

# Domestic & Family Violence Policy

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## Purpose

The Domestic and Family Violence policy outlines how responds to incidents of domestic violence involving tenants and applicants.

## What is Domestic and Family Violence

Domestic violence and family violence is abusive or intimidating behaviour by a partner, carer or family member to control, dominate or cause fear for someone's safety and wellbeing. It can take many forms including physical, psychological, emotional, sexual, spiritual, social or financial abuse. For the purposes of this policy, domestic violence is the term used throughout this document to describe both intimate partner violence and family violence. Domestic violence is a crime and is unacceptable.

## Scope

This policy outlines how Cawarra Residential complies with legal requirements of the Residential Tenancies Act 2010 (the Act), the Residential Tenancy Agreement and Department of Communities and Justice (DCJ) policies on domestic and family violence. This policy applies to all staff, contractors, tenants, their household members and visitors and applicants of Cawarra Residential.

## Policy

Cawarra Residential recognises that domestic violence has serious and harmful impact on tenants, applicants and their families. Cawarra Residential works to reduce the impact of domestic and family violence through the provision of safe and affordable housing and housing assistance to applicants. We are committed to the following principles:

- ❓ We recognise that domestic and family violence can apply to anyone regardless of social background, disability, age, gender, religion, sexuality or ethnicity.
- ❓ We will treat all reports of domestic violence seriously and will aim to provide a person-centred, trauma-informed and confidential response to anyone approaching us for assistance.
- ❓ We will prioritise the victim's and children's safety and work with NSW Police, DCJ and support agencies to ensure co-ordinated and effective services are delivered.
- ❓ We will protect tenancy rights when considering housing options to balance the needs of the victim with the rights of the landlord to protect the property and the safety and wellbeing of other household members and neighbours.
- ❓ We will take appropriate action regarding the perpetrators of domestic and family violence.
- ❓ We will build our skills, capacity and practice to work with victims and resource our staff to have an understanding and recognising the indicators of domestic violence and abuse.
- ❓ We will comply with all responsibilities under the Act and mandatory child and/or young person protection reporting requirements in relation to domestic violence and the NSW Government's domestic and family violence framework.

## Cawarra Residential Response

The actions that Cawarra Residential will take with tenants, household members and applicants may include:

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assist their safety and implications for their tenancy. We recognise that the victim has a right to remain in his/her home (or to be transferred to a different property if he/she prefers)

- ❑ Provide information on domestic violence support services and encourage the victim to access these or, with consent, make a referral.
- ❑ Contacting the Police and other emergency services if the situation requires an immediate response due to safety concerns.
- ❑ 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.
- ❑ Make lawful decisions about the disclosure of personal information where we believe 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, as permitted by privacy laws.
- ❑ Participating in DCJ programs to support crisis accommodation.
- ❑ Ensure the property is secure by undertaking necessary repairs or taking reasonable steps to enhance its security.

## Allowable Absence Due to Domestic Violence

Cawarra Residential recognises that in some cases it will be necessary to ensure safety through an immediate short term move for a victim. Cawarra Residential will allow absences for up to 3 months from the property in these circumstances. This will allow time for the tenant to investigate their options without the need to make an immediate decision. If a fee is being charged for alternative accommodation during this period (for example a refuge, or family and friends) a tenant can apply for their weekly rent to be rebated to \$5 per week. Refer Cawarra Residential Absence from Property Policy.

## Housing Transfer

Where the risk of harm to the tenant is severe and none of the above actions resolve the problem, rehousing the tenant will be considered based on evidence requirements for transfers. Where there is no immediate danger to the person experiencing or reporting domestic violence or where the immediate danger has been averted by a temporary move, Cawarra Residential may consider applying the management transfer policy. Refer Cawarra Residential Transfer Policy.

## Ending the tenancy

Under the Act, a tenant will be able to end their tenancy immediately and without penalty if they or their dependent child are in circumstances of domestic violence. To end the tenancy the tenant/co-tenant must give a domestic violence termination notice, and attach one of the following types of evidence:

- ❑ certificate of conviction for the domestic violence offence
- ❑ family law injunction
- ❑ provisional, interim or final Apprehended Violence Order (AVO).
- ❑ declaration made by a medical practitioner in the prescribed form.

Survivors of domestic violence will not be responsible for property damage caused by a perpetrator of violence during a domestic violence offence.

## Tenancy Reinstatement

Cawarra Residential recognises that a tenant may be forced to leave their home to ensure their own safety by escaping from domestic violence. In these instances, and according to our policies, Cawarra Residential will consider re-instating the person's tenancy at a later date, where substantiating documentation is provided. The tenant must make an application for reinstatement within 30 days of leaving the property.

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months of Cawarra Residential providing a notice of end of tenancy in accordance with Cawarra Residential Absence from Property Policy.

## Succession of Tenancy

Where the perpetrator is the tenant and a final AVO is made which stops the tenant from entering the property, Cawarra Residential may consider an application for succession of tenancy by the victim where they are an approved household member. Refer Cawarra Residential Succession of Tenancy Policy.








## Workplace Health and Safety

Cawarra Residential utilises a robust risk assessment process to maintain safety for all staff and contractors, by ensuring that tenant alert registers are checked before conducting home visits where tenants, household members or visitor may pose a risk to safety.

## Complaints and Appeals

If a tenant is not satisfied with a service provided by Cawarra Residential or does not agree with a decision it has made, they should first discuss their concerns with their Tenancy Coordinator. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

## Related Documents

-  Residential Tenancies Act 2010
-  Absence From Property Policy
-  Tenant Charges Policy
-  Child Protection and Mandatory Reporting Policy
-  Alterations and Modifications Policy
-  Succession of Tenancy Policy
-  Transfer Policy