



Family Violence Policy

Last updated: 15 October 2019

This policy supports the principles to *'maximise safety of persons who have experienced family violence, and prevent or reduce to the greatest extent possible, the consequences of family violence'*. As defined in the Restraining Orders Act (1997).

Policy Intent

To outline the housing management response in circumstances where the Department of Communities (Department) is aware family violence is occurring or is likely to occur.

Policy Statements

1. Definition of 'family' in a family violence setting.

A reference in this policy to **family** is a reference to *relationships that are based on interpersonal relationships or living arrangements*.

Examples of 'family' include (but are not limited to) the following:

- a. Relatives and family members, connected by blood, marriage or defacto relationships, including past partner relationships;
- b. Relatives through kinship, cultural or religious grounds;
- c. Relationships based on dependency, such as in informal care arrangements between people with disabilities and their caregivers

Relationships involving personal or financial commitment such as where two or more people live together. They may be living as friends, housemates, or other cohabitants

2. Definition of family violence.

A reference in this policy to **family violence** is a reference to:

- *violence, or a threat of violence, by a person towards a family member of the person; or*
- *any other behaviour by the person that coerces or controls the family member or causes member to be fearful.*

Examples of behaviour that may constitute family violence include (but not limited to) the following:

- a. Physical Abuse - e.g. an assault against the family member, damaging or destroying the property of the family member, or depriving the liberty of the family member or any other person with whom the member has a family relationship.
- b. Emotional Abuse - e.g. preventing the family member from seeing their friends, or family, from making or retaining connections to culture, threatening to or actually distributing or publishing intimate personal images of the family member, or causing death or injury to an animal that is the pet of the family member.
- c. Economic Abuse – e.g. withholding or controlling against a person's will their access to money, food, clothes or personal items such as car keys.
- d. Verbal Abuse - statements designed to humiliate, degrade, demean, intimidate, or subjugate, including the threat of physical violence.
- e. Stalking or cyber-stalking the family member.
- f. Exposing a family member who is a child to behaviour as set out above.
- g. A person who procures the services of someone to commit family violence on their behalf, is also considered to have committed the family violence.



3. Considerations during decision making

- a. The best interests of any child within, or connected to a tenancy, will be of primary importance in decision making by the Department.
- b. The importance of protecting pets in a family violence setting is acknowledged.

4. Eligibility for priority public housing assistance on grounds of family violence.

- a. When an applicant who is eligible for public housing demonstrates that they are experiencing, or at risk of experiencing family violence, their application will be assessed according to the Priority Housing Need Policy.
- b. When an applicant who owns, or jointly owns, property demonstrates that they are experiencing, or at risk of experiencing family violence, they may be eligible for housing assistance and their application will be assessed according to the Priority Housing Need Policy.

5. Additional Security for public housing tenants on grounds of family violence.

- a. Tenants who are experiencing, or are at risk of experiencing, family violence may apply for assistance to install additional necessary security fixtures at the premises.
- b. A tenant has the right to modify, add or alter the prescribed security fixtures at the premises, without prior consent from the Department, if they reasonably believe such actions are necessary to prevent family violence being carried out against them, or their dependants.
- c. When a tenant, at their own cost, modifies, adds or alters the prescribed security fixtures at a rental premises because of family violence, these costs, or a portion of them, may, on application, be reimbursed.

6. Tenants unable to reside in their rental premises on grounds of family violence

- a. When a rental premises is subject to a joint tenancy and it is demonstrated that a co-tenant cannot occupy the premises because of family violence, rental payments may be re-calculated solely on the income of the remaining co-tenant and householders who continue to reside in the premises.
- b. When it is demonstrated that a rental premises is empty because of family violence a request to waive rental payments due for the period of time the premises is empty may be authorised. A maximum time period may apply.

7. Applications for Priority Transfer

- a. When a tenant is approved for a priority transfer but terminates their tenancy, or their interest in a tenancy, they may be eligible to retain their priority transfer listing date.

8. Joint Tenancies where family violence is present

- a. Joint tenants have equal rights and responsibilities arising from their tenancy agreement, including the right to occupy the premises.
- b. The Department has no legal authority to remove a perpetrator of family violence from a rental premises.



- c. If a co-tenant departs, or is legally prohibited from residing at the premises, the rights and obligations of the tenancy continue to apply to this tenant until
 - the tenancy is terminated,
 - their tenancy interest is terminated or,
 - the tenancy is assigned to the co-tenant resident in the premises.

9. Joint Tenancies - Termination of Tenancy Interest on Grounds of Family Violence

- a. A tenant experiencing, or at risk of experiencing, family violence may give a Notice of Termination of Tenancy Interest on Grounds of Family Violence (Form 1D), with supporting prescribed evidence, and terminate their interest in a tenancy.
- b. A tenant subject to family violence, or where a dependant of the tenant has been subject to family violence, may make an application to a competent court to terminate their, or the perpetrator tenant's, interest in a tenancy.
- c. A tenant who is the perpetrator of family violence, may make an application to a competent court to terminate their interest in a tenancy.

10. Bond Assistance Loan Scheme

- a. When a joint tenant's tenancy interest is terminated because of family violence, the amount of security bond payable under the agreement by the remaining tenant may be increased by the lessor to cover the disposal of the former tenant's portion of the security bond.
- b. The remaining tenant may apply for assistance to pay the former tenant's portion of the security bond.
- c. The former tenant may apply for assistance towards a bond for a new tenancy.
- d. All applications for a bond assistance loan will be assessed according to the Bond Assistance Loan Policy.

Related Legislation

- *Housing Act 1980 WA*
- *Residential Tenancies Act 1987 WA*
- *Residential Tenancies Regulations 1989 WA*
- *Restraining Orders Act 1997 WA*

Related Housing Authority Policy

- Allocations Policy
- Bond Assistance Loan Policy
- Priority Housing Need Policy
- Maintenance Manual Policy
- Transfer Policy
- Tenancy Management Policy
- Waiting List Management Policy