

Domestic & Family Violence Policy

1. Purpose

To define how HOME in PLACE (Australia) Limited will respond to, and support tenants experiencing domestic and family violence.

2. Scope

This policy applies to all HOME in PLACE tenants, household members and applicants for housing assistance.

3. Policy Statement

HOME in PLACE recognises that domestic and family violence has serious and harmful impacts on tenants, applicants and their families. HOME in PLACE is committed to reducing the impact of domestic and family violence through the provision of safe and affordable housing and housing assistance to applicants. Domestic and family violence affects many people regardless of social background, disability, age, gender, religion, sexuality or ethnicity. HOME in PLACE recognises that domestic and family violence affects both females and males, those in lesbian, gay, bisexual, transgender, queer and intersex relationships. Living with domestic and family violence has a profound impact on survivors, children and young people. HOME in PLACE acknowledges that domestic and family violence is a whole of community issue that requires a whole of system response.

In determining HOME in PLACE response, HOME in PLACE will take appropriate action that balances the wishes of the victim with the safety and wellbeing of other household members and the rights of the landlord to protect the property. HOME in PLACE will comply with the provisions of the Residential Tenancies Act 2010 (NSW).

In circumstances where HOME in PLACE determines that children or young people are at risk, a mandatory report will be made in accordance with the Children and Young Persons (Care and Protection) Act 1998. HOME in PLACE is committed to building staff skills, capacity and practice to identify indicators of domestic and family violence and to work with those affected to manage their housing and support needs.

Guiding Principles

- Domestic & family violence is illegal and unacceptable;
- The safety of the victim and children is our primary concern;
- All reports of domestic & family violence will be treated seriously;
- HOME in PLACE recognises the right of the victim to stay in their home;
- HOME in PLACE response will depend on the circumstances.

Responding to Domestic & Family Violence

When responding to clients affected by domestic and family violence, HOME in PLACE will:

- Respect the client's right to privacy and confidentiality and make lawful decisions about disclosure of personal information;
- Consider the safety and wellbeing of the client and any children and young people (who may be part of the household) when assessing requests for assistance;
- Provide reliable and complete information to the tenant, co-tenant and any household members about their options and entitlements;
- Make appropriate referrals to services and support agencies;
- Ask the victim to provide us with documentation to support their request for assistance. The type of evidence we ask for will depend on the situation but may include police reports.

Changes in the Tenancy due to Domestic & Family Violence

A tenant or co-tenant can give a termination notice (a domestic violence termination notice) to HOME in PLACE and any other co-tenant if they or their dependent child are in circumstances of domestic violence. These circumstances are:

- Has been the victim of a domestic violence offence while a tenant or co-tenant, or dependent child, in the residential premises and a relevant domestic violence offender has been found guilty of that offence;
- A Domestic Violence Order has been made for their protection against a relevant domestic violence offender, as per the Crimes (Domestic & Personal Violence) Act 2007;
- The person has been declared by a competent person to be a victim of domestic violence during the current tenancy agreement (declarations must meet the requirements under the Residential Tenancies Act 2010).

A relevant domestic violence offender is defined in the Residential Tenancies Act 2010 as:

(a) a co-tenant or occupant or former co-tenant or former occupant, or

(b) a person with whom a tenant or co-tenant giving a domestic violence termination notice has or has had a domestic relationship, within the meaning of the Crimes (Domestic and Personal Violence) Act 2007.

If the tenant or co-tenant gives a domestic violence termination notice, they must attach one of the following types of evidence:

- Certificate of conviction for the domestic violence offence;
- Family law injunction;
- Provisions, interim or final Domestic Violence Order;
- Declaration made by a medical practitioner in the prescribed form.

If a tenant ends their fixed term tenancy in circumstances of domestic violence, they will not be liable to pay any compensation or additional money for the early termination.

If a co-tenant (other than a relevant domestic violence offender) remains in the tenancy, they will be able to apply to the Tribunal to end their tenancy and they will be entitled to a two (2) week period where they will only pay their share of the rent.

Refer to the Residential Tenancies Act 2010 for further information about ending a tenancy in circumstances of domestic violence.

Privacy and Confidentiality

HOME in PLACE respects a person's right to privacy and will follow the law when we handle personal information. However, where HOME in PLACE believes there is a serious threat to life, health or safety and, where it is unreasonable or impractical to obtain the individual's consent to a disclosure, HOME in PLACE may share information to reduce or prevent the threat, as permitted by privacy laws.

4. Definitions and Acronyms Glossary

For clarification of any definitions or acronyms contained within this document, please click on the [Glossary](#) for information.

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