

# Domestic Violence NSW Submission

## Statutory review of the domestic violence provisions in the Residential Tenancies Act 2010

November 2022



**D O M E S T I C**  
**V I O L E N C E**  
**N S W**

## Contents

Acknowledgement .....	3
About Domestic Violence NSW .....	4
Executive Summary.....	5
Survey methodology .....	7
Recommendations .....	8
Providing evidence.....	9
Giving a domestic violence termination notice to a perpetrator .....	10
Impacts on co-tenants and occupants .....	11
Giving a domestic violence termination notice to a real estate agent or landlord.....	12
Limits on liability for damage to rental property.....	14
Blacklisting of tenants .....	15
Repayment of rental bond .....	16
Survey findings.....	18
Appendix 1 .....	26

## Acknowledgement

This report was written on the stolen and unceded lands of the Gadigal People of the Eora Nation. We pay respects to the Elders past, present and emerging.

Domestic Violence NSW would like to acknowledge Aboriginal and Torres Strait Islander people across the breadth and depth of Australia. We recognise that Aboriginal and Torres Strait Islander people have lived and cared for Country for over 65,000 years and continue to do so, honouring ancestors and knowledge holders within community, and observing ancient cultural practices.

We would like to recognise the impacts of colonisation and the ongoing systemic racism and oppression that is still present within institutions and the broader community.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islander people and hold their stories with great care.

We concede that Aboriginal and Torres Strait Islander women are at the highest risk of sexual, family and domestic violence compared with other women in Australia. We acknowledge that domestic and family violence are not part of Aboriginal culture.

Domestic Violence NSW work to position ourselves as allies, to walk alongside, to listen, to give our voice and strength, to respect, to never forget and to learn from past mistakes.



## About Domestic Violence NSW

Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence (DFV) services in NSW**. We have over 130 member organisations across NSW. We work to improve policy, legislative and program responses to domestic and family violence and to eliminate DFV through advocacy, partnerships and promoting good practice.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. They are non-government-funded organisations. Our member organisations include crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations and specialist CALD organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women and children's support services, and Safe at Home programs.

<b>CEO</b>	Delia Donovan
<b>Author</b>	Livia Stanton
<b>Address</b>	Domestic Violence NSW PO Box 3311 REDFERN NSW 2016
<b>Telephone</b>	(02) 9698 9777
<b>Email</b>	<a href="mailto:ceo@dvnsw.org.au">ceo@dvnsw.org.au</a>
<b>Website</b>	<a href="http://www.dvnsw.org.au">www.dvnsw.org.au</a>

## Executive Summary

Domestic Violence NSW (DVNSW) welcomes the opportunity to respond to the Statutory review of the domestic violence provisions in the Residential Tenancies Act (The Act), 2010. Specifically, this submission is focused on topics raised in the [Issues Paper, Statutory review of the domestic violence provisions in the Residential Tenancies Act 2010 - October 2022](#), including providing evidence; giving a domestic violence termination notice (DVTN) to a perpetrator, real estate, or landlord; impacts on co-tenants and occupants; liability for property damage; blacklisting of victim-survivors; and retrieval of bond.

Domestic violence (DV) reforms made to the Act in February 2019 have supported many victim-survivors of DFV to break their tenancies quickly and safely, but further changes need to be made to protect victim-survivors and ensure victim-survivors.

DVNSW recommend changes which ensure victim survivors and their advocates:

- Have better access to a ‘competent person’ to provide the required evidence for a DVTN.
- Can safely serve a perpetrator with a DVTN through a third party.
- Can rely on real estates and landlords to understand and adhere to the stipulations within the DV tenancy reforms.
- Are not liable for property damage inflicted by the perpetrator.
- Can safely retrieve rental bond.
- Are not being unfairly blacklisted.
- Can safely terminate a perpetrator's co-tenancy where there is a final apprehended violence order (AVO) excluding the perpetrator from the property, without having to go to tribunal.

To understand the issues victim-survivors are still experiencing when trying to end their tenancies due to DFV, DVNSW co-designed a survey with The NSW Tenants Union and Women’s Legal Service NSW which was undertaken by 70 respondents. Key findings include:

- Almost a third of victim-survivors experienced difficulty with their real estate or landlord when serving the DVTN.
- In most cases the perpetrator was the co-tenant and victim-survivors were reluctant to serve the perpetrator with the DVTN.
- Victim-survivors had fears for their safety and the possible repercussions of utilising the provision.
- Most victim-survivors contributed to bond, but half didn’t attempt to recover their portion, mainly due to fear of the perpetrator.
- Half had property damage due to the DFV, however over a third were not able to persuade the real estate or tribunal they were not liable for the damage.

A quote demonstrating a victim-survivor's fear of serving the DVTN on the perpetrator:

*“The client was terrified of what the perpetrator would do to her once he received the notice.”*

Concerningly for victim-survivors in regional NSW, issues experienced seem to be more severe – it was harder to find a competent person to provide evidence for a DVTN and real estates and landlords were less cooperative in responding to a DVTN. There was also more experience of property damage and more fears about informal blacklisting of victim-survivors. As the survey was distributed across metropolitan and regional areas, this would suggest that there were more issues effecting victim-survivors in regional NSW and the findings also support this.

DVNSW makes ten recommendations (page 8) to improve access to the tenancy reforms so victim-survivors of DFV can break their tenancies quickly and safely. Recommendations include expanding the list of competent people to ensure access to the provisions for marginalised groups; options to safely serve the DVTN to the perpetrator through a third party; a mechanism to safely terminate a perpetrator's co-tenancy *without* going to Tribunal; mandatory DFV awareness training and mandatory training on the application of a DVTN and DFV tenancy reforms for real estates, landlords and tribunal members; DFV specialisation within Tribunal; amending the Anti-discrimination Act, 1977, so that people cannot be discriminated against based on being a victim-survivor of DFV; and strengthening provisions in the Act to improve retrieval of bond for victim-survivors.

## Survey methodology

DVNSW co-designed an on-line survey with NSW Tenants Union and Women’s Legal Service NSW and provided it to members from 31<sup>st</sup> October to 16<sup>th</sup> November 2022 about their experiences of the domestic violence tenancy provisions. The survey contained twenty-two questions and was designed to collect qualitative and quantitative data regarding issues that victim-survivors and their advocates had experienced in accessing the DV provisions (see Appendix 1). The aim of the survey was to address questions asked in the Issues Paper, *Statutory review of the domestic violence provisions in the Residential Tenancies Act 2010 - October 2022* and to inform our policy recommendations based on responses.

The survey was distributed to DVNSW and NSW Tenants Union members via email and received seventy responses. This is a relatively high response rate for a survey of this design, given that only victim-survivors and their advocates who have had experience using the DV provisions to end a tenancy could complete the survey. This was also a particularly demanding period when members have reported they are incredibly busy with issues such as natural disasters, responding to the pandemic, and being understaffed and underfunded with long waitlists.

We note a potential limitation in the research is that the majority of respondents of the survey are victim-survivor advocates, not victim-survivors. Had more victim-survivors had access to the survey the results likely would have shown further hardship in breaking tenancies due to DFV.

It should also be noted that the majority of survey respondents (59%) were from regional NSW, 39% were from metropolitan NSW, and a small number didn’t know. Data analysis was performed primarily through univariate analysis.

## Recommendations

1. The list of competent people should be expanded to include independent advocates from disability services, disability support workers, community access workers, homelessness workers, workers from Aboriginal corporations, and tenancy advocates.
2. The requirement for a victim-survivor to serve any other co-tenants with a copy of the DVTN should be ceased and instead the real estate or landlord should be required to advise any remaining co-tenants that a victim-survivor's tenancy has ended.
3. Mechanisms to safely terminate a perpetrator's co-tenancy, that do not require application to the Tribunal or a final AVO (an interim AVO should be considered sufficient evidence), must be considered to assist victim-survivors to remain in their home.
4. Real estate agents and landlords should undertake mandatory DFV awareness training to ensure a nuanced understanding of the dynamics of DFV relationships and how this may impact property matters. Training should include the application of a DVTN and DFV tenancy reforms, and understanding victim-survivor and real estate and landlord rights and responsibilities.
5. Consideration should be given to a reporting system whereby victim-survivors can report real estate agents or landlords who do not comply with the stipulations of a DVTN, and funding for specific support options for victim-survivors in that position.
6. Tribunal members should undertake mandatory DFV awareness training to ensure a nuanced understanding of the dynamics of DFV relationships and how this may impact property matters. DFV specialisation within tribunal would be another way to address the issue of victim-survivor liability for damage to rental properties.
7. Legislative reform is required in the Residential Tenancies Act, 2010, to ensure victim-survivors of DFV are not liable for property damages and the onus of proof is placed on the real estate agent or perpetrator.
8. Make amendments to the Anti-discrimination Act, 1977, so that people cannot be discriminated against based on being a victim-survivor of DFV.
9. The restriction on tenancy database listing should be extended to include all tenants who are victim-survivors of DFV and ended their tenancies in circumstances of DFV.
10. Additional provisions are required in the Residential Tenancies Act (2010) to support victim-survivors having the bond returned to them. A victim-survivor who ended their tenancy using a DVTN should be able to apply for a portion of the bond directly from the Rental Bond Board when their tenancy ends.

## Providing evidence

We welcome the expansion of the list of ‘competent people’ from primarily general practitioners to include workers from front-line DFV services, as this has allowed the provisions to be more accessible for victim-survivors and their advocates.

Over 44% of survey respondents used a declaration by a competent person for their domestic violence termination notice (DVTN). Of those who used a declaration by a competent person, the majority were made by a DFV/sexual assault worker (43%), followed by a GP (17%), refuge/emergency accommodation worker (15%), social worker (9%), and victims services counsellor (4%). These results show that expanding the list of competent persons beyond GPs has been critical for victim-survivors and their advocates to effectively end a tenancy due to DFV, with 71% of competent persons being outside the realm of GPs.

Most survey respondents (51%) still reported using an ADVO as evidence, interestingly no respondents reported using a certificate of conviction or a family law injunction as evidence.

While we appreciate the expansion of the list of competent people, we would like to see this go further to make the domestic violence provisions more accessible for those they intend to support. There are still a number of barriers preventing marginalised cohorts from accessing these provisions, as they often do not seek support from mainstream services. This is particularly concerning for people with disability.

While most survey respondents said that it wasn’t difficult to find a competent person (75%), there were 25% who either didn’t know or had difficulty finding a competent person. Respondents indicated their support for adding a range of additional competent persons including: homelessness or housing workers (86%), workers from Aboriginal corporations (67%), tenancy advocates (62%), disability advocate / support workers (59%), and community access workers (46%).

### **Recommendation 1:**

**The list of competent people should be expanded to include independent advocates from disability services, disability support workers, community access workers, homelessness workers, workers from Aboriginal corporations, and tenancy advocates.**

This would ensure access to the provision for marginalised groups including Aboriginal and Torres Strait Islander people, people with disabilities, people of cultural and linguistically diverse backgrounds, LGBTIQ+ people, and people in rural and regional communities. Expansion should ideally occur alongside training and resource development on the provision for a wider range of practitioners.

## Giving a domestic violence termination notice to a perpetrator

Currently a tenant ending their lease due to DFV is required to provide a domestic violence termination notice (DVTN) to the co-tenant (who may be the perpetrator) and to the landlord. The overwhelming majority of survey respondents (83%) indicated that the DFV perpetrator was the co-tenant. The requirement on the victim-survivor to provide the DVTN to the perpetrator is often not safe and may place the victim-survivor at risk. DVNSW have safety concerns with this being a requirement.

Only 23% of survey respondents indicated that the perpetrator had been given a copy of the DVTN, 18% indicated the perpetrator had not been given it, and 55% did not know. It is concerning that 73% of respondents either did not know if the perpetrator had received the DVTN or said the perpetrator had not received it. This speaks to the difficulty in serving a DVTN to the perpetrator. Concerns about serving the DVTN to the perpetrator included safety issues, re-traumatisation, fear of contact with perpetrator, concern about removal of household goods, and language barriers.

Comments from survey respondents on difficulties experienced by victim-survivors when serving a DVTN to the perpetrator:

*“It put the women's safety more at risk for talking.”*

*“Concerns by the tenant about how to have it served on perpetrator safely and without contact.”*

*“The timing was crucial, as it was felt the issuing of that notice would cause risk, so every arrangement to remove goods etc had to be in place prior.”*

### **Recommendation 2:**

**The requirement for a victim-survivor to serve any other co-tenants with a copy of the DVTN should be ceased and instead the real estate or landlord should be required to advise any remaining co-tenants that a victim-survivor's tenancy has ended.**

For best practice all changes to the DV provisions should be co-designed by victim-survivors who have direct experience of ending their tenancy due to DFV with a DVTN for better outcomes.

## Impacts on co-tenants and occupants

While the provisions to use a DVTN where a victim-survivor wants to end the tenancy and vacate the property are generally working well, in matters where both victim-survivor and perpetrator are co-tenants and the victim wishes to remain in the premises and exclude the perpetrator, there are significant issues.

Low vacancy rates and the rental affordability crisis, particularly in regional and remote areas, means victim-survivors are often not in the position to vacate through use of a DVTN because they are not able to secure alternative accommodation. Having a simple and fast way to terminate a tenancy or co-tenancy through a DVTN is only effective if there is safe and affordable alternative accommodation for the victim-survivor. In the current housing climate, this is increasingly not the case across NSW.

A final ADVO excluding a perpetrator from the property automatically terminates their tenancy, allowing the victim-survivor to go to Tribunal to make an order recognising them as a remaining occupant. In theory this provision works in favour of the victim-survivor, however, is extremely difficult to apply in reality, with final ADVOs take significant time to obtain, if at all, and where granted may not include an exclusion order. Furthermore, many victim-survivors do not report to police, meaning they are unable to exclude the perpetrator from the premises.

### Case study: Sarah

The tenant wanted to give a termination notice to the perpetrator, as the tenant wanted to remain. To begin with the tenant did not have an AVO so was not able to terminate the tenancy, once she had an AVO the agent was able to terminate. There were issues with the agent requiring consent from both parties prior to termination for contractors to access the property, this caused safety issues for the tenant.

Victim-survivors are reluctant to go through the Tribunal process due to difficulties experienced in obtaining an ADVO and having the co-tenant/perpetrator as a party to the proceedings and potentially having to go through a mediation process. This process can be re-traumatising for victim-survivors and presents safety concerns, potentially putting them at further risk. A simpler process that does not require application to the Tribunal could assist in helping victims to remain in their home.

### Recommendation 3:

**Mechanisms to safely terminate a perpetrator's co-tenancy, that do not require application to the Tribunal or a final AVO (an interim AVO should be considered sufficient evidence), must be considered to assist victim-survivors to remain in their home.**

## Giving a domestic violence termination notice to a real estate agent or landlord

While the majority of survey respondents (61%) indicated that the real estate or landlord was supportive/cooperative when given the DVTN, 33% were reported as not being cooperative and 6% of respondents did not know. At a regional, rural, remote level, 41% of real estates or landlords were uncooperative, compared with 19% in metropolitan areas. This contrast is concerning, given the rental affordability housing crisis across NSW, but particularly in regional parts of the state where lack of available and affordable rentals is felt very sharply and has been exacerbated by rising costs of living, the pandemic, and natural disasters (insert reference here).

Difficulties experienced by victim-survivors when giving a DVTN to real estates and landlords cover a range of issues and include the following responses by agents and landlords:

- making threats to blacklist tenants or claim bond,
- not understanding what a DVTN is,
- ignoring correspondence about a DVTN,
- demanding tenants pay lease break fees,
- advising tenants that permission must be sought by the co-tenant (perpetrator) to be removed from lease,
- asking for proof of DFV incident, and
- stipulating a notice period and continuing to charge rent.

Comments from survey respondents on difficulties experienced by victim-survivors when giving a DVTN to real estates and landlords:

*“The agent made threats about the tenant needing to pay break lease costs and that she would still be responsible for any damage or arrears accrued by the perpetrator who stayed behind, even after the tenant had issued the termination notice and returned her keys.”*

*“Agent told the tenant she had to give 21 days’ notice and would be liable for rent for that period (which the tenant could not afford). Made threats about making claim on the bond.”*

*“Questioned validity of the Notice and initially wanted proof of the incident.”*

There is not enough awareness and understanding of the application of a DVTN amongst real estate agents and landlords. Without increased understanding from real estate agents and landlords, victim-survivors will continue to experience poor outcomes and difficulty safely ending their tenancies.

### **Recommendation 4:**

**Real estate agents and landlords should undertake mandatory DFV awareness training to ensure a nuanced understanding of the dynamics of DFV relationships and how this may impact property matters. Training should include the application of a DVTN and DFV**

tenancy reforms, and understanding victim-survivor and real estate and landlord rights and responsibilities.

**Recommendation 5:**

Consideration should be given to a reporting system whereby victim-survivors can report real estate agents or landlords who do not comply with the stipulations of a DVTN, and funding for specific support options for victim-survivors in that position.

## Limits on liability for damage to rental property

Protections for victim-survivors against liability in circumstances where property damage occurred due to a DV offence are not working effectively, as many real estates and landlords are still unaware of these protections or are choosing to ignore them. Unfortunately, agents and landlords are continuing to seek compensation from victim-survivors even after these circumstances are flagged, and even where evidence of a DV offence has been provided.

Experiences of property damage is widespread amongst tenants who have used a DVTN, particularly in regional areas. 50% of survey respondents said there was damage to the property. This number was higher (59%) in regional, rural, and remote areas compared with metropolitan areas (37%).

Evidence relied upon by victim-survivors to show real estates, landlords, and tribunals that they were not responsible for damage caused to property included police reports, DFV service support letters, and ADVOs. Experiences of tenant's liability for damages is concerning, with 33% of victim-survivors reporting not being able to persuade the real estate/landlord or tenancy tribunal that they should not be responsible for the repairs. These rates were slightly lower regionally (36%) compared with metropolitan areas (40%).

### Case study:

A victim-survivor was taken to the tenancy tribunal for a property damage liability matter, despite the perpetrator being charged with malicious damage to property by police. However, because the perpetrator wasn't convicted of malicious damage, this was not considered sufficient evidence to prove that the victim-survivor did not cause the damage to the property. The victim-survivor was still liable for costs.

**The level of proof required for a perpetrator to be liable for property damage (and not the victim-survivor) should not be that they must be convicted of malicious damage in a court of law.**

These are largely implementation issues where understanding of DFV needs to increase. Tribunal members need to have a greater understanding of property damage and safety issues for victim-survivors as related to DFV relationships.

### Recommendation 6:

**Tribunal members should undertake mandatory DFV awareness training to ensure a nuanced understanding of the dynamics of DFV relationships and how this may impact property matters. DFV specialisation within tribunal would be another way to address the issue of victim-survivor liability for damage to rental properties.**

### Recommendation 7:

**Legislative reform is required in the Residential Tenancies Act, 2010, to ensure victim-survivors of DFV are not liable for property damages and the onus of proof is placed on the real estate agent or perpetrator.**

## Blacklisting of tenants

Currently the restriction on database listing only applies if a DVTN was given. This is too narrow and does not assist victims-survivors who were unaware of the DV provisions.

We understand that blacklisting of tenants is still happening informally, where tenants may not be listed on the database, however they are still being discriminated against due to their experience of DFV, based on information shared by real estate agents.

10% of survey respondents reported the victim-survivor was listed on a 'bad tenants' database. Real estate agents and landlords hold significant power over tenants' ability to successfully find a new rental property and this has never been more apparent than now. NSW is in the midst of a housing crisis, particularly in the private rental market where rents are at an all-time high. Informal blacklisting of tenants puts victim-survivors in an impossible position, potentially destroying their chances of securing a safe and affordable long-term rental which is critical to their recovery and healing after experiencing DFV. Without legislative reform, victim-survivors of DFV will continue to be unfairly penalised and discriminated against.

Comments from survey respondents on blacklisting of victim-survivors by real estates:

*"While my client was not listed on a database, I feel we have come up against an informal blacklist. My client was recently verbally told by a real estate agent that she would never be approved for a property by that agency. I have no proof but I am inclined to believe that the agency is giving negative references."*

*"Not all real estates do the right thing by the victim tenants and use their power to further aggravate their situation by blacklisting."*

### **Recommendation 8:**

**Make amendments to the Anti-discrimination Act, 1977, so that people cannot be discriminated against based on being a victim-survivor of DFV.**

### **Recommendation 9:**

**The restriction on tenancy database listing should be extended to include all tenants who are victim-survivors of DFV and ended their tenancies in circumstances of DFV.**

## Repayment of rental bond

Victim-survivors of DFV often experience difficulty retrieving their bond when it has been listed in the perpetrator's name. Almost 80% of survey respondents indicated that they had contributed to the bond (11% had not and 10% did not know). This figure is higher in regional, rural, remote areas, with 88% of victim-survivors having contributed to the bond.

### Case study: Jasmine

The Agent said they would get bond from the perpetrator and then never did. The perpetrator then left the house with rental arrears and some property damage. The agent added the victim-survivor as a co-respondent in their claim for the bond plus \$3000 compensation. The victim-survivor had paid the whole bond initially and had evidence of this. NCAT found that while the victim-survivor was not liable for the amount owing over bond, that the landlord had priority to the bond claim over the victim-survivor. The victim-survivor was told that she could take the perpetrator to the Tribunal to recover the bond, but she was too afraid to do that.

The issue of bond recovery by victim-survivors from perpetrators is concerning, with 50% of survey respondents reporting they did not try to recover bond at all, 30% had tried, and 10% did not know if the victim-survivor had tried. Survey respondents identified a range of issues highlighting the difficulty in recovering their portion of the bond, including:

- fear of the perpetrator,
- not being able to prove the victim-survivor had paid bond,
- property damage,
- rent owing, and
- no entitlement due to property damage despite being caused by DV.

In cases where there was no attempt to recover bond, responses provided were similar and included:

- fear of perpetrator,
- safety concerns/ victim had gone into hiding,
- did not want further contact with the perpetrator,
- language barriers,
- felt overwhelmed,
- and not worth the fight.

The provisions on repayment of the rental bond are not working effectively and urgent reform is needed to ensure victim-survivors, who are often already experiencing financial difficulties, have their bond returned safely and quickly.

Comments from survey respondents on the issue of bond recovery:

*“Any process available to attempt to recover the bond was uncertain and would involve further interaction with the perpetrator.”*

*“The tenant wrote to the co-tenant [perpetrator] to request her share of the bond back. That request was not complied with. The tenant did not feel safe in applying to NCAT to get an order for her part of the bond be returned to her.”*

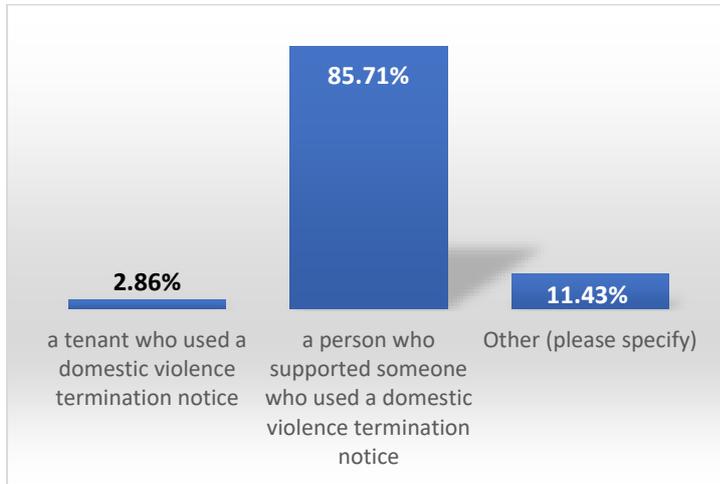
*“Victim wasn't able to obtain any of the bond, due to POI [perpetrator] being incarcerated.”*

**Recommendation 10:**

**Additional provisions are required in the Residential Tenancies Act (2010) to support victim-survivors having the bond returned to them. A victim-survivor who ended their tenancy using a DVTN should be able to apply for a portion of the bond directly from the Rental Bond Board when their tenancy ends.**

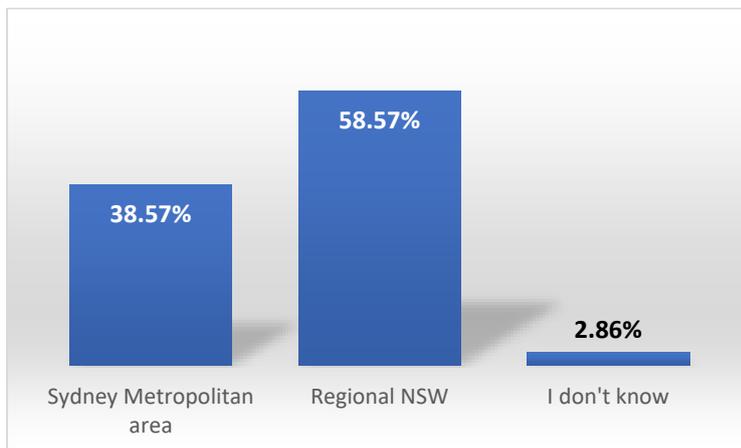
## Survey findings

### Question 1: Are you?



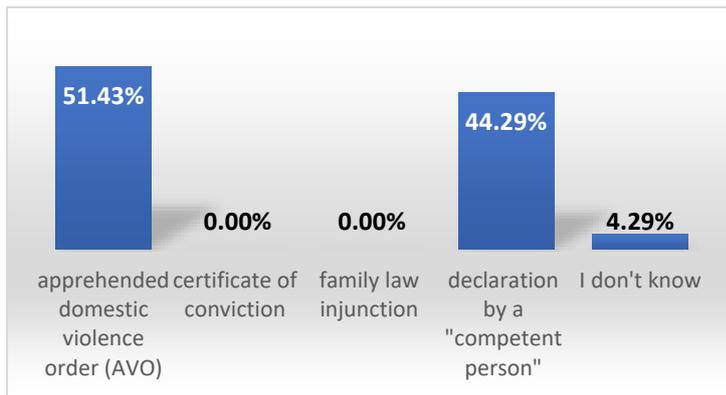
Answer Choices	Responses	
a tenant who used a domestic violence termination notice	2.86%	2
a person who supported someone who used a domestic violence termination notice	85.71%	60
Other (please specify)	11.43%	8

### Question 2: Where was the tenant living when they used the domestic violence termination notice?



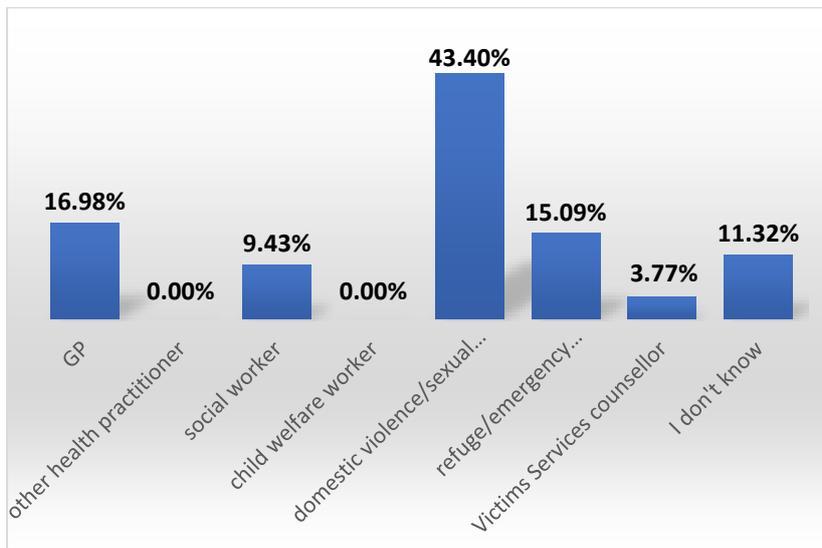
Answer Choices	Responses	
Sydney Metropolitan area	38.57%	27
Regional NSW	58.57%	41
I don't know	2.86%	2

Question 3: What evidence was attached to the domestic violence termination notice?



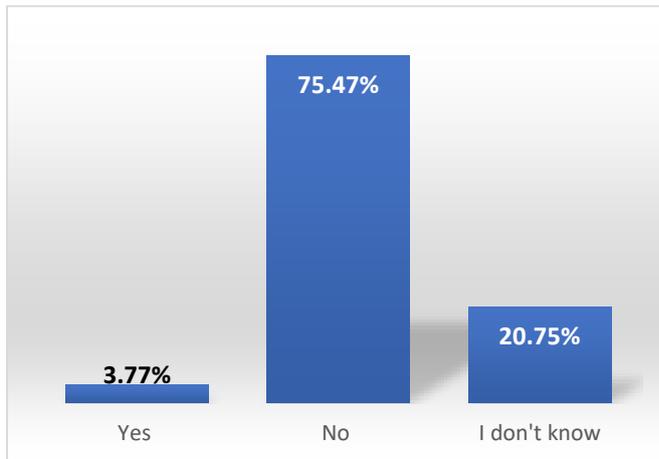
Answer Choices	Responses	
apprehended domestic violence order (AVO)	51.43%	36
certificate of conviction	0.00%	0
family law injunction	0.00%	0
declaration by a "competent person"	44.29%	31
I don't know	4.29%	3

Question 4: Which of the following people completed the declaration?



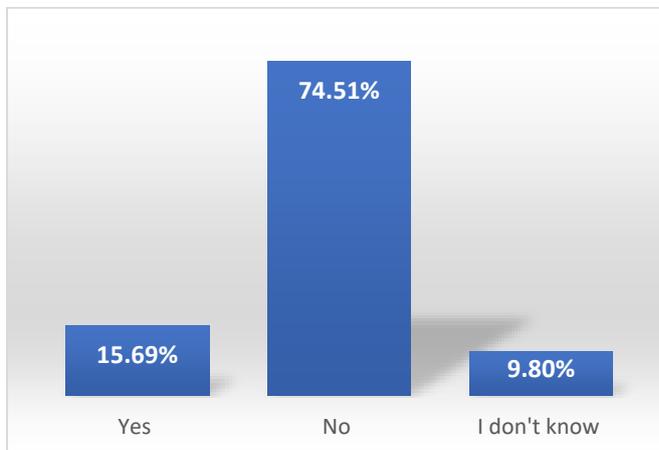
Answer Choices	Responses	
GP	16.98%	9
other health practitioner	0.00%	0
social worker	9.43%	5
child welfare worker	0.00%	0
domestic violence/sexual assault worker	43.40%	23
refuge/emergency accommodation worker	15.09%	8
Victims Services counsellor	3.77%	2
I don't know	11.32%	6

Question 5: Was a "competent person" approached who refused to complete the declaration?



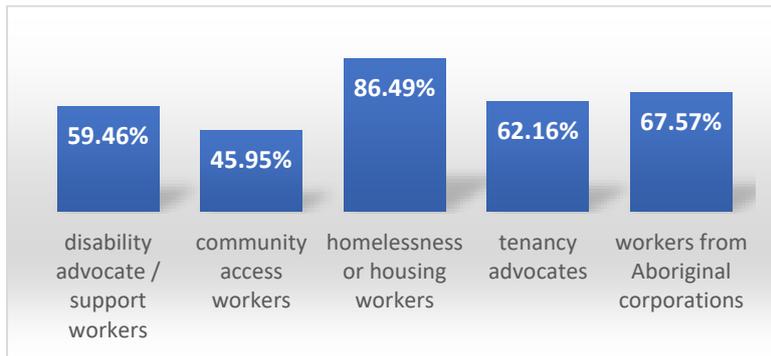
Answer Choices	Responses	
Yes	3.77%	2
No	75.47%	40
I don't know	20.75%	11

Question 7: Was it difficult to find a competent person to complete the declaration?



Answer Choices	Responses	
Yes	15.69%	8
No	74.51%	38
I don't know	9.80%	5

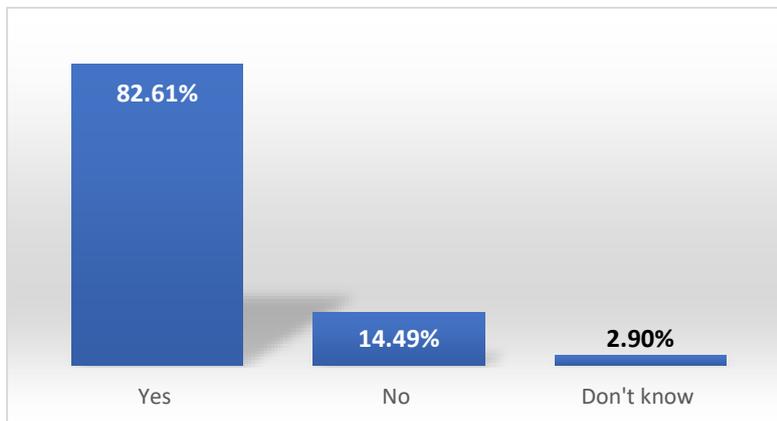
**Question 8: Who would you like added to the list of competent people?**



Answer Choices	Responses	
disability advocate / support workers	59.46%	22
community access workers	45.95%	17
homelessness or housing workers	86.49%	32
tenancy advocates	62.16%	23
workers from Aboriginal corporations	67.57%	25
*Other (please specify)		3

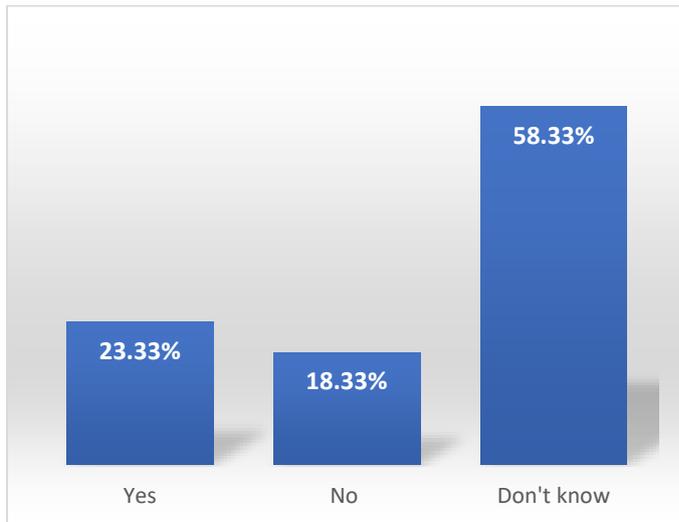
\*Other: Women's Domestic Violence Court Advocacy Services, lawyers, teachers and women's health workers

**Question 9: Was the domestic violence perpetrator a co-tenant?**



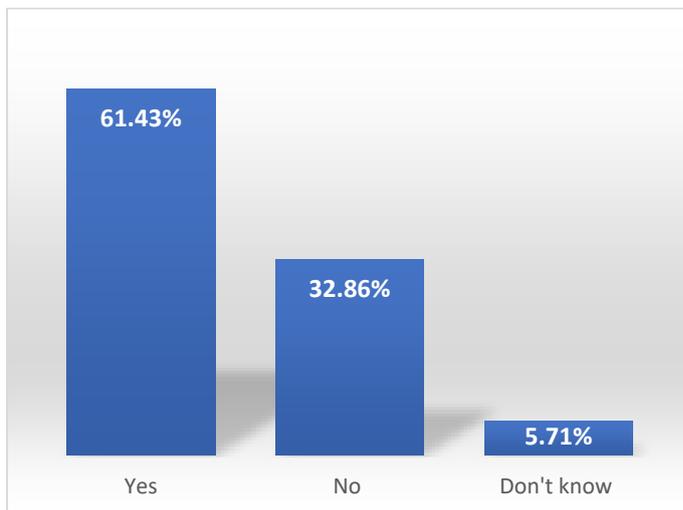
Answer Choices	Responses	
Yes	82.61%	57
No	14.49%	10
Don't know	2.90%	2

Question 10: Was the domestic violence perpetrator given a copy of the domestic violence termination notice?



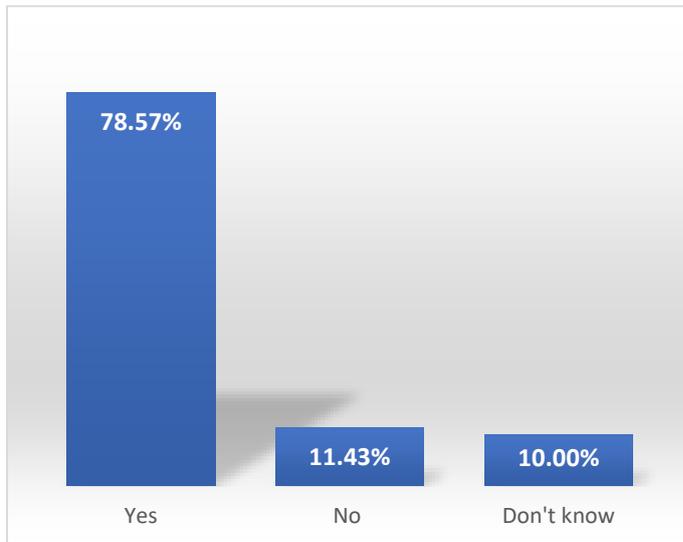
Answer Choices	Responses	
Yes	23.33%	14
No	18.33%	11
Don't know	58.33%	35

Question 12: Was the real estate agent and/or landlord cooperative/supportive when the domestic violence termination notice was given?



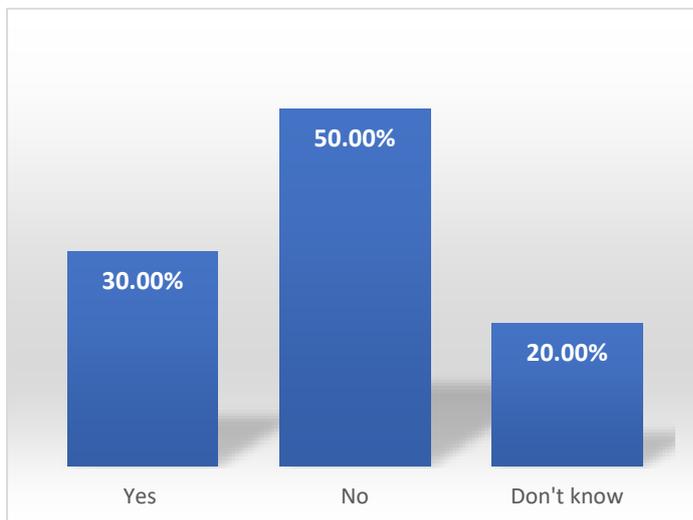
Answer Choices	Responses	
Yes	61.43%	43
No	32.86%	23
Don't know	5.71%	4

Question 14: Did the victim of domestic violence contribute to the bond?



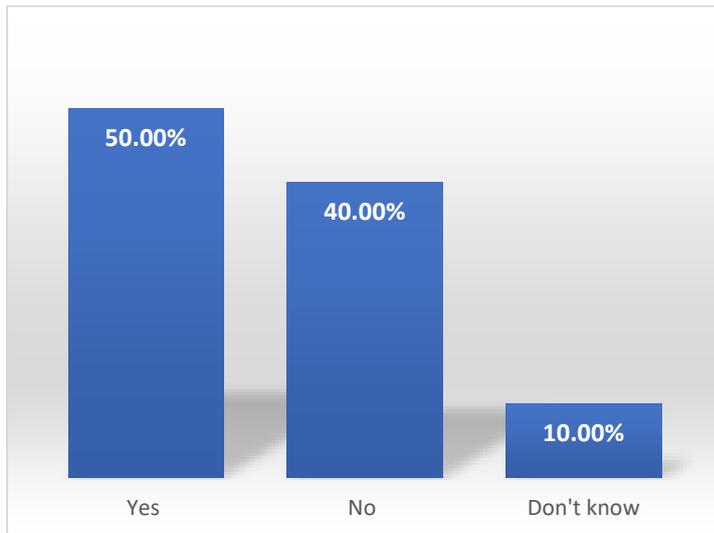
Answer Choices	Responses	
Yes	78.57%	55
No	11.43%	8
Don't know	10.00%	7

Question 15: Did the victim of domestic violence try to recover their portion of the bond from the domestic violence perpetrator?



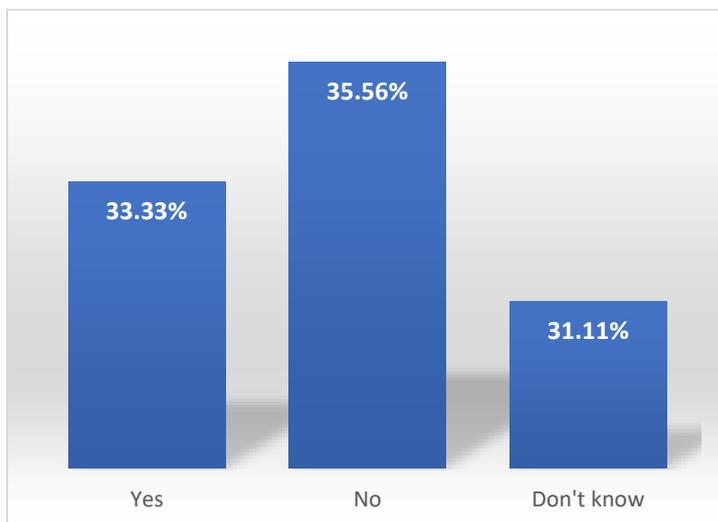
Answer Choices	Responses	
Yes	30.00%	18
No	50.00%	30
Don't know	20.00%	12

Question 18: Was the rental property damaged during a domestic violence incident?



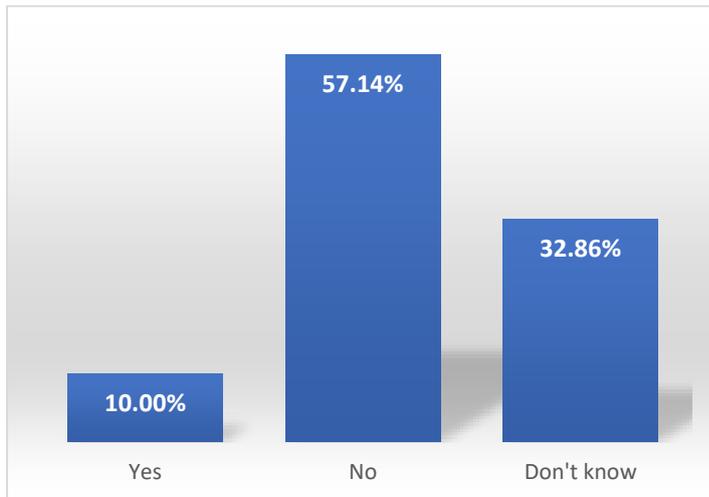
Answer Choices	Responses	
Yes	50.00%	35
No	40.00%	28
Don't know	10.00%	7

Question 19: Was the victim of domestic violence able to persuade the landlord or the Tribunal that they should not be responsible for the cost of the repairs?



Answer Choices	Responses	
Yes	33.33%	15
No	35.56%	16
Don't know	31.11%	14

Question 21: Was the victim of domestic violence listed on a bad tenants' database?



Answer Choices	Responses	
Yes	10.00%	7
No	57.14%	40
Don't know	32.86%	23

# Appendix 1

## Survey Questions

Question 1: Are you? (Choose one option)

- A tenant who used a domestic violence termination notice
- A person who supported someone who used a domestic violence termination notice
- Other (please specify)

Question 2: Where was the tenant living when they used the domestic violence termination notice? (Yes/ No/ Don't know)

Question 3: What evidence was attached to the domestic violence termination notice? (Choose one option)

- Apprehended domestic violence order (AVO)
- Certificate of conviction
- Family law injunction
- Declaration by a "competent person"
- I don't know

Question 4: Which of the following people completed the declaration? (Choose one option)

- GP
- Other health practitioner
- Social worker
- Child welfare worker
- Domestic violence/sexual assault worker
- Refugee/emergency accommodation worker
- Victims Services counsellor
- I don't know

Question 5: Was a "competent person" approached who refused to complete the declaration? (Yes/ No/ Don't know)

Question 6: What was the job of the person that was approached? (free text)

Eg GP, other health practitioner (specify), social worker, child welfare worker, DV/SA worker, refugee/emergency accommodation worker, Victims Services counsellor.

Question 7: Was it difficult to find a competent person to complete the declaration? (Yes/ No/ Don't know)

Question 8: Who would you like added to the list of competent people? (Choose all that apply)

- Disability advocate / support workers
- Community access workers
- Homelessness or housing workers
- Tenancy advocates
- Workers from Aboriginal corporations
- Other

Question 9: Was the domestic violence perpetrator a co-tenant? (Yes/ No/ Don't know)

Question 10: Was the domestic violence perpetrator given a copy of the domestic violence termination notice? (Yes/ No/ Don't know)

Question 11: Describe any difficulties there was giving it or why it was not given. (free text)

Question 12: Was the real estate agent and/or landlord cooperative/supportive when the domestic violence termination notice was given? (Yes/ No/ Don't know)

Question 13: What were some of the difficulties experienced in relation to the landlord or agent's response to the termination notice? (free text)

Question 14: Did the victim of domestic violence contribute to the bond? (Yes/ No/ Don't know)

Question 15: Did the victim of domestic violence try to recover their portion of the bond from the domestic violence perpetrator? (Yes/ No/ Don't know)

Question 16: Describe any difficulties there was in recovering the victim's portion of the bond. (free text)

Question 17: Why was there no attempt to recover the money? (free text)

Question 18: Was the rental property damaged during a domestic violence incident? (Yes/ No/ Don't know)

Question 19: Was the victim of domestic violence able to persuade the landlord or the Tribunal that they should not be responsible for the cost of the repairs? (Yes/ No/ Don't know)

Question 20: What evidence was relied upon? (free text)

Question 21: Was the victim of domestic violence listed on a bad tenants' database? (Yes/ No/ Don't know)

Question 22: Please put any other comments you have here. (free text)