News releases - John Rau

Tenancy law reform helping protect victims of domestic violence

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Almost 200 South Australians experiencing domestic violence have sought assistance to leave abusive relationships since changes to tenancy laws two years ago.

Reforms to the Residential Tenancies Act commenced in December 2015, allowed victims to break leases on rental properties shared with abusive partners.

It also ensures victims are not responsible for property damage caused by a violent partner, allowing for compensation payments for landlords.

The SA Civil and Administrative Tribunal (SACAT) dealt with 193 applications, including 60 applications in the first six months of the new laws in 2016, with 25 applications in the last six months of 2017.

SACAT estimates it receives about one application per week, and there are other domestic violence support services that advise clients of their options under the tenancy laws.

The Advice and Conciliation section of Consumer and Business Services estimates it receives around 175 calls a year seeking advice on options to deal with a domestic violence situation.

Background

In 2016 there were more than 8,400 reported occasions of domestic violence in South Australia.

The reforms to strengthen the level of protection for victims of domestic violence in the residential tenancy sector are part of a series of initiatives the State Government has undertaken to address domestic violence in our community.

An extra Magistrate’s position has been created in South Australia specifically to attend to the growing volume of cases involving family violence matters, with a focus on hearing applications for intervention orders and related criminal charges such as alleged breaches of orders.

In March 2017, the State Parliament passed laws to allow South Australian courts and police to recognise and enforce domestic violence protection orders made in any other Australian state or territory. The National Domestic Violence Order Scheme commenced nationally on 25 November 2017.
A number of other initiatives are proposed in response to the Government’s Domestic Violence Discussion Paper, including:

- The development of protocols for a trial domestic violence disclosure scheme, which would enable South Australians who may be at risk of domestic violence to find out whether their partner has a history of offending.
- New laws that would allow video evidence recorded by police, including at a scene, to be admissible in court.
- Changes to the law that would see a wider range of domestic violence-related offences classified as ‘aggravated’ offences, meaning that higher penalties can apply.
- A commitment to ensure there are no expiry dates imposed on intervention orders.
- Consultation on legislation to amend the Equal Opportunity Act 1984 to include domestic violence as a ground of discrimination.

**Quotes attributable to Attorney-General John Rau**

The response to the tenancy law changes to better protect domestic violence has shown benefits of reform across the sector, with support services, legal services and SACAT working together for better outcomes for the victims of domestic violence.

Everyone has the right to feel safe in their own home.

Reforms to the Residential Tenancy Act reforms making that a reality for dozens of South Australians each year who previously had no recourse but to break a lease, lose their rental bond and pay for damages caused by the violent perpetrator they lived with.