

## T 4.12 Domestic and Family Violence Policy

### 1. Purpose

This policy sets out how CENSW supports tenants and household members experiencing domestic and family violence.

### 2. Scope

This policy applies to all tenancies managed by CENSW.

### 3. Policy

CENSW's priority is the safety and wellbeing of people experiencing domestic and family violence. We recognise that domestic and family violence affects people of all genders, although women are impacted more often, and children are especially vulnerable.

CENSW responds in a trauma-informed way, ensuring dignity, privacy and respect, reducing the need for victim-survivors to repeat their story, and acting quickly to protect safety. We comply with the *Residential Tenancies Act 2010 (NSW)*, which allows tenants experiencing domestic and family violence to end a tenancy early or to remain safely housed with additional protections. We also meet mandatory reporting obligations where children are at risk of significant harm (see Child Protection and Mandatory Reporting Policy).

#### 3.1 Responding to Domestic and Family Violence

Where there is evidence of domestic and family violence, CENSW will act quickly to protect safety and wellbeing. This may involve supporting the victim-survivor, providing clear information to tenants, co-tenants and household members about their rights, explaining options to end a tenancy without penalty, and referring people to relevant services.

#### 3.2 Safety and Security

Tenants or household members who are unsafe because of domestic and family violence may change locks without seeking prior consent, however, CENSW needs to be notified as soon as possible.

#### 3.3 Ending a Tenancy

A tenant experiencing domestic and family violence can end their tenancy immediately by giving notice together with approved evidence. There are no break fees or penalties, and rent is only charged up until the termination date. Any

remaining household members will be notified that the tenancy has ended but will not be given any information about the domestic and family violence circumstances. Under the *Residential Tenancies Act 2010 (NSW)*, tenants need to provide one form of evidence to end their tenancy on the grounds of domestic and family violence.

### **3.4 Property Damage and Rent**

Where there is evidence of domestic and family violence, tenants will not be held responsible for any damage to the property caused by the perpetrator. Tenants are also not liable for rent beyond the termination date if the tenancy is ended due to domestic and family violence.

CENSW will work with victim-survivors and their support services prioritise urgent repairs that are needed to protect safety.

### **3.5 Support and Referrals**

CENSW provides clear information to tenants and household members about their housing options, their legal rights and the support available from specialist domestic and family violence services. With agreement and where possible, we may also make referrals or work with support agencies to help victim-survivors remain safely housed.

### **3.6 Where the Perpetrator is a Tenant or Household Member**

Where the perpetrator of domestic and family violence is also a tenant or household member, CENSW may take steps under the tenancy agreement and the *Residential Tenancies Act 2010 (NSW)* to protect the safety of other occupants. This may include applying to the NSW Civil and Administrative Tribunal (NCAT) to end the perpetrator's tenancy or to vary the agreement so that other household members can remain in the property safely.

### **3.7 Evidence**

We will ask the victim-survivor to give us documentation to support their request for assistance or for ending a tenancy. The type of evidence we ask for will depend on the situation but may include:

- Final Apprehended Domestic Violence Order
- Family Law injunction
- Certificate of conviction for a domestic and family violence offence
- Declaration by a competent person such as a doctor, psychologist, social worker or domestic and family violence caseworker.

### **3.8 Confidentiality**

All information provided about domestic and family violence is treated as highly confidential and in line with our Privacy Policy. It will only be shared where legally required or with consent.

### **4. Related Legislation, Documents and Policies**

- [Residential Tenancies Act 2010 \(NSW\)](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Domestic Violence Information Sharing Protocol](#)
- [Ending a Tenancy Policy](#)
- [Child Protection and Mandatory Reporting Policy](#)
- [Privacy Policy](#)

### **5. Variations**

Name and Designation of Approver	Head, Cooperative Services
Contact/Responsible Delegation	Cooperative Services Team Manager
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