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**Tenancy laws to provide stronger protection for victims of domestic violence**

Women’s Legal Service NSW welcomes the release of the NSW Fair Trading review of the *Residential Tenancies Act* report, which recognises the need for stronger protections for victims of domestic violence.

“We commend NSW Fair Trading for endorsing our recommendations to amend NSW tenancy laws to ensure women and children experiencing violence can either remain safely in their homes or leave immediately without penalty,” says Kellie McDonald, Senior Solicitor, Women’s Legal Service NSW.

“Under the current tenancy laws in NSW women escaping violence need a final apprehended violence order (AVO) with an exclusion order to leave without penalty. Additionally, even then they have to provide 14 days notice,” says Ms McDonald.

“Women and children experiencing domestic violence often need to flee their home quickly in order to remain safe. In our experience, it can take up to 12 months to finalise an AVO, especially where there are criminal charges,” says Ms McDonald.

“If women just abandon their rental property, they can incur significant debts and be black listed, which can make it very difficult for them to rent again” says Ms McDonald.

NSW Fair Trading acknowledges that the current laws have provided little real protection to victims of domestic violence. They have endorsed Women’s Legal Service NSW recommendations including:

* to allow victims of domestic violence to end their tenancy immediately without penalty, by giving a notice of termination, which includes evidence of domestic violence;
* to hold perpetrators of violence responsible for any damage they caused to the property;
* and to prohibit blacklisting where a tenant’s breach or debt is due to domestic violence.

“It is important that domestic violence evidentiary requirements should include an apprehended violence order (AVO), injunction under the Family Law Act or an alternative to court orders such as a statutory declaration from a professional with sufficient experience to form an opinion as to whether a person has been a victim of a domestic violence offence. Being able to rely on a statutory declaration from a relevant professional would allow victims too fearful to seek out an AVO to leave their tenancy without needing to seek a Tribunal order as well as assuring landlords that the reason for ending their tenancy was justified in the circumstances,” says Ms McDonald.

Women’s Legal Service NSW looks forward to working with the NSW Government on the implementation of these important reforms.

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Women’s Legal Service NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women’s human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work.

**Further information:**

[NSW Fair Trading Review of the Residential Tenancies Act 2010](https://www.parliament.nsw.gov.au/la/papers/DBAssets/tabledpaper/webAttachments/68407/Res%20Ten%20Act%20Cab%20Sub%20Attachment%20A%20(Review%20Report).pdf)

[Women’s Legal Service NSW submission in response to NSW Fair Trading Review of Residential Tenancies Act](http://www.wlsnsw.org.au/wp-content/uploads/WLSNSW-response-to-RTA-review-290116-fa.pdf)