

Ms Clair Siva
Committee Clerk
Standing Committee on Legislation
Legislative Council Committee Office of Western Australia
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

31 October 2018

Dear Ms Siva,

Shelter WA Submission – Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

Shelter WA is an independent peak body, formed in 1979, that advocates for social and affordable housing and ending homelessness in Western Australia. Our vision is that all people living in Western Australia have housing that enables them to thrive.

Security of housing tenure is critical for people to realise this vision. Renting in the private market is a key housing option for many West Australians on low to moderate incomes. The Residential Tenancies Act provides the legislative framework in Western Australia to ensure that tenants are safe and secure in their home.

The reforms proposed in the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018* are a step in the right direction to achieving security and safety for tenants who are experiencing family and domestic violence. It will also go some way to protect the assets of landlords who rent their home.

The referral of the Bill to the Standing Committee on Legislation last week, provides an opportunity for the importance of this Bill to be more widely understood.

The Bill proposes sensible amendments to the *Residential Tenancies Act 1987* and *Residential Parks (Long-stay Tenants) Act 2007* to ensure that victims of family and domestic violence can:

- terminate a tenancy quickly, by giving the lessor a notice of termination on the grounds of family violence supported by required evidence;
- make modifications to the home they are renting to ensure safety, such as changing locks without having to seek approval prior from the lessor; and
- affix any prescribed fixture, or make any prescribed renovation, alteration or addition to the premises to prevent the perpetrator's entry onto the premises.

Our current laws are inadequate, we don't have a fair way for a victim of domestic violence to leave their tenancy urgently, or to make their home safe in a tenancy. These reforms are critical to the safety of victims of domestic violence in our community.

The Bill also gives the Magistrates Court powers to:

- terminate the perpetrator's interest in a tenancy agreement where the perpetrator is excluded from the premises by way of a court order; and
- order that a person's name and personal details be removed from a tenancy database if the circumstances giving rise to the listing result from family violence.

Family and domestic violence impacts on many lives and is the leading cause of homelessness in Western Australia. Shelter WA understands that already in this calendar year there have been around 25 deaths in WA allegedly related to family and domestic violence. (insert reference). The WA Police Force has reported that in the year to September 2018, there have been over 22,000 family violence related offences and over 11,000 breaches of violence restraint orders. Since September 2008, there has been an increase of over 143 per cent alone in family violence assaults.¹ In terms of threatening behaviour in a family violence context, there has been an increase of 175 per cent since September 2008 to September 2018.²

Shelter WA in partnership with Tenancy WA have met recently with REIWA to further understand the Bill's impact on landlords. We are working closely with DMIRS and REIWA on the development of regulations that take a balanced approach in terms of restitution of the property once it has been vacated by this tenant.

On the 9 August, as part of Homelessness Week 2018, Shelter WA hosted an event - Landlords Making A Difference – to give landlords the opportunity to raise concerns and seek more information on the issues facing tenants. Attendees were given the opportunity to indicate which topics they'd like more information on. Sustainability, family and domestic violence and homelessness were the top three rated areas for more information.

Thank you for the opportunity to reiterate our support for this important reform. We would urge the swift passage of the Bill once the Committee tables its report in late November.

I can be contacted on 08 9325 6660 or ceo@shelterwa.org.au if you require any further information.

Yours sincerely,



Michelle Mackenzie
CEO

¹ WA Police Force Crime Statistics, 2018, <https://www.police.wa.gov.au/Crime/CrimeStatistics#/> accessed 30 October 2018.

² Ibid.