

## Open Letter

### Improving options for victims of domestic violence who are renting

15 June 2017

Dear Minister Kean and Minister Goward,

We are writing to you as a diverse range of organisations committed to improving options available to victims of domestic violence, including sexual violence, to keep themselves and their families safe when renting. We urge the NSW Government to expand the evidence victims of domestic violence will be able to rely on to end their tenancy immediately without penalty.

We commend the NSW Government's announcement it will strengthen protections for victims of domestic violence by allowing them to end their tenancy immediately without liability if they have a provisional, interim or final apprehended violence order (AVO) or a family law injunction.<sup>1</sup> However these reforms will not protect those who face barriers obtaining an AVO or an injunction.

In 2013 the NSW Bureau of Crime Statistics and Research found that just under half of the victims of domestic violence surveyed did not report the most recent incident of violence to police and where there had been multiple incidents of violence over one third had never reported to police.<sup>2</sup> Similarly, the *2016 Women in NSW report* states that "less than half of female physical assault victims reported their victimisation to police".<sup>3</sup>

Similar statistics were found in a recent survey conducted by Women's Legal Service NSW. Fear of retribution, the belief that police could or would not help and feelings of shame being the most commonly cited reasons for not reporting to police. These victims chose instead to report to their doctors, domestic violence service workers, psychologists, community access workers, social workers, homelessness workers, child protection workers, nurses or disability advocates.

Time and money are significant barriers to obtaining a family law injunction.

Given these barriers, we recommend that victims of domestic violence also be able to rely upon a statutory declaration from a "competent person" to end their tenancy immediately without liability. We believe those workers cited above are "competent people" and most are able under the *Migration Regulations*<sup>4</sup> to provide evidence for an applicant for permanent residency who has experienced family violence.

We propose the standard form statutory declaration could be included as a Schedule in the Act and should identify the victim and perpetrator of domestic violence and the evidence they have used to form their opinion that a person has experienced domestic violence, for example the Domestic Violence Safety Assessment Tool (DVSAT).

We believe a statutory declaration from a "competent person" should assure landlords that the reason for ending their tenancy was justified in the circumstances.

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<sup>1</sup> Victor Dominello, Minister for Innovation and Better Regulation and Pru Goward, Minister for the Prevention of Domestic Violence and Sexual Assault, 'New residential tenancy laws to protect victims of domestic violence' Media Release, 5 July 2016, [http://www.health.nsw.gov.au/news/Documents/20160705\\_01.pdf](http://www.health.nsw.gov.au/news/Documents/20160705_01.pdf)

<sup>2</sup> Emma Birdsey and Lucy Snowball, *Reporting Violence to Police: A survey of victims attending domestic violence services* NSW Bureau of Crime Statistics and Research Issues paper No 9, October 2013 at 4-5.

<sup>3</sup> Women NSW, *Women in NSW Report Series 2016* at 3.

<sup>4</sup> Migration Regulations 1994 - Specification of Evidentiary Requirements - IMMI 12/116 at: <https://www.legislation.gov.au/Details/F2012L02237>

Implementing our recommendation is consistent with the Premier's priority to reduce domestic violence reoffending and the NSW Government's focus on prioritising victims' safety.

We urge the NSW Government to adopt our recommendation to ensure that more victims of domestic violence are able to keep themselves and their children safe.

Yours faithfully,

**List of organisations**

This letter has been prepared by Women's Legal Service NSW. For further information contact Kellie McDonald or Liz Snell on ph: 8745 6900.

Women's Legal Service NSW

Animal Defenders Office

Australian Centre for Leadership for Women

Aboriginal Legal Service (NSW/ACT)

Australian Lawyers for Human Rights

Australian Women's Health Network

Australian Services Union

Australian Women Against Violence Alliance

Baabayn Aboriginal Corporation

Barnardos Australia

Blacktown Women's and Girls' Health Centre

Blue Mountains Women's Health and Resource Centre

Carrie's Place Domestic Violence and Homelessness Services Inc.

CASA - The Coalition for Appropriate Supported Accommodation for people with disability in NSW

Central Coast Community Legal Centre

Churches Housing Inc.

City Futures Research Centre, UNSW Sydney

Coffs Harbour Women's Health Centre

Community Legal Centres NSW

Compass Housing Services Co Ltd (Compass)

Cumberland Women's Health Centre

Didactic Enterprises Pty Ltd

Disabled People's Organisations Australia

Domestic Violence NSW

Domestic Violence Service Management

Domestic Violence Accommodation Support, Baptist Care

Ethnic Communities' Council of New South Wales

Ethnic Community Services Cooperative Ltd

Equality Rights Alliance

Federation of Ethnic Communities' Councils of Australia

Feminist Legal Clinic

Gethsemane Community Inc

Homelessness NSW

Hunter Community Legal Centre

Illawarra Women's Health Centre

Immigrant Women's Speakout Association of NSW

Immigration Advice and Rights Centre

Kingsford Legal Centre

Macarthur Legal Centre  
Manly Warringah Women's Resource Centre  
Marrickville Legal Centre  
Metro Assist  
Milk Crate Theatre  
Monaro Community Access Service  
NCOSS  
NSW Family Services Inc (Fams)  
Narrandera Domestic Violence Committee  
National Council of Single Mothers & their Children  
National Ethnic Disability Alliance  
New England and Western Tenants Advice and Advocacy Service  
Newtown Neighbourhood Centre  
Northern Rivers Community Legal Centre  
NSW LGBTIQ Domestic and Family Violence Interagency  
NSW Women's Alliance  
Penrith Women's Health Centre  
People with Disability Australia  
Port Macquarie Hastings Domestic & Family Violence Specialist Service  
Public Interest Advocacy Centre  
Rape & Domestic Violence Services Australia  
Redfern Legal Centre  
Settlement Services International  
Singleton Council  
Soroptimist International of Australia  
Soroptimist International of Hornsby  
Soroptimist International Region of NSW Inc  
South West Sydney Tenants Advice and Advocacy Service  
St Marys Area Community Development Project Inc  
Tenants' Union of NSW  
Uniting  
Uniting Church in Australia, Synod of NSW and ACT  
Wagga Women's Health Centre  
Waminda - South Coast Women's Health and Welfare Aboriginal Corporation  
Warrina Domestic and Family Violence Specialist Services  
Wentworth Community Housing  
Western NSW Community Legal Centre  
White Ribbon Australia  
Warringa Baiya Aboriginal Women's Legal Centre  
Women's and Girls' Emergency Centre  
Women's Domestic Violence Court Advocacy Service NSW Inc.  
Women's Health NSW  
Women in Adult and Vocational Education (WAVE)  
Women's Electoral Lobby NSW (WEL NSW)  
Women's International League for Peace and Freedom  
Women's Property Initiatives  
Yfoundations  
yourtown  
YWCA NSW  
Zonta District 24