

04.30 HOUSING & HOMELESSNESS SERVICE DOMESTIC AND FAMILY VIOLENCE POLICY

SCOPE

RQ Tenants

POLICY

RQ is committed to supporting tenants who have experienced domestic and family violence and ensuring their safety and security in RQ properties. RQ will prioritise the safety and security of tenants experiencing DFV.

PURPOSE

To provide clear guidance on rights, support and assistance available to tenants who are victims of domestic and family violence.

DEFINITION/S

RQ	Roseberry Qld
General Manager	Also refers to Acting General Manager
QPS	Queensland Police Service
DCHDE	Department of Communities, Housing and Digital Economy
RTA	Residential Tenancies Authority
DFV	Refers to domestic and family violence as defined under the <i>Domestic and Family Violence Protection Act 2012</i> .
Victim	Refers to a person harmed, injured or threatened with domestic and family violence offences
Perpetrator	Refers to person who commits act/s of domestic and family violence
DVO	Domestic Violence Order

PROCEDURES

04.30.01 Tenants Experiencing Domestic and Family Violence

RQ will work with any tenant or approved occupant who is or has experienced domestic and family violence to ensure they are supported and aware of their rights. RQ's priority will be ensuring the safety and security of the tenant or approved occupant.

Upon becoming made aware of a tenant experiencing DFV, RQ Housing Officers will provide the tenant with appropriate information, referrals and support including:

- Contact numbers for DFV services,
- Contact numbers for QPS,
- Information on tenants' rights in relation to ending their tenancy and changing locks,

RQ Housing Officers will encourage tenants to report matters to the authorities (QPS) and to seek protection orders against perpetrators.

04.30.02 Damage to RQ Properties

a) Any tenant, visitor or approved occupant who is a victim of DFV will not be held liable for damage caused due to domestic and family violence. Costs incurred as a result of breaching terms of their rental agreement, including rent arrears and damage caused by pets will remain the tenant's responsibility.

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b) Any tenant, visitor or approved occupant who is a perpetrator of DFV will be liable for any damage caused due to domestic and family violence.

- RQ will follow standard practices to recover costs in these instances.

c) any damage to RQ property that is not the result of domestic and family violence will remain the liability of the tenant as per standard RTA processes and RQ policies.

04.30.03 Leaving RQ Property due to Domestic and Family Violence

a) Any tenant experiencing DFV is able to leave their property immediately following the provision of a Notice ending tenancy interest (domestic and family violence (Form 20) and copies of relevant evidence.

b) Relevant evidence can consist of one of the below.

- a protection order
- a temporary protection order
- a police protection notice
- an interstate order.

c) A tenant can choose whether to provide RQ with a physical copy of the evidence or to allow RQ Housing Officer to visually inspect the evidence.

d) Notwithstanding the notice period for a Notice ending tenancy interest (domestic and family violence) of 7 days, a tenant is able to leave prior to the end of that 7 day notice period but remains liable to pay rent for the duration of the notice period.

e) RQ will not visit, enter or inspect the vacated property until after the expiration of the 7 day notice period.

04.30.04 Responding to a Notice ending tenancy interest (domestic and family violence)

Upon receipt of a Notice ending tenancy/residency interest (domestic and family violence) (Form 20) and having inspected or received the relevant evidence RQ will inform the vacating tenant within 7 days of receiving notice:

1. whether RQ accepts the notice and evidence or intend to make an urgent application to QCAT for an order to have the notice set aside because it does not comply with the requirements under the Act
2. the date on which RQ will be informing other tenants for the same residential tenancy that the tenant has vacated and ended their interest in the tenancy, and that the tenancy agreement will continue for any remaining tenants.

RQ will provide remaining tenants with a Continuing Interest Notice following legislated timeframes (see 04.30.05).

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04.30.05 Advising Remaining Tenants on same tenancy agreement.

1) RQ will advise any remaining tenants on the same tenancy agreement as the vacating tenant of the tenancy agreement that the vacating tenant's interest has ended;

- At least 7 days after the notice ending tenancy was provided, and,
- No more than 14 days after the vacating tenant's interest in the tenancy has ended.

2) A Continuing Interest Notice will be provided to remaining tenants. This notice will contain information noting that;

- The vacating tenant's interest in the agreement has ended,
- The agreement remains in place for remaining tenants, and
- Any bond top ups that may apply and the date to which this top up needs to be paid.

04.30.06 Bond Refunds

1) Following receipt of Notice ending tenancy interest (domestic and family violence) (Form 20) the vacating tenant or RQ can complete Form 4a Bond refund for persons experiencing domestic and family violence).

2) The RTA will process this bond refund after the tenant has vacated the property and their interest in the tenancy has expired.

3) RQ reserves the right to claim for damages, rent arrears or any other breaches that are not the result of domestic and family violence through the rental bond referral process (see 04.09 Housing and Homelessness Service Bond Policy).

04.30.07 Changing Locks

a) A tenant who has experienced DFV is able to have the locks changed to their property without consent from RQ with the following caveats:

- The tenant must use a qualified locksmith or tradesperson.
- The tenant must provide RQ with a copy of the new key/s.

b) RQ will not provide copies of new keys to any other party/ies without the agreement of the tenant.

c) Refer to 04.21 Housing and Homelessness Service Keys and Locks Policy.

04.30.08 Privacy and Confidentiality of DFV Matters

RQ will not, under any circumstances;

- Disclose evidence supporting a tenant, visitor or approved occupant's notice ending tenancy to anyone unless under limited circumstances under the Residential Tenancies and Rooming Accommodation Act 2008 (Section 801I),
- Provide contact details of vacating tenant to any other party/ies unless required to do so by law,
- Require a vacating tenant to provide a forwarding address,
- Provide any information about the vacating tenant ending their interest in the tenancy to any remaining tenants until a minimum 7 days after the date the vacating tenant's interest in the tenancy ends.

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- A tenant's interest in the tenancy ends when their 7 day notice period expires, and the tenant has vacated the property.

ACCOUNTABILITY

RQ Housing and Homelessness Staff, RQ Housing and Homelessness Manager, RQ Board.

EVALUATION METHOD

LEGISLATIVE COMPLIANCE

[Residential Tenancies and Rooming Accommodation Act 2008](#)

RELATED DOCUMENTS

[Fact Sheet Domestic and Family Violence Information for Tenants \(rta.qld.gov.au\)](#)

[Form 20 Notice ending tenancy interest \(rta.qld.gov.au\)](#)

[Domestic and Family Violence Report \(rta.qld.gov.au\)](#)

[Continuing Interest Notice \(rta.qld.gov.au\)](#)

[04.21 Housing Services Keys and Locks Policy](#)

[04.09 Housing Services Bond Policy](#)

DOCUMENT CONTROL

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