

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.¹ 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.² Similarly, the *2016 Women in NSW report* states that "less than half of female physical assault victims reported their victimisation to police".³

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*⁴ 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.

¹ 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

² 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.

³ Women NSW, *Women in NSW Report Series 2016* at 3.

⁴ 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
Wirringa 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