

Domestic violence protections for the tenancy sector

Everyone has the right to feel safe and live in an environment free from violence. This information sheet outlines options available for people who are renting and subjected to abuse or domestic violence where the person responsible for the abuse:

- lives or has been living in the house
- is or has been a regular visitor.

What is domestic violence?

Domestic violence is where a person commits an act of abuse against their spouse, partner, family or a “domestic associate” of a person, such as a child. The abuse can be physical, emotional or psychological harm, denial or financial, social or personal control or damage to a person’s possessions.

What can I do if there is domestic violence in my home?

An intervention order can help stop the violence by placing limits on the behaviour of the violent person. For example, by stopping them from coming near your work place or family home, even if they are a tenant. You can contact your local police station to discuss appropriate responses or apply to the Court for an intervention order which is filed in the Magistrates Court. You may wish to seek legal advice from the services listed on this fact sheet.

If you are a tenant or a co-tenant (as a private, community or public housing tenant) then you can apply to the South Australian Civil and Administrative Tribunal (SACAT) for an order to:

- terminate the tenancy
- allow you to stay in the property without the perpetrator
- leave the property and terminate your responsibility under the tenancy
- stop a landlord from listing your details on a Residential Tenancy Database (tenant ‘blacklist’) for damage caused by the perpetrator
- determine how the bond will be refunded.

Discuss your options

Contact Consumer and Business Services (CBS) tenancy advisory service on telephone 131 882 or any of the service providers listed at the back of this fact sheet.

If you fear for your safety you should seek advice from the police about an intervention order in the first instance. If you have immediate concerns for your safety or the safety of your children, call 000 for assistance.



How can I apply to the Tribunal?

You can apply to the South Australia Civil and Administrative Tribunal (SACAT):

- online at www.sacat.sa.gov.au
- over the telephone, ph 1800 723 767 during business hours; or
- in person at 100 Pirie Street Adelaide. Staff and volunteers will help you make an application.

An application fee normally applies, but may be waived if you cannot pay due to your circumstances.

For example, you have a concession card, are receiving legal aid, are under 18 years of age or suffering financial hardship.

How does the Tribunal make a decision?

The Tribunal usually makes its decision in two steps:

Step 1

The Tribunal will need to see evidence of either an intervention order issued by a Court or that domestic abuse has occurred (such as a report from SA Police or a specialist domestic violence service provider).

Step 2

The Tribunal must consider the impact on all tenants and the landlord.

- If you want the tenancy to be **terminated**, and another tenant or the landlord does not agree with your application, then the tenancy can only be terminated if the Tribunal decides that you would suffer more hardship than the other person.
- If you want to **remain** in the property without the perpetrator, the Tribunal must decide whether you can continue to meet your obligations as a tenant (eg. pay the rent). The Tribunal must also take into account any views put forward by the landlord.

Your safety at the hearing

The Tribunal has at least one security guard present at all times. The guard's role is to ensure the safety of Tribunal Members and people at the Tribunal. The guard may walk in and out of a hearing room at any time. The guard may be present in the room if there are security concerns for a particular hearing.

Where there is an intervention order in place, the Tribunal will usually allocate two hearing rooms, with one person in each hearing room, connected by teleconference facilities. The Tribunal Member will normally move from one room to the other to take evidence from each person.

Assistance at the hearing

You may have a family member or friend to assist you, or you may arrange for someone to advocate for you at the hearing (refer to the service providers listed at the back of this fact sheet).

Where can I get further help or information?

Organisation	Details	Contact Number	Service Hours
Your safety			
South Australia Police www.police.sa.gov.au Find your local Police Station: www.police.sa.gov.au/contact-us/find-your-local-police-station	Discuss appropriate responses at your local police station.	131 444 for patrol assistance, or call 000 in case of emergency.	24 hours a day 7 days per week
Tenancy Advisory and Advocacy Services			
Consumer and Business Services www.sa.gov.au/tenancy/renters	Tenant and landlord advisory service	131 882	Monday to Friday 9am – 5pm
Tenant's Information and Advocacy Service www.tias.org.au	Tenant information and advocacy service	1800 060 462 (free call)	Monday to Friday 9am – 5pm
Welfare Rights Centre (SA) Inc www.wrcsa.org.au	Advisory and advocacy service	1800 246 287 (toll free) or (08) 8223 1338	Monday to Friday 9am – 12.30pm 1.30pm – 5.00pm
Shelter SA www.sheltersa.asn.au	Advocates for improved housing outcomes, including for those on low incomes and living with disadvantage	8223 4077	
Legal Advice			
Women's Domestic Violence Court Assistance Services www.victimsa.org	Free legal support within the court system for victims of family and domestic abuse	1800 VICTIM (1800 842 846)	Monday to Friday 9am to 5pm
Legal Services Commission www.lsc.sa.gov.au	Free legal help	1800 366 424	Monday to Friday 9am – 4.30pm
Women's Legal Service SA www.wlssa.org.au	Community based legal centre providing a legal services to women in South Australia.	(08) 8221 5553 Country Callers: 1800 816 349	Monday, Tuesday, Thursday and Friday 10am - 4pm
Aboriginal Legal Rights Movement www.alrm.org.au	Free legal services for Aboriginal people	8113 3777 1800 643 222	Monday to Friday 9am to 5pm

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Where can I get further help or information? (*continued*)

Organisation	Details	Contact Number	Service Hours
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Domestic and Family Violence Service Providers

Domestic Violence and Aboriginal Family Violence Gateway Service	Support for women experiencing domestic and family violence	1800 800 098	24 hours a day 7 days per week
Yarrow Rape and Sexual Assault Service www.yarrowplace.sa.gov.au	SA Adult Rape and Sexual Assault Service	8226 8777 1800 817 421	After Hours 8226 8787
1800RESPECT	National sexual assault, domestic family violence counselling	1800 RESPECT (1800 737 732)	24 hours a day 7 days per week
Victim Support Service www.victimsa.org	Free assistance for adult victims of crime	1800 VICTIM (1800 842 846)	Monday to Friday 9am to 5pm
Office for Women - Women's Information Service www.wis.sa.gov.au	Information and referral service only	8303 0590 1800 188 158	Monday to Friday 9am – 5pm

Bond Assistance

Housing SA www.sa.gov.au/tenancy/renters	Housing advice including eligibility for bond assistance	131 299	Monday to Friday 9am – 5pm
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Apply to the Tribunal

South Australian Civil and Administrative Tribunal www.sacat.sa.gov.au	Applying to terminate a tenancy on the grounds of abuse	1800 723 767	Monday to Friday 9am – 5pm
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Translating and Relay Service

Translating and Interpreting Service www.tisnational.gov.au	Translation services	131 450	24 hours a day 7 days per week
National Relay Service www.relayservice.gov.au	Australia-wide phone service for people who are deaf or have a hearing or speech impairment	133 677 (TTY /voice calls) 1300 555 727 (speak and listen) 0423 677 767 (SMS relay)	24 hours a day 7 days per week

