



Family and Domestic Violence Policy

Purpose

To outline how we (The Department of Communities) will assist public rental housing applicants and tenants who are experiencing or are at risk of experiencing family and domestic violence.

Scope

This policy applies to you if you are living in public housing or looking to access public housing assistance and you have experienced, are experiencing or are at risk of experiencing family and domestic violence.

Definitions

Co-tenants	Two or more people who have signed a tenancy agreement to rent a property together.
Family (in a family violence setting)	<ul style="list-style-type: none">• Relatives and family members, connected by marriage or defacto relationships, including past partner relationships• Relatives through kinship, cultural or religious grounds• Relationships based on dependency, such as in informal care arrangements between people with disabilities or older adults and their caregivers• Relationships involving personal or financial commitment such as where two or more people live together. They may be living as friends, housemates, or other cohabitants.
Family and Domestic Violence	An ongoing pattern of behaviours intended to coerce, control or create fear within a family or intimate relationship. This includes physical, financial, emotional, or psychological abuse, sexual violence, neglect, intimidation or any other behaviour which causes the victim to live in fear.

Prescribed Security Upgrades	<ul style="list-style-type: none">• Locks and security screens to windows• Security screens to doors• Exterior security lighting• Locks on gates.
Third Party	<ul style="list-style-type: none">• Family member or friend• Support worker/agency• Medical professional• Communities' employee who has previously assisted the person• Court officer or legally appointed guardian.

Policy statements

1. Response to family and domestic violence

We support maximising the safety of people who have experienced family and domestic violence and prevent or reduce the consequences of family and domestic violence.

If you ask us for help in relation to family and domestic violence, we will do all we can to assist you.

If you have experienced, are experiencing or are at risk of experiencing family and domestic violence, we will prioritise the safety and wellbeing of you and any person in your care.

We also acknowledged the importance of protecting your pets.

We will work in collaboration with other support services to support your safety and wellbeing.

2. Examples of family and domestic violence

We recognise that family and domestic violence may include but is not limited to:

- emotional/psychological abuse: mind games, manipulation, insults, threats, verbal putdowns used to humiliate, degrade or embarrass and make the person feel worthless or no good, property damage.
- physical violence: pushing, slapping, punching, choking, kicking, harming or threatening to harm pets or possessions, physical threats, using weapons and any other behaviour that is intended to cause harm.
- sexual violence: forced sexual contact/activity. 'Forced' in this context refers to individuals who are physically coerced to participate or who are not in a position to say no as a result of fear, threats or intimidation.
- social isolation: keeping the victim away from friends, family, work and/or other social opportunities.
- financial abuse: controlling the money and decisions around its use, taking or limiting money, stealing.
- coercive control: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- technology-facilitated abuse: use of technology (such as mobile devices) to monitor and stalk, send abusive text messages/emails or make harassing phone calls or share or threaten to share intimate images without consent.
- spiritual abuse: keeping someone away from places of worship or forcing them to participate in spiritual or religious practice that they do not want to be involved with.

3. Eligibility for priority public housing

If you apply for public housing assistance under this policy, your application will be assessed under the Priority Housing Need Policy.

If you own, or jointly own property, you may still be eligible for priority housing assistance.

4. Supporting your request for assistance

We acknowledge the impacts of trauma associated with family and domestic violence.

You will be asked to share some information about your experiences of family and domestic violence. If you have already shared your story with a Communities staff member or another agency, with your written consent we can liaise with these professionals directly.

5. Additional security

You may ask us to install prescribed security upgrades at your public housing property if you believe it improves your safety, or the safety of people in your care.

We will install these prescribed security upgrades at no cost to you:

- Locks and security screens to windows
- Security screens to doors
- Exterior security lighting
- Locks on gates.

You may add or alter prescribed security upgrades at your own cost.

- You do not need our permission, but you must advise us before they are altered or installed.
- The work must be completed by a suitably qualified tradesperson, and we may need to inspect the completed work to ensure it meets required standards.

You can ask us to reimburse you. You will need to supply receipts from the person/company who completed the work and proof of their trade qualifications.

Where required, we will also prune shrubs and trees to improve visibility around the property.

We will consider reasonable and necessary requests for other non-prescribed security upgrades based on your individual circumstances. We may require you to provide new information to support your request for security upgrades. This can be provided by you or a third party.

6. Tenant liability for property damage

If a perpetrator of family and domestic violence damages your rental property, you will not be held responsible for the cost of repairing the damage.

We may need to ask for additional information, such as a brief report of the damage and written confirmation from a supporting agency. This may be supplied by a third party, on your behalf.

Where possible, we will attribute debt to the perpetrator of family and domestic violence.

7. Tenants unable to reside in their rental premises

If you or a co-tenant cannot stay at your public housing property because of family and domestic violence, we will re-calculate the rent based only on the income of the remaining co-tenant and householders.

If you can demonstrate that your public housing property is empty because of family and domestic violence, we may waive rent charges for the period the property is empty, up to three months. An additional maximum of three months may be approved with further supporting evidence (six months in total).

We will discuss the options for the future of your tenancy with you.

8. Applications for priority transfer

If you have been approved for a priority transfer and need to terminate your tenancy, or your interest in the tenancy, to maintain the safety of your household, while you wait for a transfer, you will retain your priority transfer listing date.

9. Joint tenancies where family and domestic violence is present

Co-tenants have equal rights and responsibilities, under their tenancy agreement, including the right to occupy the property.

This means we have no legal authority to remove a perpetrator of family and domestic violence from a public housing property if it is a joint tenancy.

If a co-tenant leaves, or is legally prohibited from living at the property, their rights and responsibilities as a tenant continue until:

- a. the tenancy is terminated,
- b. their tenancy interest is terminated or,
- c. the tenancy is assigned to the co-tenant who is still living at the property.

10. Joint tenancies - termination of tenancy interest

If you are experiencing, or at risk of experiencing, family and domestic violence in a joint tenancy and you decide to move out of the public housing property, you can terminate your interest in the tenancy. You can apply for priority housing assistance.

If you or a person in your care have experienced family and domestic violence and you want to stay in the public housing property, you may apply to a competent court to terminate the perpetrator's interest in the tenancy. We will provide you information on how to do this.

If you are the perpetrator of family and domestic violence, and you decide to move out of the property, you may apply to a competent court to terminate your interest in the tenancy. We will provide you information on how to do this.

11. Bond Assistance Loan Scheme

If you are a co-tenant in a privately rented property, and the other tenant terminates their interest in the tenancy because of family and domestic violence, the lessor may require you to pay the former tenant's portion of the security bond.

If this happens, you can apply for assistance from us to pay the former tenant's portion.

If you have moved out of a private rental property because of family and domestic violence, you can apply for assistance towards a bond for a new tenancy.

All applications for a bond assistance loan will be assessed according to the Bond Assistance Loan Policy.

Related legislation

- *Housing Act 1980*
- *Residential Tenancies Act 1987*
- *Residential Tenancies Regulations 1989.*

Related policies

- Bond Assistance Loan Policy
- Eligibility Relating to Property Ownership and Other Residences Policy
- Maintenance Policy Manual
- Priority Housing Need Policy
- Rent to Income Policy
- Tenancy Management Policy

Document control

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