

31st October, 2018

Dear Legislation Committee

RE: Western Australian Residential Tenancies Legislation Amendment (Family Violence) Bill 2018.

AnglicareWA is a large non-for-profit organisation with a key role in family and domestic violence (FDV) service delivery. The organisation provides presentation in various Statewide FDV initiatives such as the Family Violence Advisory Network; the Executive Committee for Women's Council for Domestic and Family Violence and WA Men's Behaviour Change Network. We also represent on FDV groups in most regions across WA.

AnglicareWA would like to acknowledge and support the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018. We also ask further consideration towards the following recommendations:

71AD. Rights of co-tenants after notice under s. 71AB

(2) A lessor must give a copy of a notice received by the lessor under section 71AB(1) to each co-tenant under the residential tenancy agreement within 7 days after receiving the notice.

Recommendation 1: to change this period in 71AD(2) to "not less than 7 days and not more than 14 days after receiving the notice.

We want to ensure the tenant giving notice has at least 7 days grace to safety plan prior to a copy of notice received by the lessor is provided to the co-tenant.

*Part 3 – Residential parks (Long-stay Tenants) Act 2006 amended
29. Part 3 Division 4A inserted*

45B. Rights of co-tenants after notice under s. 45A

(2) A park operator must give a copy of a notice received by the park operator under section 45A(1) to each co-tenant under the long-stay agreement within 7 days of receiving the notice.

Recommendation 2: to change this period in 45B(2) to "not less than 7 days and not more than 14 days after receiving the notice.

We want to ensure the tenant giving notice has at least 7 days grace to safety plan prior to a copy of notice received by the lessor is provided to the co-tenant.

Recommendation 3: Consideration be given should the co-tenant chose to leave the premise due to family and domestic violence, due to perpetrator accountability and taking steps towards responsibility and increasing safety for the tenant and/or a dependent.

Can a report of family violence, in a form approved by the Commissioner, be completed by a person who has worked with the co-tenant and is person in charge of a men's behaviour change program and whom can view the intention of the co-tenant to leave; This clause must also have regard to all of the following principles -

- (a) that family violence is a fundamental violation of human rights and is unacceptable in any form;
- (b) the need to prevent further victimisation of a person who has experienced family violence through the unjust application of the principle of joint and several liability or the principle of vicarious liability;
- (c) the need to maximise the safety of persons who have experienced family violence by reducing any financial burden arising from the family violence;
- (d) the need to prevent, or reduce to the greatest extent possible, the consequences of family violence;
- (e) the need to protect the wellbeing of children by preventing them from being subjected or exposed to further family violence;
- (f) the need to encourage perpetrators of family violence to accept responsibility for their behaviour and the effect it has on others.
- (g) the co-tenant will not have their portion of the security bond released this will stay with the tenant to prevent or reduce to the greatest extent possible, the consequences of family violence on child and family functioning
- (h) the co-tenant will be required to pay for property damage repairs to prevent, or reduce to the greatest extent possible, the consequences of family violence.

Kind Regards



Kate Jeffries
Practice Development and Strategy Manager (Mental Health, Family Violence and Justice)
Anglicare WA