

Domestic and Family Violence

Overview

This policy explains how we will help people who are experiencing domestic and family violence

Scope

This policy applies to all tenancies managed by Muslim Care

Definitions

Domestic and Family Violence

Domestic and family violence is behaviour that is violent, threatening, controlling, and makes someone live in fear and the people involved are in, or have been in a domestic relationship. It can include:

- Increasing levels of abuse and violence
- Intimidation
- Physical abuse
- Sexual assault
- Verbal abuse and/ or threats
- Harassment and stalking including communication offences such as harassment via repeated phone calls, text messages or on social media
- Psychological abuse
- Threats to harm others
- Causing harm to pets
- Threats of, or actual damage to property
- Financial abuse such as controlling access to money
- Social abuse such as limiting or controlling social interaction
- Forced control over the victim's behaviour
- Breach of an Apprehended Domestic Violence Order (AVO)
- Abuse of an older person

Domestic relationship

A Person has a domestic relationship with another person if the person:

- Is or has been married to the other person
- Is or has been a de facto partner of that other person
- Has or has had an intimate personal relationship with the other person, whether or not the intimate relationship involves or has involved a sexual relationship
- Is living or has lived in the same household as the other person, or
- Is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person (except a correctional facility or child detention centre)
- Has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person
- Is or has been a relative of the other person
- For aboriginal person or a Torres Strait Islander, is or has been part of the extended family or kin of the other person under that person's kinship system

Guiding principles

- Domestic violence is illegal and unacceptable
- The victim's safety is our primary concern
- We will treat all reports of domestic violence seriously and will aim to protect the victim when responding to domestic violence.
- Our response to domestic violence will depend on the circumstances.
- 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).

Our response to domestic violence

Where we believe there is a serious threat to life, health and safety, and where it is unreasonable or impractical to obtain the individual's consent to a disclosure, we may share information to reduce or prevent the threat as permitted by privacy laws.

We will meet legal requirements when dealing with domestic violence situations.

Where there is evidence of domestic violence, we will:

- Support the victim
- Explain to the tenant, co-tenant and any household members their rights when dealing with domestic violence situations. This may include information about how the tenant/ co-tenant can end a tenancy without penalty if they or their dependent children are in domestic violence situations.
- Report domestic violence matters to relevant authorities or agencies we are required by law, for example, under mandatory reporting obligations when children are involved.
- Work with other agencies or authorities to help the victim
- Consider the safety and wellbeing of people in the household including children and young people
- Provide information about options or help that is available (such as Start Safely)
- Refer the victim to relevant programs and services
- End the tenancy (if necessary)

Supporting documentation

We will ask the victim to give us documentation to support their request for assistance. The type of evidence we ask for will depend on the situation but may include police report.

Ending a tenancy in circumstances of domestic violence

A tenant or co-tenant can give a termination notice (a domestic violence termination notice_ to us and any other co-tenant, if they or their dependent child are in circumstances of domestic violence.

A person is in the circumstances of domestic violence if:

- Has been the victim of a domestic violence offence while a tenant or co-tenant of, 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 Crimes (Domestic and Personal Violence Act 2007)

- An injunction has been made for their protection under the because of family violence in legal proceedings against a relevant domestic violence offender (as per the Family Law Act 1975)
- The person has been declared by a competent person to be a victim of domestic violence by a relevant domestic violence offender 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.

If the tenant/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
- Provisional, 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 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 circumstance of domestic violence.

Privacy and Confidentiality

We respect people’s right to privacy. We will follow the law when we handle personal sensitive information.

Related laws, regulations and standards

- Residential Tenancies Act 2010 (NSW)
- Privacy Act 1988 (Cth)
- Health Records and Information Privacy Act 2002 (NSW)

Policy information

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