

DOMESTIC & FAMILY VIOLENCE STRENGTHENING THE REAL ESTATE AGENT RESPONSE

a toolkit to guide practice



Keeping
women **safe**

Safe and secure housing

Why develop this toolkit?

This toolkit has been developed to support real estate agents strengthen their practice in managing tenancies that are impacted by domestic and family violence. Providing:

- information to increase awareness;
- tools to guide Property Managers to manage tenancies impacted; and
- suggestions about how to advise landlords on the situation and its management.

This toolkit aims to strengthen the response of the real estate industry as Australia strives to put a halt to domestic and family violence.

Safe and secure housing is a critical component for victims of domestic and family violence and the real estate industry is in a prime position to help achieve this outcome.

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Keeping women
safe

Introduction from Q Shelter Executive Director



Domestic violence can affect anyone, regardless of age, gender or wealth. Domestic violence is everyone's concern. As a community, we have a responsibility to stop the behaviour and attitudes that feed into the cycle of domestic violence and to look after one another. The social and economic cost to individuals, their families and the community is enormous. There has been a tragic increase in domestic and family violence incidents over the last few years. Levels of domestic violence in Queensland have increased by more than 10% since 2010-2011.

In 2013 alone, there were:

- 64,246 occurrences of domestic violence (up from 57,963 in 2012);
- 14,659 domestic violence applications made by police (up from 12,845 in 2012);
- 8,241 domestic violence applications made privately (up from 7,444 in 2012);
- 12,828 breaches of domestic violence court orders (up from 10,997 in 2012); and
- 17 domestic and family violence related homicides (of the total 49 homicides).

The estimated annual cost of domestic and family violence to the Queensland economy is between \$2.7 billion and \$3.2 billion.¹

In 2015 a comprehensive Report undertaken by the Special Taskforce on Domestic and Family Violence in Queensland, chaired by the Honourable Dame Quentin Bryce was handed to the Premier. *The Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland Report* (Not Now, Not Ever Report) made 140 recommendations to inform a longer term vision and strategies to end domestic and family violence in Queensland.

The Department of Child Safety, Youth and Women (the Department) has lead responsibility for implementing several recommendations from the Not Now Not Ever Report. To this end, Q Shelter has been funded to collaborate with the real estate industry to produce a tool kit which enable the Real Estate Agents and in particular property managers to strengthen their practice in being able to identify and effectively manage tenancies affected by Domestic and Family Violence. The Department identified that the Real Estate

Industry and landlords are in a prime position to improve outcomes for victims of domestic and family violence through increased knowledge and being part of the service system not apart from it.

There is no expectation that the industry or its landlords, principles or property managers become experts, counsellors or psychologists, however many agents and their staff are often the "first to know" or suspect there is domestic and family violence. This Kit will give the industry the necessary tools to identify, support and respond appropriately.

Q Shelter was able to develop this resource with the generous support from the Department through the Office of Women and Violence Prevention and we appreciate their foresight in engaging with the private sector to ensure a holistic response to domestic and family violence.

We acknowledge all reference group members who have given us valuable feedback and insight into the machinations of the industry and supported a bespoke response to this very serious community issue.

FIONA CANIGLIA

*Executive Director
Q Shelter*

Foreword



The Real Estate Institute of Queensland (REIQ) is proud to partner with Q Shelter to produce and promote this important toolkit for the real estate profession.

There's a long-standing view that domestic and family violence is an issue exclusively for government, police, and the community sector to resolve but it's clear that we all have a role to play in helping to eradicate this from our community.

The REIQ hopes this toolkit will give real estate practitioners access to the information they need if and when they encounter domestic and family violence. We don't expect real estate professionals to take on an additional role as support workers, but if real estate practitioners can recognise the signs of domestic and family violence and understand the steps to take when it arises, this can make an important difference.

We commend the community services sector for their work in responding to domestic and family violence. We also acknowledge the role of the Queensland Government in raising awareness of this issue, and for embracing the recommendations of the Not Now, Not Ever Report. It seems fitting that as we launch this toolkit, the Queensland

Government has already launched a public awareness campaign titled 'Do Something'. The campaign asks all Queenslanders to take responsibility for learning the signs and taking action to stop domestic and family violence.

We are proud to have been part of the development of this toolkit and we encourage all real estate professionals to use these simple tools and resources to make a difference to the lives of those impacted by domestic and family violence.

ANTONIA MERCORELLA
CEO
Real Estate Institute of Queensland

It seems fitting that as we launch this toolkit, the Queensland Government has already launched a public awareness campaign titled 'Do Something'. The campaign asks all Queenslanders to take responsibility for learning the signs and taking action to stop domestic and family violence.



What is domestic and family violence?

Domestic and family violence is a whole of community issue and requires the collective efforts of government, communities and the corporate sector to respond to the challenge.¹

Domestic and family violence is a crime and has devastating consequences for individuals, families and communities.

Domestic and family violence is not limited to one particular group – it is not limited to gender, age, or particular social groups. It occurs among married and de facto couples, couples who are dating, homosexual and heterosexual relationships, and people from all racial, cultural, religious and socio-economic backgrounds.²

The vast majority of dangerous, abusive and violent behaviour that occurs within the home is committed by men against women.³

Domestic and family violence covers a wide range of behaviours that includes:

Physical violence: can include slaps, hits, punches, being pushed down stairs or across a room, strangulation and burns, as well as the use of knives, firearms and other weapons wilful damage.

Sexual violence: can include rape, sexual abuse, unwanted sexual advances or harassment and intimidation, being forced to watch or engage in pornography, sexual coercion, having sexual intercourse out of fear of what a partner might do, forced prostitution and human trafficking.

Psychological and emotional abuse: can include intimidation, belittling, humiliation, and the effects of financial, social and other non-physical forms of abuse.

Financial abuse: is a powerful abuse tactic that leaves victims financially incapacitated and which is increasingly being recognised as a key factor for why victims don't leave abusive or violent relationships.

Economic abuse: is recognised as a form of family violence in law in Victoria, South Australia, Tasmania and the Northern Territory.

Coercive control: can include isolating victims from family and friends, controlling access to finances, monitoring their movements, restricting access to information and assistance.

The types of violence described here are not an exhaustive list of all possible acts and behaviours that can be classified under the umbrella term of 'family, domestic and sexual violence'. The term 'violence' also includes the attempt or threat of violence.⁴

Violence is common in Australia—2 in 5 people have experienced at least one incident of violence since the age of 15 (ABS 2017b). Women are more likely to experience violence from a known person and in their home, while men are more likely to experience violence from strangers and in a public place. Although men can be victims of domestic violence and sexual assault, most victims are women. Family, domestic and sexual violence are the most pervasive forms of violence experienced by women and their children (COAG 2011).⁵

¹ Australian Bankers' Association, *Industry Guideline: Financial abuse and family and domestic violence policies*, November 2017

² Phillips, J., & Park, M. (2006, December 12). *Measuring domestic violence and sexual assault against women: A review of the literature and statistics*.

³ www.domesticviolence.com.au/pages/domestic-violencestatistics.php

⁴ COAG 2011: *Vic Health 2017; WHO 2013*

⁵ Australian Institute of Health and Welfare 2018. *Family, domestic and sexual violence in Australia 2018*. Cat. no. FDV 2. Canberra: AIHW

FAST FACTS IMPACTS OF FAMILY, DOMESTIC AND SEXUAL VIOLENCE

Family, domestic and sexual violence is a major health and welfare issue.

HOMELESSNESS



(AIHW, 2017)

IPV IMPACT

Intimate partner violence is the
GREATEST HEALTH RISK FACTOR
(greater than smoking, alcohol & obesity) for
women aged 25-44.

(Ayre et al, 2016)



HOSPITALISATION

On average,
8 women a day
are hospitalised
after being assaulted
by their
spouse or partner

(AIHW, 2018)

In 2014-15

1 in 12 women
hospitalised
for partner
violence
were pregnant.

(AIHW, 2018)

DOMESTIC HOMICIDE

1 woman a week



(Bryant & Bricknell, 2017)

was killed by
a current or former partner
in the 2 years from 2012-13 to 2013-14.

One-quarter of
homicide incidents
are due to a
current or former partner.

(National Homicide Monitoring Program)

CHILDREN'S EXPERIENCE OF ABUSE



1 in 6 women

(ABS, 2017)

were physically and/or sexually abused before the age of 15



1 in 9 men

Women who, as children, witnessed partner violence against their parent



(ABS, 2017)

were more than twice as likely to be subjected to partner violence themselves, compared to women who had not.



EXPERIENCE & RISK

Groups at **greater risk** of family, domestic and sexual violence:



(AIHW, 2018)



54% of women who had **experienced current partner violence** experienced **more than one violent incident.**

(ABS, 2017)

Women who are about to, or who have recently **ended a relationship** are at **greater risk of experiencing violence.**



(Baker et al. 2010; Fleury et al. 2000; Kim & Gray 2008)

ANROWS

AUSTRALIA'S NATIONAL RESEARCH ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

ANROWS.ORG.AU
enquiries@anrows.org.au

Australian Institute of Health and Welfare. (2018). *Family, domestic and sexual violence in Australia 2018* (Cat. no. FDV 2). Canberra: AIHW.



Access to safe and secure housing is a critical component for victims of domestic and family violence. When we explore their needs, it is reasonable to assume there are some common needs a person experiencing domestic and family violence will have.



There are similarities between Maslow's Hierarchy of Needs and the needs of victims and survivors of domestic and family violence

Safety

It is a priority need of a person experiencing domestic and family violence is the need to feel safe from harm (including children). Feeling safe from harm includes emotional, physical, mental and psychological safety.

Housing

The need for feeling safe includes housing. Uncertainty and fear about future housing is a common concern shared by people contemplating leaving a domestic and family violence relationship.

Support

People leaving violent relationships are often emotionally and socially isolated. It is imperative the person feels they (and their children) will be provided with appropriate support and they understand the support is not dependent on whether they return to the abusive relationship or not. Support includes emotional, counselling, relocation, child care and financial.

Legal

It is essential that a person experiencing domestic and family violence be provided with accurate and timely legal information about the legal process and what support and protection is available. Referring the person to the appropriate legal advisors can potentially reduce the risk of victims returning to a violent relationship.

Self-empowerment

Given the abusive dynamic of domestic and family violence, it is important that a person does not feel pressured to leave an abusive relationship but rather is provided with the correct information and is supported to make their own decision.

Fact Sheet 2



The Queensland Government have developed a reform program to end domestic and family violence, Queensland says: **not now, not ever.** Domestic and Family Violence Prevention Strategy, 2016 – 2026.

Queensland Domestic and Family Violence Prevention Strategy



Guiding Principles

The following key Principles form the basis of how Queensland, as a community, can work together to end domestic and family violence. These principles have been co-designed with community and business leaders, and experts with experience working with victims and perpetrators of violence through the community leader roundtables. The principles guide all stages of reform and help inform new approaches, processes or programs.

Domestic and family violence is not acceptable.

Denigration and disrespect of women is not acceptable.

All Queenslanders deserve to be equally valued and respected regardless of age, gender, identity, culture, religion, education, impairment, health or race.

All Queenslanders have the right to live in respectful, supportive and safe relationships and to feel safe and secure in their homes.

The safety of victims is paramount.

Domestic and family violence is everyone's concern and ending it is everyone's responsibility.

Community leaders and groups can champion and drive change.

Practical solutions are required to support victims and perpetrators.

Education of children and young people is key to achieving generational change in behaviour.

Perpetrators will be held to account for their actions.

The role of the private rental market in responding to domestic and family violence

Dealing with domestic and family violence and how it impacts a tenancy can be challenging. As a real estate agent, you might sense that something is happening, or see a change in how the tenant manages their housing, which suggests to you that domestic and family violence might be occurring. Victims of domestic and family violence might not feel confident in or trust their real estate agent enough to explain what is happening to them due to fear of losing their tenancy and a sense of shame.

Some important points for you to consider in all your dealings with a tenant who appears to be a victim of domestic and family violence are:

- Understand that these tenants are likely to be experiencing considerable stress
- Be willing to work with tenants individually to better understand what is happening
- Be flexible in your approach to managing the situation
- Be mindful of safety concerns e.g don't speak with victim if perpetrator is present
- Consider engaging with domestic and family violence support service if the tenant gives consent for a referral to happen
- DFV can happen even if the victim has separated from the perpetrator.

The core business of real estates is to provide effective property management services to landlords and tenants. Real estates also play a key role in developing and maintaining the relationship with landlords, providing advice on complex issues impacting their tenancies as required.

It is hoped the information in this toolkit increase awareness and enhance the capabilities of real estate agents to recognise and respond to domestic and family violence. Effective responses are likely to require more collaboration between real estates and domestic and family violence support providers.

It is critical for real estate agents to forge these partnerships in order to refer tenants when domestic and family violence is recognised. An appropriate response may require a range of responses, such as:

- referral to specialist regional domestic and family violence support service to engage the victim with the range of support and advocacy services
- referral to government agency's such as Centrelink for financial assistance
- access to legal advice to provide advice to the victim and help guide her planning

Establishing partnerships between a real estate agency and regional DFV support services can assist the real estate when they are identifying a tenant who is affected by domestic and family violence and looking for ways to support the victim.

Myths and facts about domestic and family violence

One of the challenges in seeking to address and prevent domestic and family violence is that there is a lot of misunderstanding and myths about the issue. Such misinformation not only creates further difficulties to prevent DFV but also reinforces stereotypes. The following are some of the myths and facts about DFV.

MYTH Domestic and family violence happens only to poor, uneducated women and women from certain cultures.

TRUTH People of any class, culture, religion, sexual orientation, marital status and age can be victims or perpetrators of domestic violence

MYTH Most people who commit violence are under the effects of alcohol or drugs.

TRUTH Although many abusive partners also abuse alcohol and/or drugs, and some are more likely to be physically violent or use more extreme violence when their judgement is impaired, this is not the underlying cause of the abuse. Many people who abuse alcohol or drugs are not violent and abusive. Alcohol and/or drugs do not cause domestic violence.

MYTH Some people deserve to be abused; they are responsible for the violence or they provoke it.

TRUTH No one deserves to be abused. The only person responsible for the abuse is the abuser. Abusers tend to blame the victim for their behaviour.

MYTH If the victim didn't like it, she would leave.

TRUTH There are many reasons why a woman may not leave, including fear for herself, her children and even pets. Often women face significant practical barriers to separating from their partners, including a lack of money and housing options. Due to the effects of the abuse, many women lack confidence in their own abilities and accurate information about their options. Not leaving does not mean that the situation is okay or that the victim wants to be abused. The most dangerous time for a woman who is being abused is when she tries to leave. Often a victim does not necessarily want to leave the relationship but wants the violence to stop. Providing non-judgemental support is vital.

MYTH Abusers are mentally ill, psychopathic or have a personality disorder.

TRUTH Research does not support this view. Most men who use violence against family members demonstrate acceptable behaviour in other settings. Many are considered respectable members of the community, and other people are often reluctant to believe they could be abusive.

MYTH Domestic and family violence is a personal problem between a husband and wife.

TRUTH Domestic and family violence affects everyone and is everyone's business.

MYTH Stress and anger lead to violence.

TRUTH Violent behaviour is a choice. Perpetrators use it to control and dominate their victims, and their actions are very deliberate. Usually perpetrators of domestic and family violence are never violent outside the home or in public, even when under stress.

MYTH Violence is about anger and rage. The perpetrator just snapped because they were angry.

TRUTH Domestic and Family Violence is about power and control. Family violence nearly always happens in private, with no witnesses. Perpetrators do not generally abuse their workmates or bosses, regardless of the amount of stress they experience at work. Very often abusers hurt victims in parts of their bodies where the injuries won't show. Perpetrators are often highly manipulative and blame the victim when they are physically violent for making them angry. This is not acceptable.

Supporting landlords to respond to domestic and family violence

The Guiding Principles of the Queensland Domestic and Family Violence Prevention Strategy identify that to achieve a community where all people can live in respectful, supportive and safe relationships and to feel safe and secure in their homes, practical solutions are required to support victims and perpetrators.

With the Guiding Principles in mind, landlords are able to support these principles by exploring all options including reaching a mutual agreement with victims to end their tenancy, if this is the desire of the victim. Real Estate agents might provide information to landlords on the Queensland Domestic and Family Violence Prevention Fact Sheets to increase their awareness and also assist them to make informed decisions in this regard.

Discussions with landlords can also include the reduced likelihood of being able to retrieve rent arrears if a victim is not able to end her tenancy and is unable to afford the rent. DFV can also limit a victim's ability to pay rent arrears e.g. damage to property and no access to funds. Whilst the victim can be taken to QCAT and be ordered to pay the rent arrears owed, if the victim is unable to afford the rent amount it is not likely they will have the financial capacity to pay the rent arrears amount owed. Whilst enforcement proceedings are decided in the courts, it is recognised that it may not be possible to comply with a QCAT decision⁶ and in the situation of a victim who is unable to afford the rent amount, they will be unable to comply with a QCAT decision to pay the rent arrears owed.

The longer the rent arrears accumulate, the more the landlord is losing in rent payments. In such situations it is therefore in the landlord's interest to mutually end the agreement (if this is the victim's desire) in order to reduce the loss of rent payments. Whilst it may take time to re-let the property, it is more likely that this will occur than a victim who is unable to afford the rent being able to attain an increase in finances to be able to pay the rent.

Issues of concern that could identify domestic and family violence occurring within a tenancy

Tenant repairs that might indicate domestic and family violence

The following list of repairs might indicate domestic and family violence is occurring within the tenancy:

- Broken door
- Broken lock
- Smashed lights
- Hole punched in the wall
- Lost keys
- Damage to bathroom door / lock (often the bathroom is the only room in the house with a lock that can provide some protection)
- Broken windows
- Any other damage that appears to have been caused by violence

Neighbour complaints or concerns that might indicate domestic and Family violence

The following neighbour complaints or concerns might indicate domestic and family violence is occurring within a tenancy:

- Complaints about noise or other behaviours of concern
- General phone calls received expressing concern about tenant safety or some other issue indicating a potential domestic and family violence issue

Property Manager observation

The following observations might indicate domestic and family violence is occurring within the tenancy:

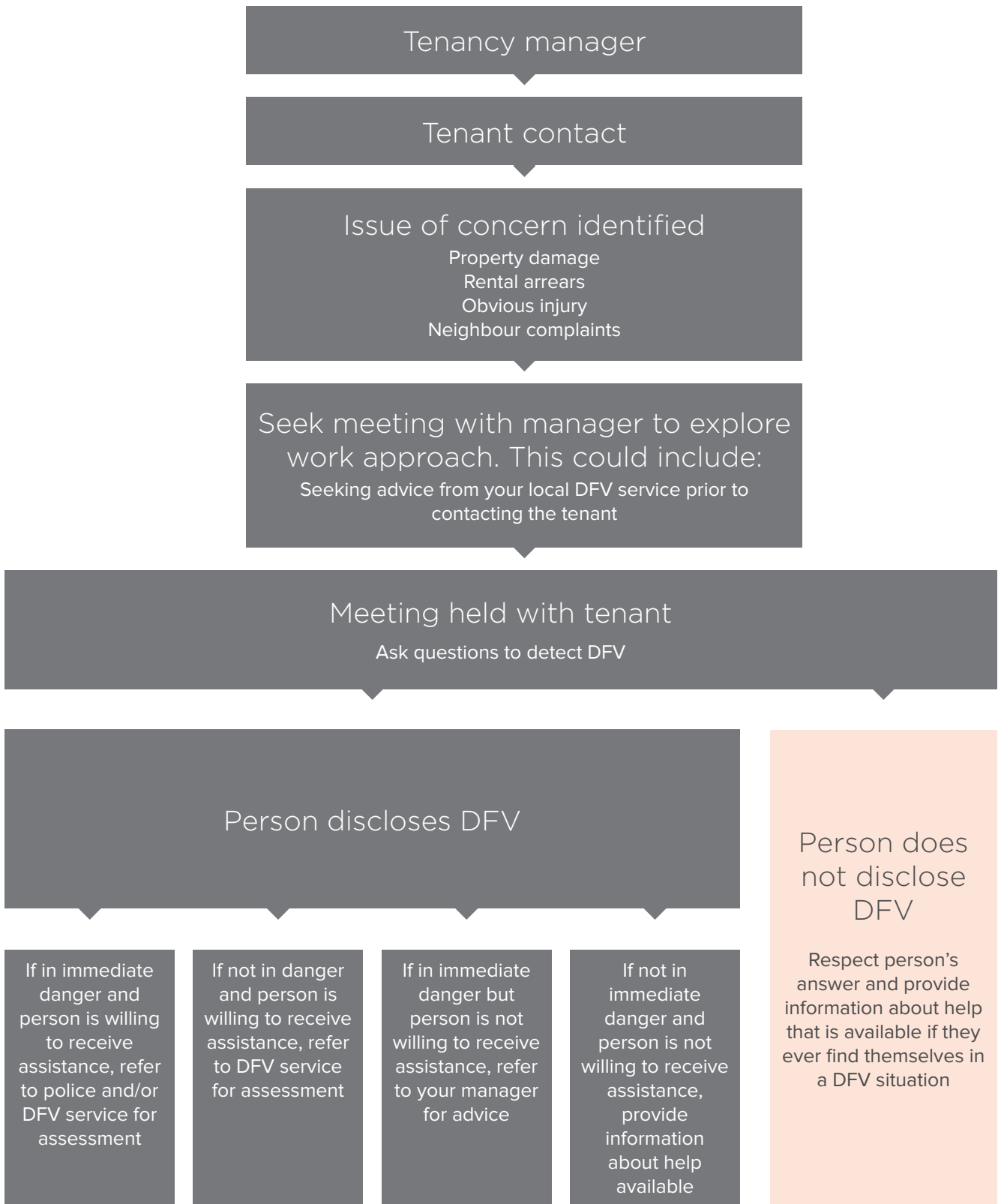
- Obvious bruising such as on the face or arms
- Rent arrears
- Other recurring tenancy issues

If a Property Manager identifies any of these issues, they should follow the flow chart Supporting decision making: If I suspect domestic and family violence what should I do?

6 www.qcat.qld.gov.au/qcat-decisions/enforcing-a-qcat-decision

Supporting decision making

If I suspect domestic and family violence what should I do?



How might you start a conversation with someone that you suspect is experiencing DFV?

It is important to understand the intensely emotional nature of DFV and that a victim may feel a sense of shame, guilt and fear about the situation. Such feelings can create communication barriers and it is helpful wherever possible to build a sense of rapport with the person.

While this may be difficult to achieve due to limited opportunity, the following questions can assist to create a space for dialogue:

“Are you OK?”

Sometimes asking a simple question such as “Are you Ok” can provide an opportunity for the person to talk about their situation.

“You seem to be hurt. Can I ask what happened?”

Such a question is more often used if a person displays physical signs of being harmed. Wherever possible it is important to let the person know that you have noticed they are hurt as often victims of DFV feel isolated and silenced.

“Would you like some support?”

Due to the psychological effects of DFV a victim may not know how or where to ask for support. At this stage it is important that the person be reassured that support is available and that they do not need to organise this alone.

“You appear to be stressed. Is there anything happening that is stressing you?”

Sometimes asking an open question by using descriptive words such as “stressed” instead of asking directly about DFV can assist the person to disclose. It also provides a supportive, non-judgmental environment that promotes self-empowerment.

“Are you safe? You have a right to be safe”

Regardless of which of the above questions is used it is crucial that the message of a ‘right to safety’ is reinforced. In doing so, the language of abuse is challenged by introducing a sense of hope and empowerment.





Ending a tenancy due to domestic and family violence⁷

Termination of a tenancy as a result of domestic and family violence

The victim of domestic and family violence may want to leave the premises because they are unable to afford the rent (if the perpetrator was a co-tenant or occupant of the tenancy) or due to safety reasons (if the perpetrator has moved out of the premises but is making threats towards the victim). In these situations, the Residential Tenancies and Rooming Accommodation Act 2008 (the Act) covers the following situations:

The victim is the only tenant

If the victim is the only person named on a periodic agreement (commonly called week to week): the tenant can give 2 weeks written notice on the RTA Form 13 Notice of Intention to Leave. The tenant must make sure that vacant possession of the property is handed back to the agent or lessor to end the agreement. The tenant will also need to complete a Form 14A, Exit Condition Report.

If the victim is on a fixed term agreement: they can apply to the Tribunal under section 310 (Excessive Hardship) to ask that the agreement be ended. The tenant will need to show evidence of their situation such as evidence they have applied for a domestic violence order, or support letters from a social worker, health worker, domestic violence service or police.

The victim is a co-tenant

If the victim is a co-tenant they may apply to the Tribunal under section 312 of the Act (Termination by Co-tenant) to end the agreement because another co-tenant has intentionally or recklessly caused or is likely to intentionally or recklessly cause:

- Serious damage to the premises; or
- Injury to the applicant or someone else occupying or allowed on the premises.

The tenant will need to show evidence of the situation and name the other co-tenants and the lessor or agent as respondents in the application.

The victim isn't named as a tenant or co-tenant

If the victim is an occupant in the property but are not named as a tenant or have a sub-tenancy agreement, they do not have responsibilities under the tenancy agreement. They can move out by giving notice to the person in the house they rent from. If they have an on-going agreement (separate from the tenancy agreement) to rent there, they should seek some advice about how to end it correctly.

The victim is a domestic associate

If the victim is a domestic associate, whether they are a tenant themselves or not, they may apply to the Tribunal under section 321 of the Act (Termination by domestic associate) to end the agreement.

A domestic associate is defined as any person in any of the following relationships:

- a spousal relationship;
- an intimate personal relationship;
- a family relationship;
- an informal care relationship.

⁷ The following information has been sourced from the Sharehouse facts for renters in Queensland – When violence affects your tenancy, Tenants Queensland Inc, and www.qstars.org.au/tenancies/you-want-to-leave/

Victim wants to leave the premises

Victim wants to leave the premises

Victim is the sole tenant

Whether or not the victim is a domestic associate of the perpetrator & whether or not the perpetrator lives in the premises:

- If the victim is on a fixed term agreement they can apply to QCAT under s310 to end the agreement because of damage or injury
- If the victim is on a periodic tenancy (commonly known as week to week) they can give 2 weeks notice to leave on an RTA Form 13 & hand back vacant possession

Victim is a co-tenant

Victim can apply to QCAT under S312 to end their responsibility under the tenancy agreement because of damage or injury.

The co-tenants and the agent / lessor are to be named as respondents

Victim is an occupant but not a tenant or sub-tenant

Victim is not responsible to the lessor for the tenant agreement.

Victim can leave without any ongoing liability for the tenancy agreement.

Victim is not responsible for the tenancy but wants to end the perpetrator's agreement

If the victim is an occupant, they can apply to QCAT under s322

If the victim is a domestic associate, they can apply to QCAT under s321

A domestic associate or an occupant can also apply for a restraining order to prevent further damage or violence.

Termination of a tenancy based on mutual agreement

The victim of domestic and family violence may want to leave the premises because they are unable to afford the rent (if the perpetrator was a co-tenant or occupant of the tenancy) or due to safety reasons (if the perpetrator has moved out of the premises but is making threats towards the victim). In these situations, the Residential Tenancies and Rooming Accommodation Act 2008 (the Act) covers the following situations:

If a victim of domestic violence is the head tenant or co-tenant of the property and wants to end the tenancy, it is best if this occurs by mutual agreement with the real estate agent.

Due to the serious nature of domestic and family violence and the heightened threat towards the victim at the point of leaving a domestic and family violence relationship, it is critical that real estate agents understand the nature of these risks in order to reach a mutual agreement to end the tenancy (if the victim wants to end the tenancy).

It is acknowledged that landlords may not want to end the tenancy, for example if this could result in the property being vacant for a period of time. It is therefore important for landlords to understand the extent of risks posed to victims.

Discussions with landlords could include providing information about domestic and family violence such as the following information.

*Uncertainty and fear about future housing is a common concern shared by people contemplating leaving a domestic and family violence relationship.

***Two common concerns for victims considering leaving a domestic and family violence relationship include:**

- **Fear of death** – In Australia, one woman a week was killed by a partner or former partner in the two years from 2012-13 to 2013-14. Most of these killings occur as the women are attempting to leave or after she has left. It is the most dangerous time for a woman in a violent relationship.⁸
- **Inability to cope financially** – Many victims of domestic and family violence are financially dependent on the perpetrator of domestic and family violence and it is common for perpetrators to try and make matters as financially difficult as possible for the victim to try and force her to return to the relationship. Unless the women have a well-paid job or help from the family, she often experiences difficulties to scrape together enough money to pay for daily living expenses such as rent. In Australia, the majority of those living in poverty are single parent families headed by women.⁹

**72,000 women, 34,000 children and 9,000 men sought homelessness services in 2016-17 due to domestic and family violence¹⁰*

As we grow our understanding of the widespread social prevalence of domestic and family violence, it is important for landlords to consider how they might respond to assist victims to be safe. Landlords have an opportunity to make a significant difference by reaching a mutual agreement with the victim to end the tenancy. Some real estate agencies in Queensland are leading the way in their approach to tenants affected by violence, including entering into mutual termination agreements, and making it possible for victims of domestic and family violence to leave tenancies without penalty.

8 www.anrows.org.au

9 www.wavss.org/understanding-dfv---wavss.html

10 *ibid*



Pursuing rent debt / damage to premises

Landlords should carefully consider whether to pursue a victim of domestic and family violence who is the head tenant or co-tenant /former head tenant or co-tenant for rent owing and / or damage to the premises.

Financial abuse is a tool used by perpetrators of domestic and family violence to control victims. In the context of private rental tenancies, this can include perpetrators causing damage to properties and accruing rent arrears as a means of controlling victims and limiting their financial capacity. A key part of Queensland's response to domestic and family violence is to hold perpetrators to account, and to reduce barriers for victims escaping violence.

When discussing these issues with landlords, property managers can advise that there is a reduced likelihood of being able to retrieve rent arrears if a victim is unable to afford such repayments. Whilst the victim can be taken to QCAT and be ordered to pay the rent arrears owed, it is not likely the victim will have the financial capacity to pay the rent arrears owed. Whilst enforcement proceedings are decided in the courts, it is recognised that it may not be possible to comply with a QCAT decision¹¹ and in the situation of a victim who is unable to afford the rent amount, they will be unable to comply with a QCAT decision to pay the rent arrears owed.

Consideration needs to be made whether the landlord could or should claim for loss of rent if the landlord has the appropriate Landlord Insurance

on the property. Whilst the insurer would seek repayment of this loss, the insurance industry is currently in the process of being given guidance by the Insurance Council of Australia about how to sensitively approach situations relating to domestic and family violence. (Refer to Fact Sheet 9 for further information about how the Insurance Council of Australia is giving such guidance).

In relation to seeking compensation from the victim for damage caused to the premises as the result of domestic and family violence, it is important for landlords to be aware that domestic and family violence can be a crime. Damage caused to the premises as the result of domestic and family violence is the fault of the perpetrator, and the perpetrator is liable. Consideration therefore needs to be made about whether it is appropriate for the victim to pay for such damage to the premises or whether the owners insurance would cover such damage.

The Guiding Principles of the Queensland domestic and family violence Prevention Strategy include:

- Domestic and family violence is everyone's concern and ending it is everyone's responsibility
- Community leaders and groups can champion and drive change
- Practical solutions are required to support victims and perpetrators

This means that in order to effect change in relation to domestic and family violence, all businesses need to be part of the solution which may go beyond just focusing on what

is 'allowed' by law. So, whilst the Residential Tenancies and Rooming Accommodation Act 2008 may 'allow' a tenant to be charged for damage to property, following the Guiding Principles of the Queensland domestic and family violence Prevention Strategy would mean taking into consideration whether the victim 'should' be charged. In order to hold perpetrators to account, consideration should be made about whether there are opportunities to pursue the perpetrator for the debt repayment through QCAT, the Civil Court or third party collection agency.

In circumstances of joint tenancies, it is important to be aware that pursuing a debt for property damage caused by the perpetrator can trigger further violence. This is a significant safety risk for the victim, particularly if there has been a recent separation.

A key part of Queensland's response to domestic and family violence is to hold perpetrators to account, and to reduce barriers for victims escaping violence.

¹¹ www.qcat.qld.gov.au/qcat-decisions/enforcing-a-qcat-decision



Privacy and confidentiality

In addition to the privacy and confidentiality requirements outlined in the Information Privacy Act 2009 (Qld); Residential Tenancies and Rooming Accommodation Act 2008 (Qld) and other association Acts and Regulations, privacy and confidentiality needs to be a priority for the safety of the victim.

Property managers and landlords should ensure that the victim's personal details are not disclosed to the perpetrator. Information and privacy policies and practices should be in place to protect any victim's personal information. This includes if the victim has moved out of the rental property and the real estate agent (on behalf of the landlord) is pursuing compensation for monies owed at the end of the tenancy. The victim's new address or other personal information should not be disclosed to the perpetrator.

If a matter is proceeding to QCAT, the real estate agent can request confidentiality considerations to be made. Generally, all QCAT hearings are open to the public and information about proceedings can be published. In some limited circumstances QCAT can make an order, known as a non-publication order that prevents publication of:

- the contents of a document or other things produced to the tribunal
- evidence given to the tribunal
- information that may enable a person who has appeared before the tribunal, or is affected by a proceeding, to be identified

QCAT must be satisfied that the order is necessary to:

- avoid injustice to a person
- avoid endangering the physical, mental health or safety of a person

- avoid offending public decency or morality
- avoid the publication of confidential information or information that may not be in the interests of the public

To apply for a non-publication order, the following form can be completed and lodged with QCAT Form 40 - Application for miscellaneous matters (PDF, 273.1 KB). QCAT may also make a non-publication order on their own initiative.¹²

If any information about the victim (such as their new address) has to be disclosed at QCAT, then the victim should be informed about the circumstances and nature of the information that will potentially be shared with the perpetrator. The victim should be encouraged to give a contacting address i.e. a PO Box that doesn't disclose where she currently resides. Diligence needs to be taken to ensure the victims privacy.

Domestic and family violence services can assist victims with providing an alternative mailing address as a means of protecting their personal information from being disclosed to the perpetrator.

If a matter is proceeding to QCAT, the real estate agent can request confidentiality considerations to be made.



Tenancy database listings

Tenancy databases such as TICA hold information about the tenancy history of tenants. They are often used by real estate agents and lessors to decide a tenant's suitability when assessing tenancy applications. In Queensland, the Residential Tenancies and Rooming Accommodation Act 2008 regulates the use of tenancy databases by agents, lessors and database operators.

In Queensland, changes to tenancy laws took effect on 1 July 2016 that now provide better protection for tenants in relation to tenancy database listings. These changes have brought Queensland into line with national uniform law.

Victims of domestic and family violence can apply to QCAT for an order not to be listed on a tenancy database or can request a listing be removed. This applies if the listing relates to a breach of the tenancy agreement arising from an act of domestic and family violence.

However, a tenant under the agreement, who was a perpetrator of domestic and family violence, can be listed on a tenancy database if there are grounds for the listing.

A co-tenant applying to the tribunal under s245 Injury to domestic associate can request an order that they not be listed. Under s461 tenants can apply to dispute an existing listing if it is unjust due to the circumstances¹³.

... changes to tenancy laws now provide better protection for tenants in relation to tenancy database listings. These changes have brought Queensland into line with national uniform law.

¹³ www.qstars.org.au/tenancies/tenancy-databases/



Safety modifications to a rental property

Upon it being identified that safety is an issue for a tenant, a safety upgrade may be requested by the tenant or the real estate agent may suggest this to the tenant. The following information will assist to identify safety modifications that may be appropriate.

Victims of domestic and family violence may be able to access home security safety upgrades through a regional domestic and family violence service. Services that provide home security safety upgrades work with the victim to assess safety and risk and may provide access to a range of modifications or devices as part of this safety and risk assessment. This may include changing locks and keys, installing security screens, sensor lights and CCTV cameras. Real estates should refer to the regional contact list at the end of this toolkit to gain advice on what services may be available to their tenant to support them in undertaking safety modifications.

Who should pay for safety modifications?

Landlords should be informed that adding safety modifications to a property will add value to the property and therefore it should be in the interest of the landlord to pay for such safety modifications. Also, the cost of safety modifications should be relatively minor. If there is a request for very extensive and/or expensive safety modifications, then the level of risk to the victim's safety may be too high and the victim may need to consider leaving the premises. You may also need to speak with a DFV service to ensure and safety updates are part of an overall safety plan..

If the landlord agrees to the safety modifications but refuses to contribute the full cost, discussions could occur by the real estate agent with the landlord, DFV service, and the victim about and the victim about both contributing towards the costs as both will benefit from the safety modifications.

If the landlord agrees to the safety modifications but refuses to contribute any costs, the real estate agent should discuss options with the victim regarding whether she can afford the costs for the safety modifications; whether there are other options available through brokerage or other programs (such advice can be sought from local specialist domestic and family violence services - a list of regional services can be found at the end of this toolkit); or whether the victim would prefer to end the tenancy and seek accommodation elsewhere.

If there is a request for very extensive and/or expensive safety modifications, then the level of risk to the victim's safety may be too high and the victim may need to consider leaving the premises. You may also need to speak with a DFV service to ensure and safety updates are part of an overall safety plan.

Home Safety Modification - Guidance Notes

How to make a property safer for a victim

The intention of these guidance notes is to assist real estate agents with some practical hints and tips on what might be considered to improve safety features of a property. Home safety assessments are undertaken by specialists employed by domestic violence support services. For advice or to arrange for a safety/risk assessment, call your regional DFV support service.

Street number

- The property number should be easily visible day and night.

Landscaping

- Trees and shrubs should be trimmed to reduce hiding places and increase visibility to and from the street.
- Overhanging branches should be trimmed to prevent people using them to access other parts of the property, e.g. using a tree to get to an upper level of the property.
- All objects such as trestles, birdbaths, heavy pots and bins should be secured so as not to be used to break into windows.

Sensor lighting

- Sensor lighting should be installed around the perimeter of the property to provide more effective illumination during the hours of darkness.
- Sensor lighting should be checked and maintained in good working order.
- Additional sensor lighting should be installed, particularly over entry/exit points.
- Consider using light timers to turn lights on/off when not at home.
- Timer globes are also available.

Letterbox and power board

- The letterbox should be fitted with a suitable lock set to restrict access to mail.
- The power board should be housed within a box to restrict tampering with the power supply.
- The box should be secured with a lock set approved by the electricity authority.

Garage and garden shed

- The garage should be locked to restrict access and theft.
- Roller, tilt and panel lift doors can be secured with additional lock sets in the form of hasp and staple or padlocks.
- The garden shed should also be fitted with a suitable lock set, to restrict access.
- Windows within garages and garden sheds should also be fitted with locks or practical dowel to restrict access.
- Garden tools, equipment and ladders should be locked away when not in use to prevent them being used to gain access to the home.

Doors

- External doors and frames should be of solid construction.
- These doors should be fitted with quality deadlocks, which comply with the Australia/New Zealand Standards and Fire Regulations (Australian Building Code) to enable occupants to escape in emergency situations such as fires.
- Chain/bolt locks are preferred.
- Consider having a peephole installed in the door to monitor people at the door.
- Locks should be checked and maintained on a regular basis to ensure they are in good working order.
- Keys should be removed from locks while the tenant is absent to prevent intruders entering or leaving the home.
- Security/screen doors can be used to provide additional protection.
- Security/screen doors should be designed and installed to the Australian Standards.
- Where there is a screen door, install some Perspex around the main door handle so if anyone cuts the screen it's much harder to access the main door lock.
- Consider installing patio bolts on sliding doors.
- Under home access points should be secured.
- Manholes should be locked.

Windows

- External windows and frames should be of solid construction.
- Window frames should be anchored to the buildings to prevent easy removal.
- It is recommended that all windows should be fitted with quality key operated lock sets and kept locked when not in use.
- An intruder may break glass to unlock windows. Don't leave keys in the locks.
- Some styles of windows can be locked in a partially open position. A practical application of a piece of dowel or timber can prevent opening windows.
- If there is a skylight in the property then this should be kept suitably secured.
- Glass within doors and windows may also be reinforced to restrict unauthorised access via these areas.
- The existing glass can be reinforced internally with a shatter resistant adhesive film to reduce attacks and restrict access.
- The existing glass may be replaced with laminated glass, again to reduce attacks and restrict access.
- Metal security grilles or shutters may be installed to restrict access and reduce attacks. (NOTE caution should be exercised if you decide to install metal security grilles or screens. If they are not properly installed, they can trap occupants in an emergency such as a fire).
- If there are louver windows, get them fixed in position if possible (because they are easy to break and see through).

Telephones

- Pre-program the speed dial function on the phone with the emergency number 000.
- Place a sticker on the telephone with the emergency number and local police number.
- Change the phone number to silent.

Keys

- Spare keys should not be hidden outside the home but left with trusted friends or neighbours.
- Keys should not be left in locks or in view but should be kept in a safe location, as intruders may use them to gain entry to the property.
- In situations of domestic and family violence, locks should be replaced when a perpetrator has moved from the property. This is to ensure no further access.

Monitoring systems

- A camera system can be used to enhance the physical security of a property.
- The system should be designed to provide maximum coverage of the home and garage.
- Remember to regularly check the battery and test the system.
- Window alarms.

Spare keys should not be hidden outside the home but left with trusted friends or neighbours.



Work, Health and Safety

The Work Health and Safety Act 2011 (Qld) and the Work Health and Safety and Other Legislation Amendment Act 2017 (Qld) provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces by:

- a) protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from particular types of substances or plant
- b) providing for fair and effective workplace representation, consultation, cooperation and issue resolution in relation to work health and safety

Organisations can put in place systems and supports to minimise risk to workers. Workers must act responsibly and follow the policies and procedures established to minimise risk to them.

Home Visits

Conducting home visits to undertake a property inspection is a common task for real estate agents. There can also be many benefits to visiting tenants in their homes. A home visit can afford a more comfortable and private venue for tenants and Property Managers to discuss tenancy issues and support options. Visiting people in their homes allows Property Managers to identify potential property and maintenance issues needing attention first hand, and potentially identify any other support needs if applicable and appropriate.

All agencies should have policies and procedures and specific processes related to visiting a tenant's residence that Property Managers need to follow.

Preparing for a visit

The tenant should always be contacted to organise a home visit (for a property inspection or any other matter). After the home visit has been organised with appropriate notice, there are still a number of tasks which should be undertaken to prepare for your visit.

Before your visit you should ensure you read available information and tenancy notes, whether in a physical file or in your agency's tenancy management database, to gather as much information about the tenancy as you can before the visit. This will identify any additional information or forms you may need to take with you, as well as alert you to any warnings recorded or additional occupants identified.

You should also follow your agencies' policies and procedures in relation to personal safety and notification. This might include who you need to notify regarding your planned visit and what information needs to be recorded. This might include:

- Planned date and time of the visit
- Name and address of the tenant you are visiting
- Reason for the visit e.g. routine property inspection
- Expected return time, remembering to allow time for unexpected issues and travel time
- Your mobile phone contact number during the visit
- If you will be alone or with a colleague, and if so, name of colleague
- Have the schedule of inspections available in the agency's shared calendar that can be viewed by relevant staff
- Establish a 'buddy' system whereby the staff member conducting the home visit/inspection sends a text message to their colleague (buddy) upon arrival at the property and upon completion of the home visit/inspection

There will also be items you will need to take with you to the visit. This might include:

- Organisational Photo Identification (ID)
- Mobile phone, as recorded above, with battery charged
- Camera
- Any forms you may need, such as a property inspection form, tenancy rent ledger, arrears repayment agreement, maintenance request form, referral consent forms or fact sheets
- Spare notepaper and pen to record additional items

If there are any potential safety concerns, it is advisable to complete a home visit risk assessment checklist (on the next page) to help inform your safety planning prior to leaving the office.

Quick Risk Assessment Guide for Home Visits

To assist with preparing for home visits and gauge the level of risk associated, complete the following by circling the relevant score for each question and write in the 'points column'. Once all questions are answered and scores carried across, add the total points and write in space provided. Compare your score with the identified level of risk to inform your action.

	Within 3 months	Within 1 year	1-5 years or more	No history	Points
Has the tenant, or any individual household member, had any history of violence, including domestic violence?	13	6	1	0	
Has the tenant expressed intent to harm others?	6	3	1	0	
Is there a history of any behaviour in any household member that would warrant the need for 2 staff to attend?	6	3	1	0	
	Yes		No		
Does the tenant have any history of self-harm in the past year e.g. cutting, drugs and/or alcohol?	1		0		
Is the tenant known to have visitors who may have any of the above issues?	6		0		
Does the tenant live in an area or situation that may place the staff member in a dangerous situation? (e.g.- dangerous animals at the property, night visit, potential weapons)	6		0		
				Total Points	

- Identified level of risk:**
- 0-5 Low
 - 6-12 Medium/significant
 - 13+ High/extreme

If points total between 6 and 12, home visiting with two staff may need to be undertaken until further assessments demonstrate otherwise. This decision should be made by the manager/team leader.

If points total above 12, staff attending the premises must be accompanied by a senior worker until the risk is reduced or further assessments are completed and identified

Comments /advice on the above:

How will risks be mitigated/reduced:

Employee's Name

Manager's Name

Employee's Signature

Manager's Signature

Date

Date



Resource for employers

Supporting staff as they work with the issue of domestic and family violence

As we grow our understanding of the widespread social prevalence of domestic and family violence, it is important for employers to consider how they might respond if an employee is affected in some way by domestic and family violence.

Support strategies

Given the prevalence of domestic and family violence - employees may be affected through personal or vicarious exposure. Vicarious exposure refers to the detrimental impacts suffered by people who are indirectly exposed to traumatic material.

It is important to remember that disclosure of domestic and family violence needs to be managed sensitively and confidentially with a range of support options. It is imperative that employees are supported respectfully and within the organisations human resource scope.

While the following support strategies may be appropriate for some individuals, it is important to recognise the need to respect individual differences. Managers and employees should discuss the most suitable arrangements for each individual as required.

- 1. Debriefing** – wherever possible, in the first instance, it is helpful to discuss support strategies with the appropriate line manager and develop a support plan. The support plan may include debriefing through supervision or accessing external support.
- 2. Employee Assistance Program** – An Employee Assistance Program (EAP) is a work-based intervention program designed to enhance the emotional, mental and general psychological wellbeing of all employees. The aim is to provide preventive and proactive interventions for the early detection, identification and/or resolution of both work and personal problems that may adversely affect performance and wellbeing.
- 3. 1800RESPECT** – is a national, professional telephone and online counselling service established by the Commonwealth Government.

1800RESPECT provides a confidential and professional counselling, information and referral service available 24 hours a day, 7 days a week. The service is available to individuals who have experienced or are at risk of domestic and family violence and/or sexual assault, their family and friends, as well as frontline and isolated workers.

1800Respect also has information available for employers to guide their response in how they can support employees
www.1800respect.org.au/workers/

It is important to remember that disclosure of domestic and family violence needs to be managed sensitively and confidentially with a range of support options.

Responsibilities¹⁷

Responsibilities of Managers:

- Employees may also be victims themselves or know people affected by DFV.
- Employees should be informed that their employer understands that domestic violence can affect the workplace and that support will be confidentially provided¹⁸.
- To support Work Health & Safety, follow up with effected employees to ensure they have undertaken the agreed support strategy.
- Visit Q Shelter's website under 'Guides and Templates' for a Domestic Violence Workplace Policy - www.qshelter.asn.au

Responsibilities of employees:

- Wherever possible, as part of good work health & safety; it is good practice to regularly check-in with line management.
- Disclosures of domestic and family violence can have a personal and professional impact - if employees feel negatively impacted it is important to bring this to the attention of line management as soon as practicable.
- It is important to understand that any requests for support will be managed respectfully and confidentially.
- It is the responsibility of employees to follow up their preferred support strategy and to advise their manager of their attendance.

Do's and don'ts for supporting employees impacted by domestic and family violence throughout the course of their work

Do inform staff: that their workplace understands how domestic violence can impact work and they can feel safe enough to disclose if they need support from their workplace

Do be sensitive: approach your discussion with the same sensitivity and confidentiality you would use with any sensitive workplace issue.

Do assure the member that you will respect their privacy and keep the matter confidential: discuss the matter only with those who need to know.

Do validate the disclosure: Be aware that some victims may feel embarrassed that their relationship has become violent – validate their experience and reinforce their courage.

Do ask what they would like you to do: Do they want you to advocate on their behalf - offer the range of options, Individual support, Employment Assistance Program or 1800RESPECT. Ensure that the person has control over next steps.

Do discuss a support strategy: Ask them what they need to ensure that they feel safe and supported at work. Go through the possible actions listed in the support strategies.

Don't become personally involved: your role is not to fix the domestic violence but to assist your employee in the first instance at work. Under no circumstances should you visit the employees' home or place yourself at risk.

Don't be judgmental or ask questions about why the violence is occurring: Your responsibilities are to ensure staff can get to work and do their job safely. Asking questions like 'why don't you leave' are inappropriate and unhelpful. It is the individual's decision whether they leave or stay in the relationship keeping in mind that leaving the relationship is the most dangerous time for the victim.

Don't tell the person what to do: You are not a domestic violence expert. After you have informed them of your role and what you can do to assist, let them make the decisions about matters which affect them.

¹⁷ Material adapted from the Do's and Don'ts to supporting employees impacted by Domestic and Family Violence; Safe at Home Safe at Work project: Australian Domestic and Family Violence Clearing House

¹⁸ www.arts.unsw.edu.au/research/gendered-violence-research-network/gendered-violence-work/



How other industries are responding to domestic and family violence

The following information might be passed on to victims, where relevant, to increase their awareness of the approach now being delivered by the finance system to assist victims of domestic and family violence.

Financial Ombudsman Service Australia

An example of a sector taking on a leadership role to effect change in relation to domestic and family violence is the finance sector. The Financial Ombudsman Service Australia (FOS) has developed 'The FOS Approach to Joint Facilities and Family Violence'¹⁴. This includes guidance to the finance sector on how they can respond to situations of family breakdown where domestic and family violence is involved. Such as:

- Understand that these customers are likely to be experiencing considerable stress.
- Be flexible in the approach to these customers.
- Be mindful of any access or safety concerns.
- Be trained to recognise warning signs of potential financial abuse, particularly at the time of lending, and know how to respond appropriately.
- Be trained to ask appropriate and sensitive questions when there are warning signs of potential domestic and family violence (such as financial abuse), in order to find out more about the customer's situation.
- A person should not be held liable for a debt if they were coerced to take out a loan in their own name or jointly with another person and received no benefit from it. In cases of joint loans this can include agreeing to settle or waive a debt with one borrower while retaining its right to pursue the other borrower or agree to separate settlements with each borrower individually. Waiving a debt may be an appropriate solution, if this will assist the customer to move on from an abusive relationship and achieve economic independence.
- As safety considerations will be particularly important, financial services should ensure that any discussions or correspondence it has with the other borrower, or with third parties such as collection agencies, protects the confidentiality and safety of their customer.

Australian Banker's Association Inc

The Australian Banker's Association (ABA) recognises that domestic and family violence is a whole of community issue and requires the collective efforts of government, communities and the corporate sector, including banks, to respond to the challenges. They have developed the 'Industry guideline: Financial abuse and family and domestic violence policies'¹⁵.

These guidelines:

- explains that financial abuse is often a form of domestic and family violence
- outlines how financial abuse can impact a bank's relationship with their customer
- outlines a framework for banks to raise awareness and promote consistent arrangements to support their customers who may be impacted by financial abuse and domestic and family violence
- encourages best practice across the banking industry.

The industry guidelines acknowledges that banks play a role in helping their customers with their financial matters, but are often not equipped to deal with the broader implications of domestic and family violence. The guidelines are intended to ask banks to develop internal policies and procedures.

These guidelines provide similar guidance as stated above from the FOS.

Insurance Council of Australia

The Insurance Council of Australia (ICA) have released in interim report in relation to a review of the General Insurance Code of Practice¹⁶. This includes a domestic and family violence guidance document to assist the insurance sector identify and support people affected by domestic and family violence. Their best practice recommendations include the following for an effective domestic and family violence policy:

- Training for staff to identify and support customers affected by domestic and family violence
- The protection of private and confidential customer information
- Minimising repeat disclosures of domestic and family violence by a customer
- Assistance for claimants affected by domestic and family violence, including those suffering financial hardship
- Referring customers to specialist family services
- Providing support to staff affected by domestic and family violence or who experience vicarious trauma after dealing with affected customers
- Appropriately triage matters that involve domestic and family violence, which may involve determining claims for Financial Hardship assistance as a matter of priority
- Financial Hardship arrangements may include stopping the payments on a policy for a short period without cancelling the policy
- Understand the need for flexible arrangements and responses for customers impacted by domestic and family violence
- Understand the legal requirements and internal processes where a victim and perpetrator of domestic and family violence are joint policyholders. Inform customers about the circumstances and nature of information that has to be shared with the perpetrator.
- Be aware that the claims process could also trigger further violence, particularly if the perpetrator has caused the damage.

¹⁴ www.fos.org.au/custom/files/docs/fos-approachjoint-facilities-and-family-violence-final-4-may-17%202016.pdf

¹⁵ www.bankers.asn.au/images/uploads/ArticleDocuments/207/ABA_Industry_Guideline_-_Financial_Abuse_and_Family_and_Domestic_Violence%20

¹⁶ codeofpracticereview.com.au/assets/interim%20report/02112017_Interim_Report.pdf



Bystander Approach

Consistent with the Queensland Governments' Domestic and Family Violence Engagement and Communication Strategy 2016 – 2026, the Bystander State Campaign aims to engage a whole of community response to domestic and family violence prevention and promoting the message on saying no to violence¹⁹.

...the taking of an oath: men swearing "never to commit, excuse or remain silent about violence against women"

What is the bystander approach?

Bystander approaches seek to build shared individual and community responsibility for responding to and preventing violence by encouraging people not directly involved in violence as a victim or perpetrator to take action. As such, they potentially have a key role to play in challenging cultures of violence and gender inequality.

Individuals are most likely to take positive action to respond to or prevent violence when they feel supported to do so by their peers, communities, and organisations (such as schools and workplaces), when they feel confident in their ability to take action, and when they perceive that their action will make a positive difference.

Individual bystander action requires noticing the situation; interpreting the event as requiring intervention; assuming responsibility; deciding how to help; and confidence in the capacity to help.²⁰

White Ribbon and the bystander approach

The public campaigns of the White Ribbon Foundation are perhaps the most well-known of bystander campaigns against men's violence against women in Australia. White Ribbon Day began in Canada in 1991, on the second anniversary of one man's massacre of 14 women in Montreal.

A group of men started the campaign to encourage others to speak out against violence against women. White Ribbon Day awareness-raising campaigns and activities have since been promoted in many countries internationally. In 1999 the United Nations' General Assembly declared 25 November the International Day for the Elimination of Violence Against Women, and the white ribbon was adopted as the international symbol for the day. In Australia, the federal Office for Women began to run awareness-raising activities in 2000, and in 2003 the day became a national campaign, as a partnership with United Nations Development Fund for Women (UNIFEM) and men's organizations.

The current Australian White Ribbon Day campaign draws on a number of high-profile male ambassadors from across media, sport, business, government and other sectors, and promotes the taking of an oath: men swearing "never to commit, excuse or remain silent about violence against women". The campaign also incorporates television, radio and print media advertising, as well as sponsoring various activities and events to promote the message of "men - not violent, not silent". The campaign materials are specifically targeted at engaging non-violent men through a positive message of men's role as active bystanders against violence.²¹

¹⁹ www.communities.qld.gov.au/resources/gateway/campaigns/end-violence/engagement-communication-strategy.pdf

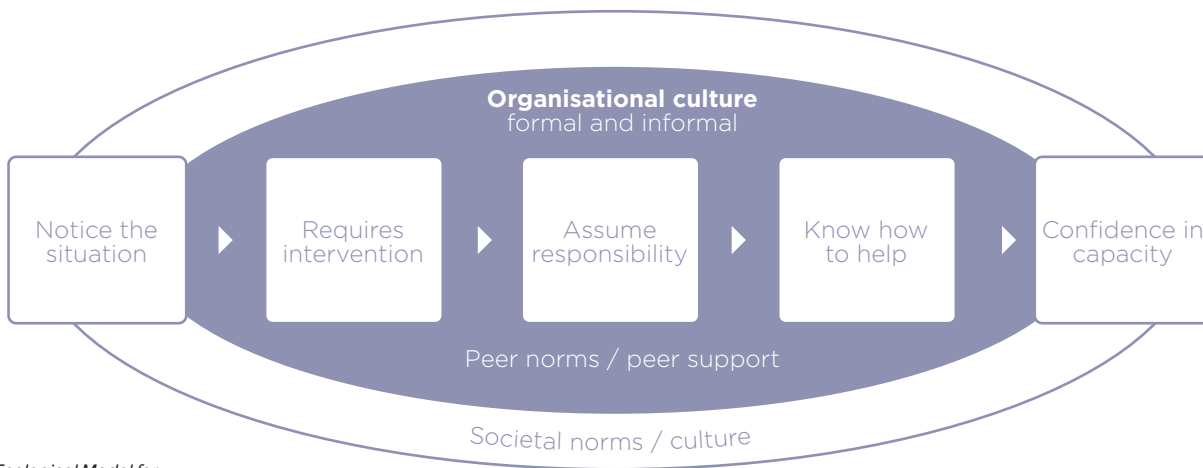
²⁰ *Bystander approaches Responding to and preventing men's sexual violence against women (2014)* aifs.gov.au/publications/bystander-approaches

²¹ *What Men Can Do: To end men's violence against women, we need to change attitudes and Behaviour – this will take time.* www.whiteribbon.org.au/wp-content/uploads/2016/10/WR_WhatMenCanDoFactSheet_HR.pdf

Ecological Model for Bystander Action

Research has sought to highlight the importance of peer norms, organisational cultures and settings, as well as social norms to promote the bystander approach. Such an approach draws on an ecological model - influential in policy and programs preventing violence against women generally which recognises the effectiveness of directing violence prevention across individual, community/organisational, and societal levels of intervention.

Such an interaction provides an integrated community response to domestic and family violence by recognising the capacity of all individuals and communities to prevent domestic and family violence.



Ecological Model for Bystander Action.

Queensland Bystander Campaign 2017 - 2019

A bystander approach is a key strategy in Queensland’s Not Now Not Ever: Domestic and Family Violence Prevention Strategy (2016 – 20126). The Bystander State Campaign will be rolled out over three stages to promote state-wide awareness and prevention of domestic and family violence²². Such awareness will be promoted in the following stages:

ACTIVITY	DESCRIPTION
Bystander State Campaign Stage 1 2017	State-wide awareness campaign which incorporates existing academic research findings, as first stage of promoting bystander intervention of domestic and family violence. Additional market research will be conducted if a gap in knowledge requirement is identified. Communication vehicles to include television and other broad public media
Stage 2 (2018)	State-wide behaviour change campaign as second stage of promoting bystander intervention of domestic and family violence. Additional research may be required to inform the behaviour change campaign. Possible avenues of exploration include how whistle-blower characteristics and motivations might apply to bystanders of domestic and family violence, and understanding what drives their help-seeking, help-offering and help-accepting behaviours.
Stage 3 (2019)	State-wide behaviour change campaign as third stage of promoting bystander intervention of domestic and family violence to drive and reinforce behaviour change.

²² Queensland Says Not Now Not Ever (2016) Engagement and Communication Strategy 2016 – 2026 www.communities.qld.gov.au/resources/gateway/campaigns/end-violence/engagement-communication-strategy.pdf



Information services on domestic and family violence

The following information provides a list of support services and websites to enable real estate agents to quickly access support services to assist domestic and family violence victims, perpetrators and themselves to best manage a tenancy.

NATIONAL	
General	
Lifeline	13 11 14 lifeline.org.au
Sexual assault and domestic and family violence services	
1800 Respect – National Sexual Assault, Domestic and Family Violence Counselling Line	1800 737 732 1800respect.org.au
Migrant and refugee communities	
Translating and Interpreting Service (TIS)	131 450 dss.gov.au/our-responsibilities/settlement-and-multicultural-affairs/programs-policy/settle-in-australia/help-with-english

QUEENSLAND	
Sexual assault and family violence services	
DV Connect	1800 811 811 dvconnect.org
State-wide Sexual Assault Helpline	1800 010 120 dvconnect.org/sexual-assault-helpline-2
Men's Services	
DVConnect Mensline	1800 600 636 dvconnect.org/mensline
Legal support services	
Family Advocacy and Support Service Legal Aid Queensland	1300 651 188 legalaid.qld.gov.au/Find-legal-information/Relationships-and-children/Domestic-and-family-violence/Domestic-and-family-violence-information

Information and Referral Services for tenants

DVConnect Womensline 24hrs 7 days

1800 811 811 dvconnect.org/womensline/

DVConnect Womensline is the state-wide telephone service for women who are experiencing domestic or family violence.

The service offers free, professional telephone support to women across Queensland. They can provide counselling, information and referral to other services as well as practical crisis assistance to get women and their children to a place of safety. In an emergency they can also arrange transport and referrals to emergency accommodation.

DVConnect Statewide Sexual Assault Helpline

7.30am – 11.30pm **1800 010 120**

dvconnect.org/sexual-assault-helpline/

DVConnect also delivers the state-wide Sexual Assault Helpline which offers telephone support and counselling to women, men and young people who has been sexually assaulted or abused and for anyone who is concerned or suspects someone they care about might have been assaulted or abused.

DVConnect Mensline 9am – midnight 7 days

1800 600 636 dvconnect.org/mensline

The DV Connect Mensline is a free, confidential telephone, counselling, referral and support service especially set up for men. Mensline recognises that domestic and family violence happens within all cultures, all demographic and socio economic groups.

The service offers professional counselling and information, and acts as a strategic point of referral for Queensland men around issues of:

- Domestic and family violence
- Relationship problems and separation issues
- Men's health
- Child support
- Family law issues
- Suicide and other significant issues for men

They also offer specialist assistance for men who are seeking help and looking for ways to address their own use of violence and other destructive patterns in their personal lives and relationships, as well as those who may be (or have been) victims of violence themselves.

The service also receives calls from people seeking information about these, and related issues, such as family members, parents and friends.

1800 RESPECT 24hrs 7 days a week

1800 RESPECT 1800 737 732

1800respect.org.au

1800 RESPECT is a national service that provides free telephone and online counselling and support to people impacted by sexual assault, domestic or family violence and abuse.

The service provides referral information to assist people impacted by violence to be linked up with service providers that will assist in the development of safety plans and respond to a person's immediate needs.

Additionally, the service provides support to people exposed to DFV within a work context. This access can be useful for real estate agents that engage with tenants that are experiencing DFV.

Advice & Support

Regional services are located throughout Queensland that provide support, counselling, referral & information

BRISBANE	(07) 3217 2544
BUNDABERG	(07) 4153 6820
CABOOLTURE	(07) 5498 9533
CAIRNS	(07) 4033 6100
EMERALD	1300 523 985
GLADSTONE	(07) 4979 1456
GOLD COAST	(07) 5532 9000
GYMPIE	(07) 5413 8088
IPSWICH	(07) 3816 3000
LOGAN	(07) 3808 5566
MACKAY	(07) 4953 1788
MAROOCHYDORE	(07) 5430 9300
MOUNT ISA	(07) 4749 1901
REDLANDS	(07) 3286 7766
ROCKHAMPTON	1300 364 277
ROMA	1300 991 443
TOOWOOMBA	(07) 4642 1354
TOWNSVILLE	(07) 4721 2888

Website Directories

My Community Directory

mycommunitydirectory.com.au/Queensland

My Community Directory lists organisations that provide services that are free or subsidised to the public across Australia. These services are aligned into various Community Directories.

You can search across Queensland for services available.

oneplace Community Services Directory

oneplace.org.au

oneplace Community Services Directory is an easily accessible directory of community services to help Queensland families to get to the right service at the right time.

From parenting groups and classes to domestic and family violence support services, oneplace is the go-to resource for children, families, community members and professionals looking to find local support in Queensland.

Tenancy Services

Residential Tenancies Authority (RTA)

Monday – Friday 8.30am – 5pm

1300 366 311 rta.qld.gov.au

The RTA is a Queensland state government statutory authority that helps make renting work for everyone.

They provide tenancy information and support, bond management, dispute resolution, investigation, and policy and education services.

If you require an interpreter, please contact the Translating and Interpreting Service (TIS) on 131 450 during RTA hours of business. TIS will telephone the RTA for you at no cost.

If you are deaf, or have a hearing or speech impairment, contact the National Relay Service then ask for 1300 366 311.

TTY users: phone 133 677

Speak and Listen users: phone 1300 555 727

Internet relay users: connect to the National Relay Service

QSTARS – Qld Statewide Tenant Advice and Referral Service

9am – 5pm Monday – Friday
(with extended hours to 7pm Tuesdays and Wednesdays)

1300 744 263 qstars.org.au

The Queensland Statewide Tenant Advice and Referral Service (QSTARS) is a free independent and statewide advice and referral service for Queensland tenants.

QSTARS aims to provide all Queensland renters with high quality, free, independent tenant advisory services that assist tenants to manage and sustain their tenancy.

QSTARS can assist with:

- Advice and assistance for tenants to understand their tenancy rights and responsibilities
- Support to assist tenants to resolve their tenancy issue
- Advocacy support to talk to the lessor or agent on behalf of the tenant
- Help tenants to write a letter or fill in tenancy forms
- Help tenants to attend or prepare for a QCAT tenancy tribunal hearing
- Referral to other services if needed.

QSTARS cannot assist:

- Lessors, agents or organisations that provide housing.
- Head tenants in a dispute with people they rent to. If a head tenant rents rooms to other tenants, the head tenant is acting as a lessor.
- Co-tenants who have a current or potential dispute with another co-tenant. QSTARS cannot advise in co-tenancy issues as there is a potential legal conflict of interest.
- Disputes between tenants.

Disputes in relation to neighbourhood issues are not covered by tenancy law.

To refer a tenant to QSTARS for advice, you can email Tenants Queensland at mail@tenantsqld.org.au or call the Tenants Queensland office on (07) 3832 9447 to arrange a referral.

Reach out


Q SHELTER

Phone (07) 3831 5900

Email info@qshelter.asn.au

515 Wickham Terrace, Spring Hill
Queensland 4004

 [queensland.shelter](https://www.facebook.com/queensland.shelter)

 [company/qshelter/](https://www.linkedin.com/company/qshelter/)

 [qldshelter](https://twitter.com/qldshelter)

Funded by the Queensland Department of Child Safety, Youth and Women in partnership with the Australian Government Department of Social Services.





COVID-19 Emergency Regulations

In response to COVID-19, the Queensland Government has introduced Emergency Regulations, which apply until 30 September 2021. It covers tenants and residents who can no longer reside in the premises due to domestic and family violence, and those whose tenancies are impacted by DFV and wish to remain in the tenancy.

Ending of Agreement due to DFV

A tenant or co-tenant may terminate the lease agreement by giving seven days' notice on the RTA Domestic and Family Violence Notice ending tenancy or Domestic and Family Violence ending residency. The tenant may choose to leave the property immediately after providing notice, with liability for break lease capped at one weeks' rent. The tenant is required to provide evidence to support their claim of DFV.

Evidence of DFV

To end the tenancy agreement, a tenant will need to support the Notice of Intention to Leave with evidence, such as:

- A Domestic and Family Violence Protection Order (DVPO) or Temporary Domestic and Family Violence Protection Order
- A Police Protection order
- A Domestic and Family Violence Report (which can be downloaded from the RTA), signed by one of the following:
 - A social worker
 - A refuge worker
 - A domestic and family violence support worker
 - An Aboriginal and Torres Strait Islander Medical service
 - A solicitor
 - A doctor

Tenant Obligations

- Submit a Domestic and Family Violence Notice ending tenancy alongside supporting evidence, to their property manager
- The tenant must pay the rent only until the end of the seven day notice period
- The tenant is not responsible for paying any additional costs related to the re-letting of the property
- The tenant is not responsible for damage to the property caused by domestic and family violence
- The tenant can apply for their bond refund after they have vacated the premises

Property Manager Obligations

- Keep the tenants' information private and store it safely
- Only ask the tenant to pay break lease fees capped at one week's rent
- Refund the rental bond to the tenant (or the tenant's share of the bond if co-tenancy)
- Inform the remaining tenants (if a co-tenancy) only after the 7 day notice period has expired that they:
 - *still have a tenancy agreement
 - *need to top up the bond after one month
- Inform the tenant when the remaining tenants will be notified

Remaining in a Tenancy Impacted by DFV

A tenant can change the locks to their property without the owner's permission to ensure personal safety if the tenant:

- Ensures the locks are changed by a qualified tradesperson or locksmith
- Pays for the new locks
- Provides copies of the keys or access codes to the property owner or manager within seven days
- Does not change locks to common property such as general entry or exit doors to apartment complexes

Click [HERE](#) to access the full "Guide for Navigating Requirements and Protections for Residential Tenancies Impacted by the COVID-19 Pandemic".

Click [HERE](#) to access the RTA's guide to COVID-19 changes as they relate to domestic and family violence.

