residential Tenancies Act 1999*, this form conclusively establishes that the tenant, or other occupant, has experienced domestic violence for the sole purpose of accessing protections and options under *Residential Tenancies Act 1999*.

The conclusiveness of this form cannot be challenged in the Northern Territory Civil and Administrative Tribunal, or a court of competent jurisdiction.

This form is not valid for any purpose outside of the *Residential Tenancies Act 1999*.

WHO CAN COMPLETE THIS FORM – PRESCRIBED OCCUPATIONS

Persons with one of the following prescribed occupations can complete this form:

- a health practitioner who practices in the medical or psychology professions under the Health Practitioner Regulation National Law;
- a social worker with a qualification endorsed or accredited by the Australian Association of Social Workers;
- a police officer;
- an Australian legal practitioner;
- a person in charge of a domestic violence support service; or
- a person from any other occupation prescribed by the regulations.

A person should sign the above declaration only after assessing the tenant and the tenant's circumstances, having regard to the accepted standards of their profession, their relevant knowledge, and professional judgement.

MEANING OF DOMESTIC VIOLENCE

Under the *Domestic and Family Violence Act 2007*, **Domestic Violence** can involve any of the conduct listed below committed by a person against another person in the following circumstances:

- (a) the persons are in a domestic relationship;
- (b) the person had previously committed a sexual act against (or had sexual contact with) the other person without consent.

Conduct may include one or more of the following:

- (a) physical or sexual abuse;
- (b) emotional or psychological abuse;
- (c) damaging real or personal property of the other person;
- (d) intimidation;

- (e) a pattern of conduct that amounts to coercive control;
- (f) causing the other person to fear for their safety or the safety of another person;
- (g) stalking;
- (h) economic abuse;
- (i) preventing the family member from making or using technology (including internet, social media and other electronic communications) as a means to commit conduct mentioned in paragraphs (a) to (h);
- (j) attempting or threatening to commit conduct mentioned in paragraphs (a) to (i).

Note:

- 1 domestic violence also includes family violence.
- 2 exposing a child with whom a person is in a domestic relationship to conduct mentioned above, including exposing them to the effects of the conduct on another person, is also domestic violence.
- 3 the perpetrator of the domestic violence does not have to reside with the tenant in order for domestic violence to have occurred.

WHAT CONSTITUTES A DOMESTIC RELATIONSHIP

A domestic relationship can involve any of the following relationships:

- spouses or partners, or former spouses or partners of the tenant or their dependent;
- people who are, or were related to the tenant or the tenant's dependent, taking into consideration the cultural, social or religious backgrounds of the persons;
- people who are related to the tenant or their dependent's spouse/former spouse or partner/former partner.
- persons who are in, or have had, an intimate or other personal relationship with the tenant or their dependent;
- a tenant or their dependent and a child, where the child ordinarily or regularly resides with or resided with the tenant or their dependent, or where the tenant or their dependent is the guardian of the child;
- personal relationship of a domestic nature between the tenant or their dependent and another person, in which the lives of the persons are, or were, interrelated and the actions of one person affects, or affected, the other person.

DOCUMENTS MUST BE KEPT CONFIDENTIAL

Under section 18B of the *Residential Tenancies Act 1999*, a landlord must protect this form, and the information contained in it, from misuse, interference, unauthorised access, modification or disclosure. A penalty of up to 20 penalty units may apply for failure to comply with this obligation.