

# New domestic violence provisions for tenants in NSW



Redfern Legal Centre



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# **Acknowledgement Of Country**

# Outline

1. New provisions for tenants experiencing domestic violence
2. Ending a tenancy
3. Damage caused by perpetrator
4. Tenant database listings
5. Services and programs for clients experiencing domestic violence
6. Questions. Where to get legal advice

**Resources** [www.rlc.org.au/training/resources/dvt](http://www.rlc.org.au/training/resources/dvt)



# 1. New provisions for tenants experiencing domestic violence

# Relevant legislation

- New provisions contained in:

*Residential Tenancies Act 2010*

*Residential Tenancies Regulations 2010*

# Main changes to the law

- How a tenant experiencing domestic violence may end a tenancy without penalty / reduced liability
- Liability for damage caused by a perpetrator of domestic violence
- Restrictions on "bad tenant" database listings

# A tenant experiencing domestic violence

- Intimidation / stalking / harassment
- Emotional / sexual / physical abuse
- Social control and isolation
- Psychological manipulation

Perpetrated against a tenant by:

- Partner, ex- partner
- Person who they have had an intimate personal relationship with (sexual or not)
- Person who was or is living in the same household as them



# Karen & James #1

Karen and James have been flatmates for 2 years. They both signed the original lease.

A few months ago Karen broke up with her long-term boyfriend. Karen and James started spending a lot more time together. At first Karen really appreciated what a supportive and caring friend he was being to her, however more recently he has been making her very feel uncomfortable.

# Karen & James #2

James has started getting upset with her when she spends time with her other friends and sends her multiple text messages asking where she is and what time she will be home.

Last week, Karen got home later than expected. James was waiting for her and they had an argument. James called her names and assaulted Karen when she tried to escape to her bedroom.

## Karen & James #3

Karen managed to slam her bedroom door and immediately called her brother. While she was on the phone, James banged on the door.

Soon after receiving Karen's phone call, her brother arrived at the house. He tried to talk her into calling the police but Karen didn't want to. Instead, she decided to spend the night at her brother's house. As they were leaving, Karen and her brother noticed that her bedroom door had been damaged by James' banging.



## 2. Ending a tenancy



# Domestic Violence Termination Notice (DVTN)

- DVTN must specify date of termination on or after date notice is given
- Termination date can be BEFORE the end of the fixed term
- Must be given to landlord/agent and all other co-tenants
- DVTN given to landlord/agent must have evidence attached

# Evidence for DVTN

- Certificate of conviction of domestic violence offender, or
- Copy of Apprehended Domestic Violence Order, or
- Copy of injunction granted under section 68B or 114 of the *Family Law Act 1975*, or
- Declaration by a doctor

# Declaration by doctor

Information for doctors:

<https://www.fairtrading.nsw.gov.au/housing-and-property/renting/ending-a-tenancy/domestic-violence-declaration>

Form for doctors making declaration:

[https://www.fairtrading.nsw.gov.au/data/assets/pdf\\_file/0007/453247/Declaration-by-medical-practitioner.pdf](https://www.fairtrading.nsw.gov.au/data/assets/pdf_file/0007/453247/Declaration-by-medical-practitioner.pdf)

# Serving the DVTN

Important to ensure DVTN is served correctly:

- Hand delivery
- Left in letter box
- By fax
- Post (must allow 4 business days)

<https://www.tenants.org.au/sample/termination-domestic-violence>



# Karen & James: test your knowledge

Karen doesn't want to live with James anymore.

- Is Karen a tenant experiencing domestic violence?
- How soon can she she end her tenancy?
- Karen hasn't told the police about what happened with James. What evidence can she get to support a DVNT?



### **3. Damage caused by perpetrator**

# Liability for damage

- Usually a tenant or co-tenant can be held responsible for damage caused by others in their property.
- A tenant who is the victim of DV is not responsible for damage caused by the perpetrator during a DV offence.
- An exempted co-tenant is not responsible for damage caused by the perpetrator during a DV offence.

# Karen & James: Liability for damage

- Is Karen liable for the cost of the damage to her bedroom door?
- What could she do to prove that she should not be held responsible?



## 4. Tenant database listings

# Restrictions on “bad tenant” database listings

A landlord/agent must not list personal information about a person in a residential tenancy database if:

(a) the person was named as a tenant in a residential tenancy agreement that was terminated, or

(b) the person’s co-tenancy was terminated

and the person was the tenant, or the co-tenant gave a DVTN.





## 5. Services and programs for clients experiencing domestic violence

# Domestic violence programs

It Stops Here – Safer Pathway

<https://www.women.nsw.gov.au/programs/safer-pathway>

Emergency accommodation

<https://www.facs.nsw.gov.au/view-contact?contact=1838208>

Start Safely subsidy

<https://www.facs.nsw.gov.au/housing/policies/private-rental-assistance-subsidy-policy>

Staying Home Leaving Violence

<https://www.facs.nsw.gov.au/domestic-violence/services-and-support/programs/staying-home-leaving-violence>



# Assisting Clients

**The Domestic Violence Line 1800 656 463**

[www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/domestic-violence-line](http://www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/domestic-violence-line)

**Womens Domestic Violence Court Advocacy Services 1800**

**WDVCAS (1800 938 227)**

[www.legalaid.nsw.gov.au/what-we-do/community-partnerships/womens-domestic-violence-court-advocacy-program/womens-domestic-violence-court-advocacy-service-locations-in-nsw](http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/womens-domestic-violence-court-advocacy-program/womens-domestic-violence-court-advocacy-service-locations-in-nsw)

# Questions?



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Enquiries: Nick Manning  
[education@rlc.org.au](mailto:education@rlc.org.au)

This workshop is a guide to the law in NSW, Australia. It is not a substitute for legal advice. If you have a legal problem, seek legal advice from a legal centre or Legal Aid.

# Thank you



Redfern Legal Centre

# We Can Come to You

RLC can present this workshop at your staff training or interagency – or we can customise training to suit your needs.



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