



10 February 2017

Residential Tenancies Act Review
Consumer Affairs Victoria
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MELBOURNE VIC 3001
By email: yoursay@fairersaferhousing.vic.gov.au

RE: Heading for Home: Residential Tenancies Act Options Discussion Paper

Thank you for the opportunity to provide comment on the draft proposals in the Options Paper.

This submission focuses solely on the proposals in section 12 of the paper relating to family violence, and proposes solutions to integrate the processes within the Victorian Civil and Administrative Tribunal with the broader family violence system. NTV/MRS welcomes the proposed changes and presents the following suggestions to enhance their effectiveness.

About No To Violence Incorporating the Men's Referral Service

No To Violence incorporating the Men's Referral Service (NTV/MRS) is the Victorian peak body for organisations and individuals working with men to end their violence and abuse against family members. NTV/MRS oversees the standards of practice for men's behaviour change programs delivered by more than 100 members, delivers the Graduate Certificate in Male Family Violence which is the core qualification for facilitators of Men's Behaviour Change Programs, and undertakes practice and policy development work to ensure men who use violence are held accountable for their behaviour.

The Men's Referral Service has had over 150,000 conversations with men about their use of violence over the last 23 years. MRS currently engages with more than 10,000 perpetrators per year in Victoria, New South Wales, Tasmania and across Australia. MRS provides the follow up to all weekend police incidents in Victoria – more than 17,000 per year – and provides follow up to all 40,000 men assessed to be victims in family and domestic violence incidents in NSW. In total, NTV/MRS provides support for more than 70,000 men affected by family violence each year.

Access to family violence provisions

Consultation question

216. Which alternative option do you support and why?

NTV/MRS supports option 12.1B, where additional evidence of family violence can be considered by VCAT in activating the family violence provisions within the Residential Tenancies Act, but suggests these should be limited in nature.

One of the amendments that the Royal Commission recommended was to list a range of prescribed organisations in the *Family Violence Protection Act* who are required to use the



Victorian Risk Assessment and Risk Management Framework to assess risk of family violence. This list would limit the scope of agencies with the power to invoke the family violence provisions, and provide confidence that family violence was being identified using an evidence-based framework. NTV/MRS suggests that the Residential Tenancies Act can be strengthened by making references to prescribed agencies under the *Family Violence Protection Act*.

The evidence of family violence should be limited, but include:

- A final Family Violence Intervention Order or Personal Safety Intervention Order
- An interim Family Violence Intervention order or Personal Safety Intervention Order
- A written letter from a prescribed agency in the *Family Violence Protection Act*

Options 12.2 & 12.3

Consultation question

217. What would be a reasonable time within which VCAT should hear a family-violence related application?

NTV/MRS supports options 12.2 and 12.3 in the Options Paper. They will provide clarity and certainty, which will assist with holding men who use family violence accountable for their behaviour.

VCAT should hear a family violence related application within 5 working days. Upcoming changes to the *Family Violence Protection Act* will extend the length that a Family Violence Safety Notice can apply to up to 14 days, but will require the matter to be heard by the Magistrates' Court of Victoria 'as soon as practicable'. Where the perpetrator has been excluded from the home and the victim/survivor of family violence is seeking to remove him from the tenancy, it is preferable for this process to occur quickly to enable the perpetrator and victim/survivor to separate and not require further contact.

Termination of tenancy

Consultation question

218. Which option best addresses the needs of victims of family violence while providing for any potential impacts on landlords and other co-tenants? Why?

NTV/MRS recognises the serious nature of these provisions as they may make a person homeless, and a due process is necessary in order for this to be a just response.

Option 12.4A provides greater security to ensure that this provision is not utilised inappropriately by a perpetrator of family violence in order to further abuse the victim/survivor by making her homeless.

However, an application to VCAT may require the victim/survivor to come into contact with the perpetrator, which may increase risk of further abuse. NTV/MRS recommends that there is an option for VCAT to process an application to terminate a tenancy without requiring all parties to be present.