

Submission to the Legislative Council Legislation Committee on the
Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

30 October 2018

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to make a submission to the Legislation Committee on the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians and to strengthen the community services sector that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist people on low incomes and experiencing disadvantage Australia wide.

Family and Domestic Violence in Western Australia

At the time of writing this submission, there have been 27 homicides attributed to family and domestic violence, including children, in Western Australia this year. The incidence of these tragic and preventable deaths is among the highest in Australia, and more than twice the number at the same time last year.

In 2016-17, WA Police attended more than 50,000 family and domestic violence incidents, with more than 4,500 calls being received by WA domestic violence helplines. In 2016, 64 per cent of assaults in WA related to family and domestic violence – the highest proportion in the nation.¹ Domestic violence is the leading cause of homelessness for women and children in Australia. In 2016-17, 44 per cent (10,868) clients of Western Australian specialist homelessness services had experienced domestic and family violence,² and 34.3 per cent cited it as the main reason for seeking assistance.

Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

The introduction of this legislation has been widely welcomed by community service organisations, including domestic violence and tenant services, as well as industry groups such as REIWA. Many groups, including WACOSS, have been campaigning for these amendments to be made for a number of years and has featured as a recommendation in past WACOSS Budget Submissions.

¹ Australian Institute of Health and Welfare (2018) *Family, domestic and sexual violence in Australia* <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018>

² Australian Institute of Health and Welfare (2018) 'Clients who have experience family and domestic violence' *Specialist Homelessness Services Annual Report 2016-17*, <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

This Bill will implement a framework to provide better outcomes for victims of family violence, including enabling the Court to have the power to assign liability for outstanding rent and other debts, as well as damage to the premises, to the perpetrator, if it can be established that these costs are attributable to the family violence. This includes returning part of the bond to the victim. These amendments are crucial for reducing financial hardship for victims when leaving a tenancy.

Importantly, this legislation will also enable victims to be able to stay in their home and remove a perpetrator from their lease through an application to the Magistrates Court. This is essential to be able to provide stability for those who wish to remain in their home.

Further, it allows those who remain in the tenancy to be able to change the locks on the premises without first having to seek the permission of the lessor, and to make alterations/affix fixings that are necessary to improve their safety.

These amendments provide a mechanism for blacklisted tenants to have their names removed from this residential tenancy database due to the domestic violence they experienced in their home, providing an important pathway to ensuring they are able to secure tenancies in the future.

Because these amendments empower victims to be able to more easily escape the perpetrators of that violence and protect themselves, they will make a significant difference in reducing the further consequences of family and domestic violence.

It is crucial that these amendments are passed as soon as possible to ensure victims of family and domestic violence in rental homes can be protected and supported.

If you would like to discuss this submission further, please contact the WACOSS Research and Policy Development Leader Chris Twomey at chris@wacoss.org.au or 9420 7222.

Yours sincerely,

A handwritten signature in black ink that reads "L. Giolitto". The signature is written in a cursive, flowing style.

Louise Giolitto
Chief Executive Officer
WACOSS