

KEEPING WOMEN AND CHILDREN HOUSED

Women's Homelessness Prevention Project

Two years, ten client stories and ten calls for change



ACKNOWLEDGMENTS

Justice Connect Homeless Law takes the opportunity to express our sincere thanks to the Lord Mayor's Charitable Foundation, Gandel Philanthropy and the Victorian Government for generously funding the Women's Homelessness Prevention Project.

We would also like to thank our key project partners, the City of Melbourne and Herbert Smith Freehills, for their assistance in delivering the project.



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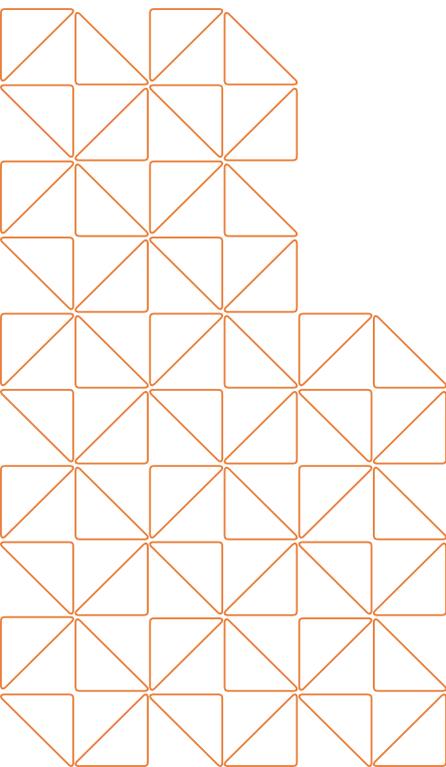


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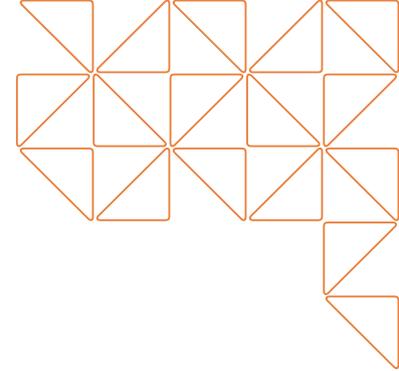
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Executive summary: two years of keeping women and children housed

The Women's Homelessness Prevention Project (**WHPP**) is a holistic, integrated model of providing legal services that prevents homelessness through addressing both legal and non-legal issues. It keeps women and children in housing through a combination of legal representation and social work support.

Almost half of Victorians experiencing homelessness are women and one-sixth are children under 12.¹ Family violence is the most common cause of homelessness in Victoria, with 34% of people citing family violence as the main reason they need help from a specialist homeless service.² There are currently over 33,000 people on the waiting list for public housing in Victoria³ and less than 1% of private rental properties in and around metropolitan Melbourne are affordable for single parents on low incomes.⁴

It is in this context that the WHPP aims to prevent the eviction of women and children into homelessness. The first WHPP legal clinic was held in April 2014, and it is clear that the WHPP's integrated legal representation and social work support is a highly effective model for keeping women and children in housing. Key figures and outcomes over a two year period include:

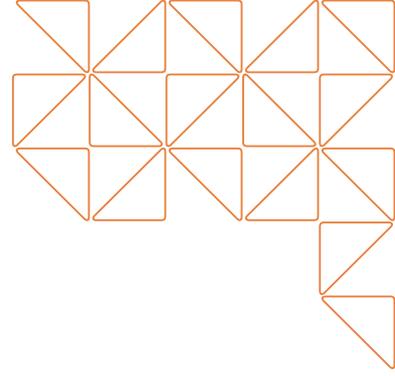
- **102 women** have been provided with legal representation (including advice, negotiation with landlords and **representation at VCAT for 68 women**) and intensive social work support (including links with family violence counselling, financial counselling, employment, housing and mental health services).
- These 102 women had a total of **157 children** in their care who were also at risk of homelessness and the hardship and social dislocation that comes with it.
- **90% of the women assisted have experienced family violence** in the past ten years. 84% of women reported that they had a mental illness, with anxiety and depression being the most common.
- **113 supported referrals made by the WHPP social worker** to a range of organisations and services, including homelessness access points, financial counsellors, GPs, mental health care providers and family violence counselling services.⁵
- **59 provisions of financial brokerage**, totalling \$36,092.⁶

83% of finalised matters were successfully resolved resulting in women maintaining safe and secure housing or resolving a tenancy legal issue that was a barrier to accessing safe housing (e.g. a housing debt). This included:

- 48 women who were assisted to avoid eviction from their existing housing;
- 14 women at risk of eviction who were assisted to find alternative stable housing without an intervening period of homelessness; and
- Seven women who were assisted to waive a total of \$21,978 in maintenance debts to the Office of Housing for damage that they were not liable for.

In a two year period, the WHPP directly prevented the eviction of 62 women and their families into homelessness. Using research from the Australian Housing and Urban Research Institute (**AHURI**), this would mean a cost saving of \$1,825,900 in health, justice and welfare costs.⁷

The WHPP also gathers data and insights about the factors pushing women into homelessness, and presents recommendations for systemic change informed by our direct casework and the experiences of our clients. After two years of operation, the work of the WHPP has enabled Homeless Law to become an established, informed and influential voice in relation to homelessness and family violence.



Our contributions and impact have included:

- A detailed submission, **Home Safe, to the Royal Commission into Family Violence (RCFV)**, as well as co-ordination of a joint submission on family violence, housing and homelessness endorsed by 129 organisations and quoted in counsel's opening address at the RCFV public hearings (which Homeless Law provided oral evidence at).⁸ In the RCFV's report and recommendations released in March 2016, the WHPP is referenced as an effective model of homelessness prevention and the majority of Homeless Law's recommendations for reforms to reduce the risk of homelessness for victims of family violence were adopted.⁹
- Five detailed submissions to the Victorian Government's **review of the Residential Tenancies Act 1997 (Vic) (Residential Tenancies Act)**¹⁰ including a joint submission with **safe steps** Family Violence Response Centre, all of which feature case studies, data and insights from the WHPP.¹⁰
- Joint advocacy with safe steps Family Violence Response Centre to the Director of Housing, which contributed to an **amendment to the temporary absence policy in public housing** so that victims of family violence who are temporarily unable to live in their homes due to violence are now eligible for a period of reduced rent to help sustain their housing.¹¹
- Negotiations with the Department of Health and Human Services (**DHHS**) and the Minister for Housing, Disability and Ageing in relation to the removal of detailed housing policy manuals – including policies dealing with evictions and responses to victims of family violence – from the public domain. This advocacy led to the **detailed policy manuals being made publicly accessible again**.
- Our 12 month report on the WHPP, **Twelve months of keeping women and children housed** featured eight observations about the legal and non-legal factors putting women at risk of homelessness and shared our findings about how unnecessary evictions into homelessness can be prevented for Victorian women and children.¹² This report was released together with, **Family Violence and Homelessness: three perspectives on homelessness prevention**, which captures three stories – a client, lawyer and social worker of the WHPP – and highlights the benefits of integrated legal services in preventing homelessness.¹³

- The impact and findings of the WHPP have been the subject of presentations at the Victorian and NSW homelessness conferences, multiple journal articles, a short video viewed by 3000 people and an article in *The Age* 'Women's clinic stops homeless cycle before it starts.'

Informed by two years of providing legal representation and social work support to Victorian women at risk of homelessness, this report sets out Homeless Law's top 10 recommendations for preventing women entering homelessness or, if necessary, making sure they can exit homelessness as rapidly as possible. For each of these recommendations, this report sets out the evidence, the client stories that put human faces to these issues, and the call for change.

Victoria's Royal Commission into Family Violence, review of the Residential Tenancies Act, review of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, Access to Justice Review and *Ending Family Violence: Victoria's 10 Year Plan for Change*, together create an unprecedented window for positive, constructive, collaborative reforms that reduce the risk of homelessness and the hardship it inevitably brings with it for Victorian women and children.

This report aims to make sure we don't lose this momentum or miss our opportunity for much needed change. Evictions into homelessness must be an absolute last resort and reducing barriers to immediate re-housing an urgent priority.



TEN CALLS FOR CHANGE

After two years, the WHPP has an 83% success rate and we've gained detailed insights from our work and our clients about what it takes – from a housing, policy, legal and services perspective – to keep women and children in housing.

Informed by what we've learnt from providing legal representation and social work support to 102 women experiencing or at risk of homelessness, Homeless Law has identified 10 systemic changes that will reduce the risk of homelessness for Victorian women and children.

Our 10 recommendations are set out in detail throughout the report and in the schedule. A summary is:

1. **Strengthen safeguards to make evictions into homelessness a last resort**
2. **Invest in services proven to keep women in housing and resolve legal issues stemming from family violence**
3. **Improve the legal framework for victims of family violence to keep their housing**
4. **Improve legal mechanisms for exiting leases due to family violence**
5. **Prevent victims of family violence being penalised for damage or arrears caused by perpetrators**
6. **Strengthen policies and oversight to avoid inappropriate debts for public housing tenants**
7. **Promote the ability of tenants to retrieve and keep their belongings when their tenancy ends**
8. **Make human rights meaningful and accessible**
9. **Support the private rental sector to avoid unnecessary evictions**
10. **Plan for - and invest in - significant growth in affordable housing.**

As a community, we need to work together to stop homelessness before it starts for Victorian women and children. Where women and families have slipped into homelessness, we need a legal, housing and services framework that supports their rapid exit.



The WHPP keeps women and children in housing through a combination of legal representation and social work support.

In its first two years...

The WHPP assisted

102

women with 157 children in their care.

90%

of clients report an experience of family violence in the past 10 years.

84%

of clients suffer from mental illness, with depression and anxiety being most common.

87%

of clients rely on Centrelink as their primary source of income.

51%

of clients live in private rental, 31% in public housing, and 17% in community/transitional housing.

How the WHPP helped



83 per cent of finalised matters were successfully resolved.



62 women - many with children in their care - directly avoided eviction into homelessness.



21 women with 45 children in their care resolved debt or other barriers preventing their access to housing.



WHPP social worker made 113 referrals to non-legal services.



Benefits of the WHPP model

In a two year period, the WHPP has **directly prevented the eviction of 62 women** and their families into homelessness. Using research from the Australian Housing and Urban Research Institute, this would mean a cost saving of **\$1,825,900** in health, justice and welfare costs.

1. Strengthen safeguards to make evictions into homelessness a last resort

In a housing environment that is tough on tenants – including a lack of affordable housing options, soaring waiting lists for social housing, and homelessness services that are overwhelmed with demand – Victoria needs a legal and policy framework that makes evictions into homelessness a last resort. Through Homeless Law’s eviction prevention focus and the integrated work of the WHPP, we see first-hand how existing legal frameworks make it too easy to evict vulnerable Victorian tenants into homelessness, including women and children.

Through the WHPP we’ve seen that the most common reason our clients find themselves at risk of homelessness is falling behind in the rent. 60 women over a two year period were facing eviction for rental arrears. In total – through a combination of legal representation and social work support – 48 of the women facing eviction were assisted to keep their housing.

Homeless Law lawyers represented 36 of these 48 clients in possession order proceedings at VCAT, and of these women:

- Six had the landlord’s application for a possession order dismissed or withdrawn at the hearing;
- 23 were ordered to comply with arrears repayment plans to sustain their tenancy; and
- Seven had possession orders made against them but were subsequently able to enter agreements with the landlord to sustain the tenancy.

These figures highlight that with timely, appropriate legal representation, the majority of evictions can be prevented. Sheena’s case provides an example of how easily people can find themselves on the brink of homelessness and how limited Victoria’s legal and procedural safeguards are for preventing evictions that should be avoided.

Although the Residential Tenancies Act provides VCAT members with discretion not to make a possession order in limited circumstances (for example, rent arrears evictions where financial arrangements to avoid loss to the landlord can be made),¹⁴ ordinarily VCAT members must make an order of possession if the landlord proves they were entitled to serve a notice to vacate.

Mother of two with a mental illness facing eviction for arrears despite a workable payment plan

Sheena is a single mother of two children living in a private rental property. She has bipolar disorder and recently experienced family violence from her husband, which caused her to separate from him.

When she was hospitalised for her mental health, she fell behind in her rent and VCAT made a possession order in her absence. When she approached Homeless Law, the locks were going to be changed.

Through the WHPP, Sheena was assisted to lodge an urgent review application because she had not attended the first hearing, and this put a hold on the locks being changed. In the lead-up to the VCAT hearing, the WHPP social worker also managed to arrange financial brokerage totalling \$1500 from three separate support services.

At the VCAT hearing, a feasible financial plan for repayment of arrears was offered, but the VCAT member found the arrears were excessive and confirmed the possession order, meaning the eviction could go ahead.

Despite this, the Homeless Law lawyers were able to conduct further urgent negotiations with the landlord that led to an agreement being reached for the tenant to stay provided she could make regular arrears repayments. Sheena kept up with these payments and the possession order expired six months later.

Without assistance through the WHPP – and the landlord’s openness to negotiation – Sheena and her children would have been evicted into homelessness.



There is no overarching requirement in the Residential Tenancies Act that a landlord's eviction of a tenant must be reasonable in the circumstances. In addition, there is no onus on landlords to take steps to engage the tenant or consider alternatives to eviction. In Homeless Law's experience, this leads to an over-reliance on VCAT – an already overburdened jurisdiction – and to evictions that could and should be avoided.

Victoria should look to Scotland as a model of best practice in homelessness prevention, including:

- **Reasonableness requirement** – a requirement under the *Housing (Scotland) Act 2001* (UK) that the court must be satisfied that the landlord has a statutory ground for recovery of possession and that 'it is reasonable to make the order [for possession]'. The reasonableness test incorporates consideration of:
 - The nature, frequency and duration of action by the tenant leading to the application to evict;
 - The degree to which the tenant is responsible for the eviction proceedings;
 - The effect of the tenant's conduct on others; and
 - Whether the landlord has considered other possible courses of action.¹⁵
- **Pre-eviction checklist** – a legislated 'pre-eviction checklist' of requirements for landlords to satisfy before proceeding with evictions, which was reported to have reduced evictions by 33% in its first year in operation.¹⁶

A statutory pre-eviction checklist for landlords to follow before commencing eviction proceedings would be mutually beneficial to landlords and tenants. The checklist for landlords before taking steps to evict could include requirements that the landlord has spoken to the tenant (or made attempts to) about the issue the eviction proceedings relate to, and attempted to understand the impact of eviction on the tenant, along with considering alternatives to eviction and linking the tenant with advice or supports wherever possible.

As was the case in Sheena's situation, both the landlord and the client and her children benefited from avoiding the eviction because the landlord recouped the money owing and Sheena and her children avoided homelessness.

As it stands, Victoria does not have a legal system or a culture geared toward homelessness prevention and this needs to change.

Recommendation 1 : Strengthen safeguards to make evictions into homelessness a last resort

To ensure that evictions from both social and private tenancies only ever occur as a last resort, Homeless Law recommends:

- The introduction of a 'reasonableness' requirement for all evictions under the Residential Tenancies Act, to give VCAT members discretion to avoid eviction where they are not satisfied it is reasonable in the circumstances.
- The development of a pre-eviction checklist for landlords to satisfy before applying to VCAT for a possession order.

2. Invest in services proven to keep women in housing and resolve legal issues stemming from family violence

In its 2000 page report, the Royal Commission into Family Violence acknowledged that '[t]here is an urgent need to address the housing response to family violence'¹⁷ and that '[s]ecure and affordable housing is an essential foundation if victims of violence are to regain a sense of safety and recover from the trauma they have experienced'.¹⁸

Through the WHPP, we have seen that the risk of homelessness that accompanies an experience of family violence exists in both the immediate and long term for women and children in their care. This can be because:

- They are forced to leave their home due to violence and concerns for their or their children's safety;
- They stay in their housing, but with significantly reduced household incomes after the violent family member leaves or is excluded; and/or
- Long-term impacts of family violence, such as mental illness, financial hardship or isolation from family and friends, make their housing precarious.

Nicola's story highlights the way in which an experience of family violence can indirectly present a risk of homelessness for women and children, including through personal isolation and financial hardship that family violence too often brings with it.

In Nicola's case – as with 83% of the clients assisted through the WHPP – the combination of legal representation and social work support led to a successful outcome.¹⁹ Nicola and her family were assisted to address both their legal and non-legal needs and to avoid eviction into homelessness. They were in a stronger position to move forward with their lives, education, well-being and recovery from family violence.

The WHPP is an innovative, integrated model of legal service provision that focusses on intervening early to prevent legal issues escalating to crisis point. It shows:

- Access to free legal services has a critical role to play in reducing the impact of family violence on women and children by addressing the multiple legal issues that can stem from family violence. While the WHPP is focused on eviction and housing issues stemming from family violence, other community legal centres run targeted programs addressing, for example, mortgage stress, debts, fines and small property disputes.²⁰
- Programs that focus on prevention of homelessness, including both the WHPP and the Social Housing Advocacy and Support Program (**SHASP**), play a crucial role in breaking the links between family violence and homelessness.

Single mother of five and victim of family violence facing eviction after paying childcare debt instead of rent

Nicola is a 38 year old woman with five children in her care. She lives in a private rental property and her only source of income is Centrelink payments.

Nicola and her children have all been exposed to family violence from Nicola's ex-partner. Nicola also suffers from depression and anxiety and does not sleep well. At one point, Nicola was hospitalised and her youngest children had to stay overnight with a family day care worker.

This resulted in a large childcare bill that Nicola paid instead of her rent. Nicola's landlord then issued her with a notice to vacate her private rental property and obtained a possession order from VCAT. Nicola didn't attend the VCAT hearing as she hadn't been regularly checking her mail due to the family violence and other stress. When she contacted Homeless Law, there was a warrant and the locks were going to be changed in the coming days.

She was booked into the WHPP clinic urgently. At the initial appointment, Nicola saw lawyers and the social worker. The lawyers made an urgent application for rehearing, which put a hold on the eviction.

The lawyers then negotiated a payment plan with the landlord for Nicola to repay the arrears. The social worker helped Nicola access support for other expenses, including beds and food for her children, so more money could be contributed to the rent. She also linked Nicola with support to help recover from long-term family violence.

At the VCAT hearing, Nicola's lawyers successfully argued for a payment plan to be put in place, which enabled Nicola to repay the arrears at an affordable fortnightly rate.

The lawyers and social worker worked together to avoid Nicola and her children being evicted into homelessness. This gave her the time she needed to look for a more suitable rental property, as well as to establish crucial links with supports that are helping her and her children to find their feet again.



Through intervening early to prevent an experience of homelessness for women and children, we are reducing the spiral of hardship that Dr Angela Spinney's 2011 Australian Housing and Urban Research Institute (AHURI) study identified: '[we] know that children who become homeless, whether through domestic violence or other events, frequently suffer the trauma of disrupted schooling and friendships and that homeless families almost always experience financial disadvantage'.²¹

In addition to the crucial benefits for individual women and their families, prioritising homelessness prevention has been identified as having significant financial benefits in terms of avoiding the costs of homelessness. For example:

- A 2013 AHURI study identified that people experiencing homelessness had higher interaction with health, justice and welfare systems than people with stable housing and estimated that an individual experiencing homelessness represents an annual cost to government services that is \$29,450 higher than for the rest of the Australian population. Of this increased cost, \$14,507 related to health services, \$5,906 related to justice services, and \$6,620 related to receipt of welfare payments.²²
- A 2006 Victorian Government paper identified a potential cost of over \$34,000 per year to support a tenant evicted from public housing through homelessness services. This was compared to approximately \$4,300 in service costs per year for a household in public housing.²³

In a two year period, the WHPP has directly prevented the eviction of 62 women and their families into homelessness. Using the AHURI figures, this would mean a cost saving of \$1,825,900. Nineteen of these women were in public housing. Using Victorian Government figures, their costs of support if evicted would be estimated at approximately \$564,300. These figures do not capture the costs in relation to the children in these women's care who have also avoided homelessness.

The role of early access to free legal assistance focussed on preventing issues from escalating was articulated by Victoria's Access to Justice Review:

'Increasingly ... unresolved civil legal problems, such as those related to a community member's housing, mental health, employment or family, are recognised as having far reaching consequences for both the individuals involved and the state. For individuals, unresolved legal problems can lead to diminishing health and restrict social and economic participation, as well as triggering further legal problems, including possible criminal legal issues. These consequences

for individuals often generate costs which must be borne by the state, whether in the justice system or in other publicly funded systems.

Just as government has a role in providing access to healthcare and education, it has a role in supporting all Victorians, especially the disadvantaged and vulnerable, to gain access to justice.'²⁴

Despite this recognition and evidence-base, free civil legal assistance and homelessness prevention services continue to face funding strain: Community Legal Centres are facing federal funding cuts of approximately \$30 million commencing 1 July 2017;²⁵ SHASP's funding was reduced by approximately \$3 million in 2012 and their services are limited to public housing tenants; and funding for the WHPP has not yet been secured beyond mid-2017.²⁶

Adequate and ongoing funding for programs and services proven to catch women before they slip into homelessness or their legal issues escalate to crisis point is a worthwhile investment for governments. In addition to preventing the unacceptable levels of hardship for individual women and their children, this investment avoids the costs the government will otherwise ultimately bear through increased use of crisis-based health, homelessness, justice and welfare services.

Recommendation 2: Strengthen services proven to keep women in housing and resolve legal issues stemming from family violence

Investment in programs designed to respond effectively to family violence should recognise that the consequences of family violence – both legal and non-legal – are multiple and can arise both in the immediate and longer term. Homeless Law recommends that decisions in relation to programs and funding should recognise that:

- Access to free legal services has a critical role to play in reducing the impact of family violence on women and children by addressing the multiple legal issues that can flow from family violence (for example, eviction, mortgage stress, debts, fines and small property disputes).
- Programs that focus on prevention of homelessness, including the WHPP and the Social Housing Advocacy and Support Program (SHASP), can help break the links between family violence and homelessness and, in doing so, generate both personal benefits for individual women and their families and cost benefits for government and the community.

3. Improve the legal framework for victims of violence to keep their housing

The Royal Commission into Family Violence acknowledged the need for a cultural, legal and practical shift away from the assumption that victims of family violence should flee their homes. It also recommended that victims are supported, through rental subsidies, security measures and police and court responses, to stay in their homes when they choose to and when it's safe to.²⁷

The legal mechanism intended to support victims to do this is section 233A of the Residential Tenancies Act. It provides that where a tenant is excluded from the premises pursuant to a final intervention order (IVO), the protected person under that IVO can apply to VCAT for an order terminating the existing tenancy agreement and requiring the landlord to enter a new tenancy agreement with the protected person. Victims can make an application under section 233A if they are a co-tenant or if they are living at the premises but are not party to the lease.²⁸

Introduced as part of the *Family Violence Protection Act 2008* (Vic) (**Family Violence Protection Act**), section 233A was intended to empower victims of violence to remain in their home if they wished to, and reduce the risk of homelessness, poverty and social dislocation that often follows an incident of family violence.²⁹ Despite this laudable intention, in practice section 233A is grossly underutilised.³⁰ The Royal Commission into Family Violence (**RCFV**) report noted that in 2013–14, this provision was used just 22 times (with only 13 applications proceeding to a final hearing and determination). In the same period the Magistrates' Court made 24,947 final IVOs.

In two years of operation, the WHPP has assisted three women with successful section 233A applications. Through this work we have seen the impact this provision can have for victims of family violence at immediate risk of homelessness, as well as some of the barriers to access and the shortcomings of this mechanism, as highlighted by Agatha's case study.

Although ultimately, Agatha was successful in being able to return to her property as the sole tenant without liability for rental arrears while she was temporarily absent from her property,³¹ her matter highlights two main issues with the effectiveness of the protection section 233A is intended to provide:

- **The requirement to obtain a final IVO** – where an application for an intervention order is contested, final IVOs can take months to obtain, in which time the tenancy is likely to have failed. In addition, there can be cultural and personal barriers to victims applying for an intervention order, which will mean that despite experiencing family violence, they are not able to sustain their housing;³² and

- **Widespread lack of awareness** – knowledge of section 233A and its operation is limited among protected persons, relevant support workers, members of Victoria Police and Magistrates. As the RCFV recognised, this is exacerbated by the lack of any formal notification requirement for Magistrates handling applications for IVOs.³³

Victim of family violence almost evicted for arrears before new tenancy could be created

Agatha was living as a co-tenant in public housing along with her two adult children when her daughter Jane's partner Sam moved in. Agatha was pressured into allowing Sam to become a co-tenant, and shortly afterwards he began using violence against her, including verbal threats and economic abuse.

When the violence escalated, Agatha was forced to flee the premises. Despite telling the Office of Housing (OOH) she was not safe there, Agatha wasn't deemed eligible for a reduced rental payment because the OOH's previous temporary absence policy didn't accommodate absence due to family violence. This meant Agatha kept paying her rent to the OOH while homeless.

Sam was not paying his rent and as the arrears kept accruing, the OOH issued a notice to vacate and applied to VCAT to evict all the tenants. Agatha applied for an IVO on her own, and obtained an interim order with limited conditions. She then contacted Homeless Law who helped her to negotiate with the OOH to put a hold on eviction proceedings until her IVO application could be finalised.

This took over four months because Sam contested Agatha's application. When the IVO was eventually finalised with a clause excluding Sam, Homeless Law helped Agatha apply under section 233A of the Residential Tenancies Act to take over the lease as a sole tenant, and to have her temporary absence due to family violence retrospectively approved, which led to a reduction in the amount of outstanding arrears.





In its final report, the RCFV acknowledged concerns around the underutilisation of section 233A, and made a range of recommendations designed to increase accessibility and use. Chief among these recommendations was that the current review of the Residential Tenancies Act considers amending section 233A to allow VCAT members to make an order where they are satisfied family violence has occurred, having reference to certain criteria, but without the requirement of a final IVO excluding a perpetrator from the premises.

In designing our legislative reforms, Victoria can be guided by the frameworks in other Australian jurisdictions. For example:

- **New South Wales** – New South Wales Civil and Administrative Tribunal (**NCAT**) members are required to focus on the ‘special circumstances’ of the case when hearing an application to terminate a co-tenant perpetrator’s tenancy.³⁴ Members have made orders extinguishing a perpetrator’s tenancy rights where the applicant had obtained an interim IVO with an exclusion clause that was not yet finalised.³⁵
- **Queensland** – Queensland Civil and Administrative Tribunal (**QCAT**) members must have regard to a range of factors when hearing these applications, including whether an application for an IVO has been made, whether an IVO is in force, and whether any IVO includes an exclusion condition.³⁶ QCAT members can also have regard to other factors, and are not restricted to making an order only where a final IVO with an exclusion condition has been obtained.

The RCFV also made several important recommendations to promote awareness and use of section 233A, including:

- Training for family violence sector workers and police about the provision;
- A Magistrates’ Court practice direction to ensure IVO applicants are made aware of section 233A; and
- Family violence training for VCAT members.³⁷

Together with removing the legislative barriers, these reforms will support police, courts, tribunals and services coming into contact with victims of family violence, to actively promote their legal right to stay in their homes after violence has occurred. This will contribute to the cultural change required to begin addressing the links between family violence and homelessness.

Recommendation 3: Improve the legal framework for victims of family violence to keep their housing

To better support the right of victims to safely remain in rented premises following family violence, Homeless Law recommends:

- Sections 233A and 233B of the Residential Tenancies Act be amended to provide that VCAT members may make an order under section 233B of the Residential Tenancies Act where either:
 - The applicant has obtained a final IVO that excludes the perpetrator from the premises; or
 - The Tribunal is otherwise satisfied that the tenancy is affected by family violence, and it is appropriate to make an order under section 233B, having regard to the circumstances.
- Section 233B of Residential Tenancies Act be amended to provide non-exhaustive criteria for VCAT members to consider when determining applications in the absence of a final exclusionary IVO. The non-exhaustive criteria should include:
 - Whether the applicant has previously applied for an IVO, and if so, whether an IVO was granted.
 - The conditions of any IVOs that were previously, or are currently, in force.
 - If no IVO was previously sought, or is no longer in force, the reasons why.
 - The opinion of any support workers from services assisting any parties to the application.
 - The respective hardships of the parties to the application if an order under section 233B were to be made.
- Implementation of the RCFV recommendation to encourage use and awareness of section 233A, by providing specific family violence training for VCAT members; training family violence sector workers and police about the operation of section 233A; and implementing a Magistrates’ Court practice direction to ensure IVO applicants are made aware of section 233A in Magistrates’ Court proceedings.
- Provision of specific private rental brokerage funding that women can access to sustain tenancies whilst pursuing applications under section 233A of the Residential Tenancies Act.

4. Improve legal mechanisms for exiting leases due to family violence

Women experiencing family violence frequently need to terminate a lease in order to relocate for their own safety. This includes situations where there is a fixed term lease in place, as well as situations where a victim of violence is party to a periodic lease.

Victims of violence can find themselves being forced to pay rent and other debts at properties they have been unable to live in due to family violence. This can create ongoing liabilities and mounting debts that have a negative impact on their ability to obtain safe and stable housing in the future.

Section 234 of the Residential Tenancies Act is the mechanism intended to recognise that there are circumstances in which people will need to leave a property earlier than expected. Section 234 provides a general mechanism for parties to fixed term leases to apply for the term of their lease to be reduced, where they can show that due to an unforeseen change of circumstances, they would suffer severe hardship if the term of the lease is not reduced, and this hardship outweighs the hardship of other relevant parties. Section 234 also explicitly provides that the existence of a family violence IVO may constitute an unforeseen change of circumstances occasioning severe hardship for the purposes of this provision, but does not make this a requirement for lodging the application.

After two years of operation, the WHPP has assisted five women who were unable to remain in their properties due to family violence to terminate their leases early. Three of these women were sole tenants, the other two were co-tenants with their perpetrators. All five clients had fixed term leases with varying amounts of time remaining.

Through this work, we have seen the limitations of section 234 of the Residential Tenancies Act, many of which disproportionately affect victims of family violence:

- Section 234 is not explicit about whether, after an order has been made, a new **periodic tenancy** agreement is automatically created in circumstances where persons continue to reside in the property – e.g. if a victim of violence successfully applies under section 234 and a perpetrator continues to reside at the premises after an order is made, the Residential Tenancies Act is not clear about whether a new periodic tenancy agreement is automatically created, and who the parties to that agreement are;
- Section 234 does not allow VCAT members to make **orders about the liabilities of individual co-tenants** when making an order for reduction of the tenancy – e.g. a victim of violence who succeeds in their section 234 application to end the tenancy cannot obtain an order that the other co-tenant and perpetrator of violence is individually liable for property damage caused in the context of family violence;
- Section 234 is not explicit about whether lease breaking fees can be awarded as part of a **compensation** order under this provision, and as a result, some VCAT members have awarded compensation to landlords on the basis that a lease is being broken when hearing applications under this provision;³⁸ and
- Many tenants **are unaware of their right** to make an application under section 234, and when they ask landlords or real estate agents whether they can end a lease early due to circumstances including family violence, are often incorrectly advised that the only option is to break the lease and pay the relevant fees.

Victim of family violence told she would face significant lease-breaking costs for leaving her property early

Grace is a young mother of three young children. She recently signed a 12 month lease in a private rental property she'd rented urgently, due to threats and escalating violence from an ex-partner she'd been living with. Grace's ex-partner discovered her new address and began regularly attending the property to threaten her. When Grace contacted police she was told she had to leave immediately because her ex-partner had access to firearms. Grace urgently relocated, and when she spoke to her previous agent about terminating the lease which still had nine months left, she was told there would be significant upfront costs for breaking her lease.

Grace contacted Homeless Law and through the WHPP, her lawyer made a successful urgent application to VCAT to have the term of her lease reduced to the date of hearing. This matter was listed by the VCAT family violence support worker within three days of application, with Grace only being liable for some outstanding rental arrears that the WHPP social worker helped her to cover with financial brokerage. This meant Grace stopped accruing arrears at a property she was not safe to reside at, and helped her to avoid a tenancy database listing. She has since been able to pursue a referral by the WHPP social worker to a local GP to get a mental health care plan and has counselling in place to help her recover from her experience of family violence.

The above factors create uncertainty about the financial and legal implications for tenants, including victims of family violence, who apply under section 234 for reduction of a fixed term tenancy. In conjunction with misleading information tenants may receive from their landlords and real estate agents, these factors deter many tenants from relying on section 234 where they may have grounds for a valid application, as illustrated in Grace's case.

Despite the deficiencies and uncertainty around section 234 for tenants in fixed term leases, the situation is even worse for women who are co-tenants in periodic (e.g. month-to-month) leases affected by family violence, as there is no legal mechanism for these women to remove their name from the lease without the consent of the other parties.³⁹ This is the case even where the victim has obtained a final IVO against a co-tenant or occupant who is a perpetrator of violence, including an order that prevents them from attending the rented premises. Where a victim of family violence is the sole tenant of a periodic lease at a property she can no longer safely reside at, and despite having obtained a final IVO excluding a perpetrator, she is still required to provide 28 days notice in writing to the landlord that she wishes to terminate the tenancy agreement, and will be liable for rent during that entire period, as well as any damage to the premises by a perpetrator.

This legal framework can be contrasted with laws in NSW, which currently provide that victims of family violence in both fixed and periodic leases who have obtained a final IVO excluding a current or former co-tenant or occupant can give 14 days notice of intention to vacate and will not be liable for compensation due to early lease termination.⁴⁰ Furthermore, these provisions were recently reviewed and important amendments are proposed, which will:

- Enable victims of family violence to issue immediate notices of intention to vacate by providing evidence of family violence, including an interim IVO;
- Clarify that family violence victims won't be liable for any property damage or rental arrears debts caused by a perpetrator of violence; and
- Prevent landlords from listing victims on tenancy databases due to early lease termination.⁴¹

Victoria also needs laws that make sure women are not penalised for leaving tenancies that cannot be safely continued. The current situation where victims are deterred from leaving violent relationships, or penalised for doing so, must be rectified through legislative reform, awareness raising and regulation.

Recommendation 4: Improve legal mechanisms for exiting leases due to family violence

To prevent women being trapped in, or financially liable for, tenancy agreements that are unsafe due to family violence, Homeless Law recommends:

- Section 234 of the Residential Tenancies Act be amended to provide that:
 - People who have experienced family violence can apply to terminate either a fixed term or a periodic lease.
 - An applicant relying on family violence will not be liable for any lease breaking costs or compensation for damage caused by family violence if an order is made.
 - Where an order under section 234 is made in relation to a fixed term tenancy, a periodic tenancy will only subsequently come into effect at the premises if a previous co-tenant continues to reside there.
 - The successful applicant under section 234 will not be a party to any periodic tenancy agreement that arises after the fixed term tenancy is deemed to terminate by VCAT.
 - Where an order under section 234 is made and a previous tenant remains at the property under a new periodic tenancy agreement, the successful section 234 applicant maintains a right to apply for the return of any portion of the bond and to access the property to collect belongings.
- Victims of family violence who have obtained a final intervention order against a co-tenant, sub-tenant or occupant of the rented premises, can issue an immediate notice of intention to vacate due to family violence, and will not be liable for any lease breaking costs or compensation for damage caused by family violence.
- Landlords and real estate agents should be required to provide a fact sheet on all options available to a tenant where a lease needs to be reduced and/or a tenant discloses family violence and the standard form tenancy agreement should be amended to include a section informing tenants of their rights under section 234.
- Landlords and real estate agents who knowingly mislead a tenant about their right to make an application under section 234, in circumstances where the landlord is aware that the tenant has experienced family violence or other relevant hardship, will commit an offence under the Residential Tenancies Act.

5. Prevent victims of family violence being penalised for damage or arrears caused by perpetrators

Victims of family violence living in rental accommodation are often burdened with compensation claims and debts that limit their ability to obtain safe alternative housing.

These compensation claims or debts can prevent people being allocated a public housing property,⁴² and block people from obtaining a private rental property because their name appears on a tenancy database or 'blacklist'.⁴³

In two years of operation, the WHPP has assisted 18 clients in relation to housing debts and/or compensation claims they were facing. All of these women had previous experiences of family violence, and in 11 of the matters the compensation claim or debt was directly related to an incident of family violence.⁴⁴

Through this work, we have seen the impact these debts, or the fear of them, have on women's decision-making (including in deciding whether to leave their violent partner) and on their prospects of securing alternative housing.

As Kate's case study shows, the fear of being 'blacklisted' is significant for women escaping violent relationships.

Mother with three children in private rental fearful of eviction, debts and 'blacklisting'

Kate recently separated from her husband and he left the private rental property where they were co-tenants. Kate stayed at the house with their three sons, but two weeks after her husband left she was forced to obtain an IVO due to escalating threats and visits to the property.

Once the IVO was served, Kate's husband withdrew all financial support for her and her children. When Kate spoke to the real estate agent, she was told they were almost \$3000 in arrears, and her husband hadn't told her about a notice to vacate that had previously been issued.

Kate wanted to leave the property but felt she had to repay the arrears first, or she'd be blacklisted and the poor rental history would make it impossible to find new housing with three children.

Kate's Homeless Law lawyer represented her at VCAT and advocated for the Tribunal to place her on an affordable re-payment plan, which enabled Kate to repay the arrears over several months. The WHPP social worker also assisted Kate to locate a more affordable private rental property, and she eventually moved into this property after clearing her arrears debt and avoiding a database listing.

Without this assistance, Kate may have been evicted from her property with three children, and listed on a tenancy database which would have created a significant barrier to her finding new stable housing.

There are two key aspects of the Residential Tenancies Act that make it too common that victims of family violence are penalised for damage or debts caused by family violence and 'blacklisted' from accessing alternative, safe housing.

1. Difficulty apportioning liability

The default position under the Residential Tenancies Act is that a landlord seeking an award of compensation can make their claim against any or all of the co-tenants to the lease agreement. This is due to the principle of joint and several liability which provides that any one or all of the co-tenants can be pursued for any loss or damage that the landlord suffers as a result of a breach of the tenancy agreement or the Residential Tenancies Act by any one of the co-tenants.

This default position is altered to some extent as a result of Part IVA of the *Wrongs Act 1958* (Vic) (**Wrongs Act**), which provides scope for apportionment of claims between concurrent wrongdoers where the claim relates to economic loss or damage to property arising from a failure to take reasonable care.⁴⁵ However, there are limitations and issues with applying the Wrongs Act provisions to assist a victim of family violence against whom a compensation claim has been made. In particular:

- Only liability for damage can be apportioned, not rental arrears;
- Co-tenants are dealt with as 'concurrent wrongdoers' and the mechanism does not contemplate one entirely innocent party; and
- In Homeless Law's experience, many landlords and real estate agents are unfamiliar with the operation of the Wrongs Act and are therefore unlikely to settle disputes outside of VCAT where arguments of apportionment are put by a tenant or their advocate.

As a result of this uncertain and inaccessible legal process, victims of violence continue to bear the financial cost of abuse through being held liable for damage and rental arrears caused by perpetrators, which can result in long term housing instability or homelessness for women and children.

This was recognised by the RCFV, which recommended that the Victorian Department of Justice and Regulation's review of the Residential Tenancies Act consider amending the Act to:

'provide a clear mechanism for apportionment of liability arising out of the tenancy in situations of family violence, to ensure that victims of family violence are not held liable for rent (or other tenancy-related debts) that are properly attributable to perpetrators of family violence.'⁴⁶

2. Residential tenancy databases or 'blacklists'

When a woman leaves a property after family violence - including where she has fled, the property has been damaged and/or rental arrears have accrued throughout a violent relationship - she is at risk of having her personal details recorded for three years on a database that prospective landlords and real estate agents can rely on when assessing their applications for private rental properties.⁴⁷

As Kate's case shows, the fear of being 'blacklisted' and unable to access alternative housing can deter women from leaving violent relationships or relocating for their safety.

A listing on a tenancy database is a barrier to obtaining private rental accommodation for victims of family violence and can result in women experiencing protracted periods of homelessness or needing to remain in crisis accommodation for longer periods, in uncertain circumstances for themselves and their children.

Currently in Victoria there is no clear statutory process for a person to object to a tenancy database listing, or remove an existing listing, due to family violence or other considerations of fairness. Tenants can apply to VCAT to have the listing removed or amended if the information is inaccurate, incomplete or ambiguous.

However, in practice there are significant difficulties in using this mechanism, particularly where there is a VCAT order for compensation or possession that lists the tenant's name along with information about the breach and/or amount owed (which often occurs given the challenges in apportioning liability).

This is in contrast to other Australian jurisdictions. For example, in Queensland, a tenant whose details have been listed on a tenancy database can apply to QCAT to have those details removed where the listing is unjust in the circumstances.⁴⁸

As recognised by the RCFV, Victoria needs to improve the legislative protection for victims who are finding themselves on tenancy databases as a direct result of family violence and locked out of the private rental market.⁴⁹

Together with amendments to the mechanism for assessing liability for damage or arrears arising from family violence, improving protections against 'blacklisting' will reduce the risk that a fear of housing debts will deter victims from leaving violent relationships. This would support victims to move into safe, stable housing and move forward with their lives.

Recommendation 5: Prevent victims of family violence being penalised for damage or arrears caused by perpetrators

To prevent victims of family violence bearing housing debts for damage or arrears attributable to family violence and being blocked from accessing stable housing through the 'blacklist', Homeless Law recommends:

- Section 211 of the Residential Tenancies Act, which sets out matters which may be considered by VCAT when assessing compensation claims, be amended to provide that:
 - (In relation to co-tenancies), VCAT may take into account whether or not the damage and/or arrears which form the basis of a landlord's compensation claim are attributable to family violence, and if they are, VCAT can apportion liability between co-tenants as it sees fit, having regard to any family violence.
 - (Where the victim is a sole tenant), where VCAT is satisfied that some or all of the damage has arisen as a result of family violence, the tenant will not be held liable for any compensation that arises as a result of the damage.
- Creating a streamlined process for victims of family violence to have their bond returned to allow them the best chance of securing alternative housing.
- The Residential Tenancies Act be amended to allow victims of family violence to prevent their personal details from being listed on tenancy databases and to remove existing listings where the relevant breach or damage occurred in the context of family violence, including through:
 - Inserting into section 439F a stand-alone basis for a tenant to object to their personal information being listed in a database where the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances.
 - Inserting into section 439L a stand-alone basis for a tenant to apply to VCAT for the removal of their personal information from a database where the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances.
 - Inserting into section 439M a stand-alone power for VCAT to remove and amend database listings where it is satisfied that the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances.

6. Strengthen policies and oversight to avoid inappropriate debts for public housing tenants

Homeless Law has worked with the Victorian Department of Health and Human Services (DHHS), the Director of Housing (DOH) and the Minister for Housing, Disability and Ageing to inform positive changes to DHHS policies and practices that reduce the negative impact of public housing debts on vulnerable women and children.

Homeless Law has contributed to important changes, including:

- **Temporary absence for victims of family violence** – informed by evidence from Homeless Law and safe steps Family Violence Response Centre, in 2015 DHHS expanded its ‘temporary absence’ policy to cover periods of absence due to family violence. In practice, this means that rent can be reduced to \$15 per week for tenants who are temporarily unable to live in their housing due to family violence. This effectively puts a hold on arrears accruing and makes it more likely women will be able to hold onto their housing during periods of crisis.⁵⁰
- **Exemptions for damage caused by family violence and publicly available policies** – Homeless Law advocated for the changes to DHHS policy manuals, which now clearly state that where damage to the property occurs as a result of family violence, ‘staff must not charge the tenant for the costs of repairs’ and ‘where family violence is involved, the Department accepts advice from the victim’s family violence worker or other relevant support worker as sufficient evidence to support the victim’s claim’.⁵¹ Importantly, after a period of being removed from the public domain, these detailed DHHS operational guidelines are again publicly available following Homeless Law’s advocacy. This significantly improves the ability of tenants and their advocates to understand the decision-making framework of DHHS.

Despite these positive steps, vulnerable women in public housing continue to face inappropriate debt and compensation claims, which exacerbate financial hardship and impact on their ability to access safe housing.⁵²

In two years of operation, the WHPP has assisted 10 women to defend compensation claims lodged by the DOH, and, of the seven matters that have finalised,⁵³ claims totalling \$11,228 were withdrawn in full, and a further three were reduced in part by a total of \$10,750.

In total over \$21,000 in claimed debts have been waived through legal representation and advocacy.

Of the seven finalised matters, six women had previously experienced family violence, and four of the compensation claims related to damage directly caused by a perpetrator of family violence. Joy’s case study is one of these matters.

Victim of family violence has \$7500 public housing debt waived for damage caused by perpetrator

Joy is an Aboriginal woman who had lived in a public housing property for three years with her young disabled son. She was recently forced to flee this property due to extreme family violence perpetrated against her by an ex-partner.

While living in a women’s refuge, Joy’s support worker tried to re-apply for public housing, but was told Joy would first need to address a \$7500 claim for damage that had been lodged against her at VCAT. The housing office that lodged the application against Joy was aware that she had experienced family violence at the property, because Joy had applied for an urgent transfer due to family violence shortly before fleeing.

The OOH was also aware Joy was now residing in a women’s refuge because they had dealt directly with her support worker. Despite this, they proceeded with their claim at VCAT.

Joy was assisted through the WHPP, and her Homeless Law lawyer provided the OOH with further evidence of the family violence including a copy of her IVO, refuge support worker’s letter, and further information about Joy’s circumstances.

After on-going negotiations, the claim was withdrawn in full by the OOH.





Through this work, we see both the hardship of current and former public housing tenants being pursued for debts and the systemic issues within the OOH's approach to quantifying and pursuing debts. For example:

- **Knowledge and application of policies** – while the DHHS Tenant Property Damage Operational Guidelines (**TPD Guidelines**) provide a helpful framework for OOH staff dealing with debts and damage, these policies are not consistently applied and claims are frequently pursued against tenants or former tenants where the damage has been caused by family violence, third parties or fair wear and tear. In Homeless Law's experience there is often limited oversight and transparency in relation to decisions, including decisions about when to reduce amounts claimed and when to pursue matters through VCAT. Importantly, VCAT's jurisdiction is limited to considering provisions under the Residential Tenancies Act, which means that VCAT cannot consider whether DHHS policies have been applied or the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (**Charter of Human Rights**) has been complied with in making decisions about compensation.
- **Support to exercise appropriate discretion** – OOH staff can be unwilling to exercise discretion to waive or reduce debts, particularly where there is a VCAT order in place (despite the VCAT orders frequently being obtained in the absence of the former tenant). It is important that OOH staff are trained and supported to make decisions that are consistent with DHHS policies and the Charter of Human Rights.
- **Gaps in the current policies** – while the TPD Guidelines expressly guide OOH staff in relation to damage caused by family violence, there are problematic gaps in the guidance provided to OOH decision-makers, particularly in relation to arrears accrued in the context of family violence and costs of rubbish and cleaning, which both commonly arise when a woman is unable to live in a property as a result of family violence.⁵⁴
- **Impact of debts** – women who are currently homeless can have their access to housing delayed because of old debts. While it is important for the OOH to recoup money for previous damage and arrears, this should not be prioritised over housing highly vulnerable women. The point at which a person is added to the housing register and the point of allocation should both be used as opportunities to revisit the legitimacy of old debts, including whether the damage or arrears arose in the context of family violence.

Through the WHPP, Homeless Law has seen that, even where debts can be resolved for clients through persistent advocacy, significant time and resources of both Homeless Law and the OOH (and, in many cases, VCAT) are invested in these matters, which should be capable of being resolved more efficiently and fairly.

Homeless Law welcomes the Victorian Ombudsman's own motion investigation into the OOH's processes for determining and pursuing debts against current and former public housing tenants. We will continue to contribute our insights from the WHPP to this investigation and to the ongoing work being undertaken by DHHS to improve practices regarding tenancy management, housing transfers, debts and allocations, including for victims of family violence.⁵⁵

Recommendation 6: Strengthen policies and oversight to avoid inappropriate debts for public housing tenants

To prevent inappropriate debts and compensation claims imposing financial hardship and delaying access to public housing for women and children, Homeless Law recommends:

- Relevant DHHS policies be amended to:
 - Clarify that OOH staff should not claim cleaning and/or rubbish removal expenses from tenants where those costs are attributable to family violence.
 - Ensure that in all communications (written and oral) with a tenant about a potential compensation claim for damage and/or arrears, OOH staff inform the tenant of exceptions to liability, and wherever possible, actively enquire as to whether the tenant may be eligible for a reduction or withdrawal on the basis of these exemptions.
 - Clarify that the OOH will not claim compensation for arrears that accrued after a tenant was forced to flee the premises due to family violence.
 - Ensure that OOH staff assessing housing applications who have identified a previous debt are encouraged to revisit the legitimacy of the debt before requiring the person to enter or maintain a repayment agreement or make a lump sum payment.
- Providing detailed training for all OOH staff in relation to compensation claims and reviewing debts against tenants and the relevant DHHS policies and internal operational guidelines. This should also include specific family violence training, as well as training on general compensation principles, evidence, procedural fairness and human rights.

7. Promote the ability of tenants to retrieve and keep their belongings when their tenancy ends

Family violence often leaves women and children with nothing. Many women leave their homes with only a few belongings packed in a bag. After escaping family violence, many women must establish a new life with a low income and few resources. Losing belongings, especially items such as furniture, white goods, clothing, bed linen and kitchenware, can present a significant cost for women in these situations. Women may delay leaving a relationship if they do not have the financial resources to establish a new home with limited or no income.

Although there are provisions in the Family Violence Protection Act for personal property to be returned to the protected person when an IVO is made, ‘magistrates rarely make conditions which specifically address property issues, including economic abuse, despite having the power to do so’.⁵⁶

At present women need to secure the support of local police and attend the property in person to recover belongings left behind at a rental premises. In practice, this is often difficult, as police are not always available to play this role.

Through the WHPP, Homeless Law is able to assist women with financial brokerage to avoid loss of their personal belongings following eviction. Of the 16 WHPP clients who had tenancies that couldn’t be sustained and who experienced an episode of homelessness, eight of these women with 15 children in their care were assisted by the WHPP social worker with \$5,220 in financial brokerage in total to help with removal and/or storage costs preventing disposal of their belongings by a landlord. Four of these clients were subsequently assisted by the WHPP social worker to enter a new private rental property or transitional housing property that they could then set up with their furniture and belongings.

In Linda’s case, all her belongings were disposed of after she was evicted for ‘no reason’ and it was only by luck – and support from the WHPP social worker – that she was able to salvage and store some of her possessions.

Under the current legal framework for ‘goods left behind’ (Part 9, Division 2 of the Residential Tenancies Act), once a tenancy agreement has terminated, a landlord:

- Must store any documents left behind for up to 90 days;
- Can remove and destroy or dispose of goods left behind if the goods are of no monetary value or it would cost more to remove, store and sell the goods than their total monetary value. For goods that do not fall into these categories, the landlord must store the goods for at least 28 days; and
- Can request Consumer Affairs Victoria (CAV) to give a written opinion about whether the goods can be removed and destroyed or disposed of.⁵⁷

Although not compulsory, a CAV inspector’s opinion that goods can be disposed of can later be relied on to indemnify a landlord if the tenant seeks to claim compensation for loss

Victim of violence evicted for no reason has all her belongings disposed of

Linda had moved into a private rental property with her two children after fleeing a violent partner.

She received a 120 day ‘no reason’ notice to vacate and was unable to find alternative housing before the locks were changed and she was removed by police. She was living in crisis accommodation when she received a call from a CAV inspector who said he’d be valuing her goods left behind at the property the next day.

Linda was frantically applying for new private rental properties when she received a second call two days later from the CAV inspector, saying he’d reported that her belongings were of no value and could now be immediately disposed of by the landlord.

Linda was devastated and asked the CAV worker and Homeless Law to get her more time from the landlord. Homeless Law offered to arrange a removalist the next day, but the landlord arranged for immediate removal of the goods. Through the WHPP, Linda was able to recover some of the belongings that had been taken to a local Salvation Army depot, and place these in storage. One month later she obtained a new private rental property with financial assistance from the WHPP, and was able to move the stored items into her new premises.

incurred through disposal. In 2014–15, CAV dealt with 3,885 goods left behind reports.⁵⁸

In Homeless Law’s experience, as was the case with Linda, the CAV inspector’s assessment of the value of a person’s goods is almost always grossly under what the person expects because, although sometimes low-cost or older, they may be the entire contents of a home and all that they have to start over with.

Furthermore, CAV inspectors do not have an obligation to inform the tenant of their determination or the timeframe for disposal of their goods. This framework makes it too easy for a woman who has lost her housing to also lose all her furniture, white goods, clothing, kitchenware, and children’s toys, making the path out of homelessness extremely difficult.



Relevantly, an early notification system between family violence services and CAV inspectors is currently being piloted in the South East Metropolitan region, assisting women to recover their belongings after leaving a rental property when they escape family violence. Under this initiative, family violence services in the area can contact CAV directly when they become aware of a woman who needs to leave a rental property in order to escape family violence.

Rather than then undertaking the usual procedure of waiting for a request to value the goods and issue a notice to store or destroy the items, CAV can also make arrangements with service providers to recover and store the belongings until they can be reclaimed by the woman. Under this pilot project, many landlords will likely also be saved significant removal and disposal costs that they could have difficulty recovering from a tenant.

This CAV initiative should be expanded state-wide and utilised in combination with better resourced local homelessness access points and clear statutory obligations on CAV inspectors and landlords to make reasonable efforts to avoid the disposal of goods left behind.

Together these changes should enable women who need to leave a rental property to escape violence to retain their belongings. This will assist women in crisis to rebuild their lives after escaping from abuse. With the option for belongings to be stored securely and recovered when they are needed, women will be able to set up their lives more easily.

Recommendation 7: Promote the ability of tenants to retrieve and keep their belongings when their tenancy ends

To enable victims of family violence to recover and store belongings, Homeless Law recommends:

- The Residential Tenancies Act be amended to require a more pro-active role for Consumer Affairs Victoria inspectors including:
 - CAV inspectors must attempt to notify a tenant when an application for inspection is received, provide the tenant with a copy of the inspection report created for the landlord and notify the tenant of the proposed date the possessions will be removed.
 - CAV inspectors can direct that additional time is provided (up to 14 days) before goods are removed and the landlord must comply with this direction.
- Funding for homelessness services to enable them to assist clients facing eviction with the removal and storage of goods left behind during an intervening episode of homelessness.
- The Department of Justice and Regulation works with specialist family violence services to extend the program currently being run in the South East Metropolitan region to recover and store household belongings of victims of family violence who have had to leave rental premises.
- CAV staff are trained to make appropriate referrals to services that may be able to assist with the removal and storage of belongings.

8. Make human rights meaningful and accessible

In Victoria, in addition to their rights and responsibilities under the Residential Tenancies Act, public and community landlords are also required to comply with the Charter of Human Rights when making decisions. Section 38 requires public authorities to act compatibly with, and give proper consideration to, human rights under the Charter.

For Homeless Law's WHPP clients, the most significant Charter rights are:

- **Equality** – Every person 'has the right to ... enjoy his or her human rights without discrimination' and 'is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination';⁵⁹
- **Privacy and home** – A person has the right 'not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with';⁶⁰
- **Families** – 'Families are the fundamental group unit of society and are entitled to be protected by society and the State';⁶¹ and
- **Children** – 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.⁶²

There is a built in mechanism for balancing competing priorities under section 7(2) of the Charter, which sets out factors to be taken into account to determine if any limitation on rights is reasonable and 'demonstrably justified' in the circumstances.

In two years of the WHPP's operation, Homeless Law lawyers have successfully used the Charter to advocate for seven women to avoid eviction into homelessness, or to resolve a property transfer or debt issue. Four women were living in transitional or social housing, and three women were living in public housing.

The Charter provides social landlords with a helpful framework for making difficult decisions.

It encourages consideration of a tenant's individual circumstances, including their family, any health problems and their risk of homelessness, and allows these considerations to be balanced against the competing obligations of social housing landlords (including, for example, the safety or comfort of other tenants). Essentially, the Charter encourages contemplation of alternatives to eviction.

There are, however, two significant jurisdictional issues that limit the effectiveness of Victoria's human rights protections in housing matters:

- VCAT does not have jurisdiction to consider questions of Charter compliance when determining applications for possession, so to challenge a public authority's decision, judicial review proceedings must be commenced in the Supreme Court;⁶³ and
- The decision to issue a notice to vacate cannot be quashed after VCAT makes a possession order, which means that tenants must commence judicial review proceedings in the Supreme Court in relation to Charter unlawfulness either (i) after the decision to issue the notice to vacate but before VCAT has made a possession order, or (ii) after the decision to purchase a warrant before the locks are changed.⁶⁴

The Supreme Court is a complex, daunting and inaccessible forum for both social housing tenants and social housing landlords. The current reliance on the Supreme Court to determine Charter unlawfulness has reduced accountability for human rights compliance, slowed down conversations regarding Charter compliant practices, and diminished the protection for tenants against evictions that fail to give proper consideration to human rights.⁶⁵

These issues are highlighted by Jacqueline's case.



Victim of family violence in community housing forced to litigate in the Supreme Court to avoid eviction

Jacqueline is an Aboriginal woman with an acquired brain injury who lived in a community housing property for a number of years. In a recent incident, her son, who has a severe mental illness, attended the property and caused physical damage.

During this incident, Jacqueline hid in the bathroom and called police as she already had an IVO against her son. The following day, Jacqueline received an immediate notice to vacate due to the damage, which the landlord issued without speaking to any of Jacqueline's support workers.

Despite attempts by these workers to avoid the loss of the tenancy, the landlord proceeded with an application to VCAT for possession. Jacqueline attended the hearing without legal representation, and a possession order was made. Just days before police were due to remove her from the property, Jacqueline saw lawyers through the WHPP.

The Homeless Law lawyers entered urgent negotiations with Jacqueline's landlord, including in relation to their obligations under the Charter. Despite this, the landlord indicated they would proceed with the eviction.

The Homeless Law lawyers then worked intensively with pro bono counsel to lodge an urgent injunction application in the Supreme Court, arguing that the landlord had failed to give proper consideration to Jacqueline's human rights in reaching its decision to evict her. Shortly after these proceedings were commenced, Jacqueline's landlord agreed to cancel the eviction, and offered Jacqueline alternative housing in a new location, with no liability for any of the damage caused by her son.

Jacqueline has now relocated to a new social housing property which has better security that improves her safety.

Fortunately, Jacqueline was able to obtain pro bono legal representation from Homeless Law and pro bono counsel, and was courageous enough to commit to commencing legal proceedings in the Supreme Court, which carried significant stress, as well as a risk of overwhelming costs if she was unsuccessful.

This is not, however, an avenue that is available to the majority of social housing tenants. The lack of meaningful accountability creates a risk that vulnerable tenants are more likely to be evicted into a cycle of homelessness and to experience the serious hardship that this inevitably brings with it.

This was recognised by the Independent Charter Review which recommended that the Charter be amended to:

'enable a person who claims a public authority has acted incompatibly with their human rights, in breach of section 38 of the Charter, to either apply to the Victorian Civil and Administrative Tribunal for a remedy, or rely on the Charter in any legal proceedings'.⁶⁶

In its response to the Charter Review, the Victorian Government identified that this recommendation 'is under further consideration'.⁶⁷

Based on our casework, Homeless Law's strong position is that giving VCAT – as the front line decision-maker for evictions in Victoria – jurisdiction to consider the human rights compliance of social housing landlords would deliver substantial benefits in the form of:

- **Prevention** – it provides a more compelling motivation to incorporate the Charter into policies and practices, and to reach negotiated or mediated outcomes without reliance on VCAT;
- **Guidance by VCAT decisions** – these decisions provide clarity about the application of the Charter in practice, which is beneficial for tenants, advocates and social housing providers; and
- **Additional layer of protection** – in the event that the eviction decision is unlawful under section 38 of the Charter, there will be a meaningful outcome for tenants and social housing providers, which is only very rarely the case under the current system.

This reform should be accompanied by increased human rights education, resources and training for front line staff and managers in social housing providers. The ongoing delivery of relevant, practice-based training will continue to entrench human rights in day-to-day activities and decision-making and, in doing so, will lead to improved services and better outcomes.

Recommendation 8: Make human rights meaningful and accessible

To make sure that human rights mechanisms are accessible and meaningful for both tenants and social landlords, Homeless Law recommends:

- VCAT be given jurisdiction to consider the human rights compatibility of eviction decisions by social housing landlords.
- Practical, evidence-based human rights training be delivered to staff and managers in social housing providers to help entrench a human rights culture and framework for decision-making.

9. Support the private rental sector to avoid unnecessary evictions

In the current housing context, we increasingly rely on the private rental market to provide housing to a significant and diverse population of Victorians, including people with low incomes and complex circumstances, who have needs that would be better met in social housing if not for the acute shortage of supply and prohibitively long waiting lists.

Over 50% of WHPP clients facing eviction into homelessness were living in private rental properties. With more than 33,000 people on the waiting list for public housing in Victoria,⁶⁸ and even high priority public housing allocations taking an average of 10 months to finalise,⁶⁹ many women leaving violent relationships will be relying on the private rental market to provide housing.

It is also increasingly well recognised that both family violence and homelessness are systemic social problems that require whole of community responses. Businesses are playing a key role in responses to family violence and homelessness, including through new models of affordable housing and progressive family violence policies.⁷⁰

With these factors in mind, private landlords and real estate agents have an important role to play in effective responses to family violence. As it stands, however, private landlords and real estate agents are often poorly equipped to identify and appropriately respond to family violence or other hardship that places women at risk of homelessness.

Recent victim of family violence assisted with private rental brokerage to sustain tenancy

Jennifer is a single mother working part time to support three young children. She experienced family violence from a young age, and more recently from her husband after their marriage broke down.

This led to her fleeing the family home into a private rental property. Jennifer began to accrue rental arrears as a result of confusion over the frequency of her rental payments, and this was exacerbated by serious depression and anxiety, a lack of any support or counselling after recent trauma, and further health complications that forced her to exhaust her sick leave. Jennifer contacted Homeless Law after receiving a notice to vacate for arrears.

Through the WHPP social worker, Jennifer gained access to \$900 private rental brokerage, which her Homeless Law lawyers then used as leverage to negotiate a repayment plan with her real estate agent. The landlord was happy to withdraw the eviction proceedings and avoid the stress and inconvenience of attending VCAT.

Jennifer repaid her arrears and signed a new two-year lease. She is also now getting support for her mental and physical health issues following a referral from the WHPP social worker and has been able to maintain her employment and a home for her family.

Jennifer's case study highlights the way in which early access to legal representation, social work support and brokerage, combined with the landlord's openness to negotiation, helped a single mother and her three children sustain their tenancy and meant that the private landlord avoided the inconvenience and financial cost of terminating a tenancy.

Practical and cultural changes are required to make sure that preventable evictions are avoided, so both landlords and tenants can benefit from sustaining tenancies and avoiding the stress and disruption of the eviction process.

In Homeless Law's view, a voluntary 'Code of Conduct for Private Landlords and Real Estate Agents who Support Victims of Family Violence' could play a role in supporting private landlords and real estate agents to minimise the risk of homelessness for victims of family violence.

Currently in Victoria, there is no code of conduct applying to landlords or real estate agents that covers circumstances where a tenant is having difficulty complying with their obligations under the Residential Tenancies Act and is a victim of family violence. The existing Real Estate Institute of Victoria (REIV) Code of Conduct does not address specific instances of tenancy breach, or the ways in which agents might respond or otherwise advise a property owner in the event a tenant has experienced family violence.

A voluntary code of conduct could encourage eviction as a last resort by setting out a range of factors that landlords and real estate agents will consider prior to proceeding with eviction of a tenant who identifies that they are a victim of family violence. Signatories to this type of code of conduct, particularly real estate agents, could be encouraged to undertake training in relation to family violence, including how it might impact on a victim's tenancy and appropriate services to refer to for support. This would provide them with knowledge of, and relationships with, local support services who they could link with tenants at the earliest possible point to try and sustain the tenancy.

In addition to building the capacity of the private rental sector to respond effectively to family violence, Homeless Law has seen the direct benefits of a flexible pool of brokerage that can be used to help sustain or rapidly set up new tenancies.

In its first two years, the WHPP has provided financial brokerage to maintain private rental tenancies to 11 women who were at risk of being evicted for arrears. An average of \$1,250 was spent to avoid eviction into homelessness.⁷¹

While not the solution to an acute shortage of affordable housing or a substitute for investment in social housing, access to brokerage can play a role in avoiding preventable evictions to the benefit of both tenants and landlords.



In Jennifer's case, it is highly likely that if she had not been provided with legal representation, combined with social work support and access to brokerage, the eviction would have gone ahead.

Real estate agents should be better supported to explore alternatives to eviction, including through making early referrals to support services when they identify a tenant is having difficulty complying with their obligations. The necessity of early intervention should not be confined to the social housing sector. It is an integral component of ensuring private landlords and real estate agents are supported to choose options other than eviction, which is costly for tenants, and landlords and real estate agents.

A voluntary code of conduct, combined with an ongoing commitment to brokerage and the reforms to the Residential Tenancies Act outlined throughout this report, will contribute to a fairer, more stable private rental sector that minimises the risk that vulnerable women and their children will enter homelessness.

[Recommendation 9: Support the private rental sector to avoid unnecessary evictions](#)

To support real estate agents and private landlords to sustain tenancies, Homeless Law recommends:

- That the private sector, including real estate agents, are given guidance and support to act early to avoid evictions for tenants experiencing hardship. A voluntary 'Code of Conduct for Private Landlords and Real Estate Agents who Support Victims of Family Violence' should be introduced to equip the private rental sector to avoid the preventable eviction of victims of family violence into homelessness.
- Continued recognition of, and investment in, private rental brokerage programs that are flexible and accessible to vulnerable tenants, including victims of family violence, who have fallen into rent arrears and are at risk of eviction.

10. Plan for – and invest in – significant growth in affordable housing

“There was one time I was pregnant with my [child] and he punched me in the stomach ... there have been times when we were on the verge of splitting up – that I have actually looked into moving out on my own and I haven’t had the money to do it ... I had to stay in that situation because I didn’t have the money to get up and leave ...”⁷²

In considering economic and housing security, the RCFV quoted this WHPP client, who tragically highlights that victims often find themselves unable to leave a violent relationship because they can’t afford to rent on their own and are afraid they will be left homeless.⁷³

As 129 organisations from across the housing, homelessness, health, justice, family violence and local government sectors collectively submitted to the RCFV, with less than 1% of private rental properties in metropolitan Melbourne being affordable for single parents on low incomes⁷⁴ and over 33,000 people on the waiting list for public housing,⁷⁵ Victoria’s acute shortage of affordable housing:

- Deters victims from leaving violent relationships;
- Pushes victims into homelessness; and
- Can make perpetrators more isolated and increase the risk of repeated or escalated violence.⁷⁶

Through the WHPP, Homeless Law has seen the impact of a soaring waiting list for social housing and a competitive, unaffordable, insecure private rental market. While 62 of our WHPP clients were able to sustain their housing or transition to new housing without an intervening period of homelessness, 16 women with 35 children in their care were evicted into homelessness.

Of the women who stayed in contact with the WHPP social worker following their eviction, we know that seven entered crisis accommodation and four moved in with friends or family. Katrina’s case shows the way in which women who have fled violence are experiencing repeated episodes of homelessness due to Victoria’s lack of affordable housing.

Katrina’s case also shows that, even with legal representation, intensive social work support, access to brokerage and the maximum additional time being granted by VCAT, the current shortage of social housing and increasingly inaccessible private rental market are pushing women who have experienced family violence and their children into the disruptive and damaging cycle of recurring homelessness.

Victim of family violence and her children left homeless because of a lack of affordable housing options

Katrina is a young mother of two children who had moved into her private rental property five months earlier. Over the past five years she has experienced severe family violence from an ex-husband, and has been forced to shuffle between her mother’s house, two private rental properties, family violence refuges and crisis accommodation due to safety concerns.

Her previous private rental tenancy ended due to issues with Centrelink that resulted in arrears accruing. She had most recently spent six months at her mother’s house, but there was conflict due to overcrowding with her children.

She was previously assisted to apply for public housing, but her application fell off the wait list due to constant changes of address, which led to information being out of date. Katrina also suffers from anxiety and depression, and her son is having behavioural issues at school.

Due to ongoing Centrelink and debt issues, Katrina again fell into arrears and contacted Homeless Law for assistance. The lawyers negotiated with the landlord to obtain additional time and the WHPP social worker sent an urgent written assessment to Katrina’s local homelessness access point to seek transitional housing.

The VCAT member postponed the warrant for 30 days in recognition of Katrina’s hardship, and Katrina worked intensively with the WHPP social worker to identify an alternative affordable rental property, and obtained financial brokerage to cover the first month’s rent and bond.

Despite this, after 30 days and multiple applications for different rental properties with the WHPP social worker’s assistance, Katrina was unsuccessful in securing a private rental property or being offered transitional housing. On the morning the warrant was due to be executed at her property, she moved back into her mother’s overcrowded house with her children, only six months after she last left.

In an article in homeless sector journal *Parity*, WHPP social worker, Rachelle Driver, welcomed the RCFV's acknowledgement that 'although private rental can offer choice and flexibility for many women escaping family violence, it remains out of reach for many because of multiple and intersecting barriers.'⁷⁷

In particular, Homeless Law points out:

- **Affordability is not the only barrier to getting a private rental property:** a recent client assisted through the WHPP, who was in part time employment and was not listed on a residential tenancies database or 'blacklist', made 67 unsuccessful applications for a private rental property for herself and her three children. In addition to being unaffordable, the private rental market is also extremely competitive and it should not be assumed that, even with rent support, women will get easy access to appropriate private rental properties. The toll that making 67 unsuccessful applications for a rental property takes on your wellbeing should not be underestimated; and
- **The precariousness of private rental:** in addition to being difficult to get, private rental properties can be difficult to keep. Through the WHPP, Homeless Law has seen that the private rental market can be a precarious and ruthless environment for our clients. We welcome the current review of the Residential Tenancies Act and the Government's commitment to better balancing the needs and interests of tenants and landlords. As it stands, however, it is too easy to evict tenants and this presents a significant risk to the health and wellbeing of Victorian women and children.⁷⁸

In Victoria's 30-year Infrastructure Strategy, Infrastructure Victoria estimates that there is currently an unmet requirement for access to affordable housing for approximately 75,000 to 100,000 vulnerable low income households in Victoria.⁷⁹ The independent statutory authority identified increasing the supply of social and affordable housing as one of the top three infrastructure priorities for the Victorian Government and noted:

'There is currently no overarching strategy in place to determine what interventions are most suited for meeting the varied needs of vulnerable Victorians, and determining this is a vital first step.'⁸⁰

Infrastructure Victoria recommends the provision of approximately 30,000 new affordable housing dwellings (including social housing and affordable private rental properties) over the next 10 years. It suggests funding through direct government funding for social housing and implementation of inclusionary zoning, which would require some new building developments to include a minimum proportion of social housing.⁸¹

The importance of safe, affordable housing as an essential component of Victoria's response to family violence and homelessness has not gone unrecognised by the Victorian Government. In the last 12 months, we have seen a commitment to invest approximately \$600 million in affordable housing in Victoria,⁸² including:

- \$152 million for a 'Housing Blitz', including \$16 million for private rental assistance to support access to private rental and \$40 million over two years for flexible, tailored responses that meet the individual needs of victims of family violence, including support to stay safe at home;⁸³
- \$120 million to increase the supply of social housing,

including short-term housing;⁸⁴

- \$109 million for early intervention programs providing targeted support to people at risk of homelessness, particularly rough sleepers, young people and veterans. This includes new accommodation with targeted support services;⁸⁵
- \$185 million to redevelop rundown public housing estates, and generate an increase of 10% in social housing stock on those estates;⁸⁶ and
- \$33 million to extend private rental brokerage programs providing rapid re-housing for women and children fleeing family violence.⁸⁷

Significant progress has been made in the last 12 months and the Victorian Government and the housing and homelessness sector should be congratulated for this.

As this report is published, we are awaiting the release Victoria's affordable housing strategy, which is expected in early 2017.

An affordable housing strategy should bring together the recent initiatives as part of a long-term plan to increase affordable housing to meet the different housing needs of the growing and changing Victorian population. While private rental brokerage may fill a gap for some women and children, it will not be the solution for others. In planning its investments, and setting its targets and goals, new permanent supportive housing and social housing must be priorities. As Infrastructure Victoria observed:

'Major investment over the next 30 years, and particularly the next 10, is essential to ensure the most vulnerable Victorians have access to one of our most fundamental needs – shelter. Without bold action, the number of Victorians living in insecure accommodation will increase to levels never seen before. While the cost of improving the provision of social housing for vulnerable Victorians will be significant, not acting will come with even greater costs to society and the economy, which will be felt by generations to come.'⁸⁸

Recommendation 10: Plan for - and invest in - significant growth in affordable housing

To reduce the risk of homelessness for women and children and to make sure no-one has to choose between staying in a violent home and becoming homeless, Homeless Law recommends:

- A long-term, affordable housing strategy that sets targets and identifies funding models (including direct government funding, innovative financing mechanisms and planning provisions such as inclusionary zoning) to increase different housing types (including new permanent supportive housing, social housing and affordable rental housing), to meet the needs of low-income Victorians.
- Both State and Federal Governments recognise the role for social housing in creating healthy, safe, productive communities and remember that there are women and children for whom social housing is, and will continue to be, the most appropriate housing option and this is a worthwhile investment.

Schedule of recommendations: ten calls for change

10 recommendations to reduce the risk of homelessness for Victorian women and children	
1	<p>Strengthen safeguards to make evictions into homelessness a last resort</p> <p>To ensure that evictions from both social and private tenancies only ever occur as a last resort, Homeless Law recommends:</p> <ul style="list-style-type: none"> • The introduction of a 'reasonableness' requirement for all evictions under the Residential Tenancies Act, to give VCAT members discretion to avoid eviction where they are not satisfied it is reasonable in the circumstances. • The development of a pre-eviction checklist for landlords to satisfy before applying to VCAT for a possession order.
2	<p>Invest in services proven to keep women in housing and resolve legal issues stemming from family violence</p> <p>Investment in programs designed to respond effectively to family violence should recognise that the consequences of family violence – both legal and non-legal – are multiple and can arise both in the immediate and longer term. Homeless Law recommends that decisions in relation to programs and funding should recognise that:</p> <ul style="list-style-type: none"> • Access to free legal services has a critical role to play in reducing the impact of family violence on women and children by addressing the multiple legal issues that can flow from family violence (for example, eviction, mortgage stress, debts, fines and small property disputes). • Programs that focus on prevention of homelessness, including the WHPP and the Social Housing Advocacy and Support Program (SHASP), can help break the links between family violence and homelessness and, in doing so, generate both personal benefits for individual women and their families and cost benefits for government and the community.
3	<p>Improve the legal framework for victims of family violence to keep their housing</p> <p>To better support the right of victims to safely remain in rented premises following family violence, Homeless Law recommends:</p> <ul style="list-style-type: none"> • Sections 233A and 233B of the Residential Tenancies Act be amended to provide that VCAT members may make an order under section 233B of the Residential Tenancies Act where either: <ul style="list-style-type: none"> - The applicant has obtained a final IVO that excludes the perpetrator from the premises; or - The Tribunal is otherwise satisfied that the tenancy is affected by family violence, and it is appropriate to make an order under section 233B, having regard to the circumstances. • Section 233B of Residential Tenancies Act be amended to provide non-exhaustive criteria for VCAT members to consider when determining applications in the absence of a final exclusionary IVO. The non-exhaustive criteria should include: <ul style="list-style-type: none"> - Whether the applicant has previously applied for an IVO, and if so, whether an IVO was granted. - The conditions of any IVOs that were previously, or are currently, in force. - If no IVO was previously sought, or is no longer in force, the reasons why. - The opinion of any support workers from services assisting any parties to the application. - The respective hardships of the parties to the application if an order under section 233B were to be made. • Implementation of the RCFV recommendation to encourage use and awareness of section 233A, by providing specific family violence training for VCAT members; training family violence sector workers and police about the operation of section 233A; and implementing a Magistrates' Court practice direction to ensure IVO applicants are made aware of section 233A in Magistrates' Court proceedings. • Provision of specific private rental brokerage funding that women can access to sustain tenancies whilst pursuing applications under section 233A of the Residential Tenancies Act.

<p>4</p>	<p>Improve legal mechanisms for exiting leases due to family violence</p> <p>To prevent women being trapped in, or financially liable for, tenancy agreements that are unsafe due to family violence, Homeless Law recommends:</p> <ul style="list-style-type: none"> • Section 234 of the Residential Tenancies Act be amended to provide that: <ul style="list-style-type: none"> - People who have experienced family violence can apply to terminate either a fixed term or a periodic lease. - An applicant relying on family violence will not be liable for any lease breaking costs or compensation for damage caused by family violence if an order is made. - Where an order under section 234 is made in relation to a fixed term tenancy, a periodic tenancy will only subsequently come into effect at the premises if a previous co-tenant continues to reside there. - The successful applicant under section 234 will not be a party to any periodic tenancy agreement that arises after the fixed term tenancy is deemed to terminate by VCAT. - Where an order under section 234 is made and a previous tenant remains at the property under a new periodic tenancy agreement, the successful section 234 applicant maintains a right to apply for the return of any portion of the bond and to access the property to collect belongings. • Victims of family violence who have obtained a final intervention order against a co-tenant, sub-tenant or occupant of the rented premises, can issue an immediate notice of intention to vacate due to family violence, and will not be liable for any lease breaking costs or compensation for damage caused by family violence. • Landlords and real estate agents should be required to provide a fact sheet on all options available to a tenant where a lease needs to be reduced and/or a tenant discloses family violence and the standard form tenancy agreement should be amended to include a section informing tenants of their rights under section 234. • Landlords and real estate agents who knowingly mislead a tenant about their right to make an application under section 234, in circumstances where the landlord is aware that the tenant has experienced family violence or other relevant hardship, will commit an offence under the Residential Tenancies Act.
<p>5</p>	<p>Recommendation 5: Prevent victims of family violence being penalised for damage or arrears caused by perpetrators</p> <p>To prevent victims of family violence bearing housing debts for damage or arrears attributable to family violence and being blocked from accessing stable housing through the 'blacklist', Homeless Law recommends:</p> <ul style="list-style-type: none"> • Section 211 of the Residential Tenancies Act, which sets out matters which may be considered by VCAT when assessing compensation claims, be amended to provide that: <ul style="list-style-type: none"> - (In relation to co-tenancies), VCAT may take into account whether or not the damage and/or arrears which form the basis of a landlord's compensation claim are attributable to family violence, and if they are, that the Tribunal can apportion liability between co-tenants as it sees fit, having regard to any family violence. - (Where the victim is a sole tenant), where VCAT is satisfied that some or all of the damage has arisen as a result of family violence, the tenant will not be held liable for any compensation that arises as a result of the damage. • Creating a streamlined process for victims of family violence to have their bond returned to allow them the best chance of securing alternative housing. • The Residential Tenancies Act be amended to allow victims of family violence to prevent their personal details from being listed on tenancy databases and to remove existing listings where the relevant breach or damage occurred in the context of family violence, including through: <ul style="list-style-type: none"> - Inserting into section 439F a stand-alone basis for a tenant to object to their personal information being listed in a database where the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances. - Inserting into section 439L a stand-alone basis for a tenant to apply to VCAT for the removal of their personal information from a database where the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances. - Inserting into section 439M a stand-alone power for VCAT to remove and amend database listings where it is satisfied that the relevant breach occurred in the context of family violence and is attributable to the perpetrator of that violence, or where the listing would be unjust in the circumstances.

<p>6</p>	<p>Strengthen policies and oversight to avoid inappropriate debts for public housing tenants</p> <p>To prevent inappropriate debts and compensation claims imposing financial hardship and delaying access to public housing for women and children, Homeless Law recommends:</p> <ul style="list-style-type: none"> • Relevant DHHS policies be amended to: <ul style="list-style-type: none"> - Clarify that OOH staff should not claim cleaning and/or rubbish removal expenses from tenants where those costs are attributable to family violence. - Ensure that in all communications (written and oral) with a tenant about a potential compensation claim for damage and/or arrears, OOH staff inform the tenant of exceptions to liability, and wherever possible, actively enquire as to whether the tenant may be eligible for a reduction or withdrawal on the basis of these exemptions. - Clarify that the OOH will not claim compensation for arrears that accrued after a tenant was forced to flee the premises due to family violence. - Ensure that OOH staff assessing housing applications who have identified a previous debt are encouraged to revisit the legitimacy of the debt before requiring the person to enter or maintain a repayment agreement or make a lump sum payment. • Providing detailed training for all OOH staff in relation to compensation claims and reviewing debts against tenants and the relevant DHHS policies and internal operational guidelines. This should also include specific family violence training, as well as training on general compensation principles, evidence, procedural fairness and human rights.
<p>7</p>	<p>Promote the ability of tenants to retrieve and keep their belongings when their tenancy ends</p> <p>To enable victims of family violence to recover and store belongings, Homeless Law recommends:</p> <ul style="list-style-type: none"> • The Residential Tenancies Act be amended to require a more pro-active role for Consumer Affairs Victoria inspectors including: <ul style="list-style-type: none"> - CAV inspectors must attempt to notify a tenant when an application for inspection is received, provide the tenant with a copy of the inspection report created for the landlord and notify the tenant of the proposed date the possessions will be removed. - CAV inspectors can direct that additional time is provided (up to 14 days) before goods are removed and the landlord must comply with this direction. • Funding for homelessness services to enable them to assist clients facing eviction with the removal and storage of goods left behind during an intervening episode of homelessness. • The Department of Justice and Regulation works with specialist family violence services to extend the program currently being run in the South East Metropolitan region to recover and store household belongings of victims of family violence who have had to leave rental premises. • CAV staff are trained to make appropriate referrals to services that may be able to assist with the removal and storage of belongings.
<p>8</p>	<p>Make human rights meaningful and accessible</p> <p>To make sure that human rights mechanisms are accessible and meaningful for both tenants and social landlords, Homeless Law recommends:</p> <ul style="list-style-type: none"> • VCAT should be given jurisdiction to consider the human rights compatibility of eviction decisions by social landlords. • Practical, evidence-based human rights training should be delivered to staff and managers in social housing providers to help entrench a human rights culture and framework for decision-making.

9	<p>Support the private rental sector to avoid unnecessary evictions</p> <p>To support real estate agents and private landlords to sustain tenancies, Homeless Law recommends:</p> <ul style="list-style-type: none"> • That the private sector, including real estate agents, are given guidance and support to act early to avoid evictions for tenants experiencing hardship. A voluntary 'Code of Conduct for Private Landlords and Real Estate Agents who Support Victims of Family Violence' should be introduced to equip the private rental sector to avoid the preventable eviction of victims of family violence into homelessness. • Continued recognition of, and investment in, private rental brokerage programs that are flexible and accessible to vulnerable tenants, including victims of family violence, who have fallen into rent arrears and are at risk of eviction.
10	<p>Plan for – and invest in – significant growth in affordable housing</p> <p>To reduce the risk of homelessness for women and children and to make sure no-one has to choose between staying in a violent home and becoming homeless, Homeless Law recommends:</p> <ul style="list-style-type: none"> • A long-term, affordable housing strategy that sets targets and identifies funding models (including direct government funding, innovative financing mechanisms and planning provisions such as inclusionary zoning) to increase different housing types (including new permanent supportive housing, social housing and affordable rental housing), to meet the needs of low-income Victorians. • Both State and Federal Governments recognise the role for social housing in creating healthy, safe, productive communities and remember that there are women and children for whom social housing is, and will continue to be, the most appropriate housing option and this is a worthwhile investment.

Endnotes

Executive summary

¹ Australian Bureau of Statistics, *Census of Population and Housing: Estimating Homelessness* (November 2012) 19.

² See Australian Institute of Health and Welfare, *Specialist Homelessness Services: 2015–2016* (2016) (**AIHW Report**), ‘Supplementary table: VIC CLIENTS.14: Clients, by main reasons for seeking assistance, 2015–16, adjusted for non-response’ available at <http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2015-16/supplementary-tables/>.

³ Department of Health and Human Services, *Victorian Housing Register and transfers by local area September 2016* (**Victorian Housing Register**) available at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/research,-data-and-statistics/public-housing-waiting-and-transfer-list>.

⁴ Anglicare Australia, *Anglicare Australia Rental Affordability Snapshot* (2016) 80 available at: <http://www.anglicare.asn.au/docs/default-source/default-document-library/rental-affordability-snapshot-2016.pdf?sfvrsn=7> (based on a snapshot dated 2–3 April 2016).

⁵ The work of the WHPP social worker includes: 34 referrals to initial assessment and planning (IAP) homelessness access points for assistance with accessing crisis accommodation, transitional housing and financial assistance to sustain tenancies (14 of the referrals to IAP access points resulted in the client being allocated a support worker); 32 referrals to financial counsellors and mental health care professionals, including youth counselling and psychological services funded through mental health care plans; 16 referrals to a general practitioner for a range of issues including medication review, referrals to specialists, medical support letters, and activation of a mental health care plan; 31 referrals to other professionals including family support services, physiotherapists, chiropractors and family violence counsellors; 49 sessions explaining housing options and eligibility for social housing in Victoria; 43 episodes of skill building, including searching for private rental properties online, managing household spending, and maximising the chances of success with private rental applications; and 10 attendances at VCAT to support women and provide evidence about involvement with the client.

⁶ This figure comprises: \$12,638 spent to address rent arrears; \$13,589 spent to assist women to secure new housing; \$5,223 to assist with removal and storage of belongings; \$1,199 for emergency accommodation; and \$3,441 spent on miscellaneous items including cleaning, property maintenance and lock replacements. A significant portion of this private rental brokerage funding is provided by the REA Group and Launch Housing, with additional amounts provided by the City of Melbourne, Herbert Smith Freehills, Street Smart and St John’s Uniting Church Elsternwick.

⁷ Kaylene Zaretsky et al, *The cost of homelessness and the net benefit of homelessness programs: a national study*, AHURI Final Report No 205 (2013) 4. Ninety-eight clients’ legal matters were finalised during the reporting period, and only 16 were evicted before being able to secure safe alternative housing; 48 clients’ tenancies were sustained; 14 clients were supported to access alternative housing

without an intervening period of homelessness; and others were assisted to address legal issues that were a barrier to accessing safe housing, including housing debts and ending fixed term leases.

⁸ Justice Connect Homeless Law, *Home Safe: Submission to the Royal Commission into Family Violence* (May 2015) (**RCFV submission**); *Family violence, homelessness and affordable housing – a joint submission from 129 organisations* (May 2015) available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/home-safe-submission-royal-commission-family-violence> (**RCFV joint submission**).

⁹ Royal Commission into Family Violence, *Final Report and Recommendations* (March 2016) (**RCFV Report**).

¹⁰ Justice Connect Homeless Law, *There’s no place like home: Submission to the Residential Tenancies Act Review* (August 2015) available at: <http://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/there%E2%80%99s-no-place-home-submission-residential-tenancies-act-review> (**There’s No Place Like Home**).

¹¹ Justice Connect Homeless Law and safe steps Family Violence Response Centre, *Joint submission: Rights & Responsibilities of Landlords & Tenants* (May 2016) available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/homeless-law-and-safe-steps-team-call-for-fairer-tenancy-laws>.

¹² Justice Connect Homeless Law, *Twelve Months of Keeping Women and Children Housed* (September 2015) available at <http://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/twelve-months-keeping-women-and-children-housed>.

¹³ Justice Connect Homeless Law, *Family Violence and Homelessness: three perspectives on homelessness prevention* (October 2015) available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/family-violence-and-homelessness-three-perspectives-homelessness-prevention>.

1. Strengthen safeguards to make evictions into homelessness a last resort

¹⁴ *Residential Tenancies Act 1997* (Vic) s 331.

¹⁵ See, eg, *Housing (Scotland) Act 2001* (UK) s 16.

¹⁶ Chris Povey, *Investigating Tenancy Sustainment Programs and Approaches in relation to Clients at Risk of Homelessness* (The Winston Churchill Memorial Trust of Australia) (September 2011), citing Shelter, *Research Report: Evictions by Social Landlords in Scotland 2009–10* (December 2010).

2. Invest in services proven to keep women in housing and resolve legal issues stemming from family violence

¹⁷ RCFV Report, above n 9, *Summary and recommendations*, 22.

¹⁸ Ibid, Vol II, 74.

¹⁹ 'Successful outcome' means clients either sustained their existing housing, moved into alternative stable housing without an intervening episode of homelessness, or addressed a tenancy legal issue that was a barrier to accessing safe housing.

²⁰ See, e.g., Brimbank Melton Community Legal Centre's Family Violence Project; Inner Melbourne Community Legal's 'Acting on the Warning Signs' project; Loddon Campaspe Community Legal Centre's 'Why Didn't You Ask' project; Eastern Community Legal Centre's Family Violence Integration Project; WEstjustice's 'Restoring Financial Safety' project; Women's Legal Service Victoria's 'Stepping Stones' project.

²¹ Angela Spinney et al, *Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice*, AHURI Final Report No 196 (2011).

²² Kaylene Zaretsky et al, above n 7.

²³ Department of Human Services, *Support for High Risk Tenancies Strategic Project* (October 2006) cited in Department of Human Services, *Human Services: The case for change* (December 2011).

²⁴ Victoria State Government, *Access to Justice Review: Summary Report* (August 2016) 4 available online at <https://myviews.justice.vic.gov.au/accesstojustice>. See also Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014) 30, which recommended additional funding from Commonwealth and State and Territory Governments for civil legal assistance services of approximately \$200 million per year (recommendation 21.4) and summarised the benefits of this as: 'Improving access to legal assistance for civil matters will often prevent legal problems from escalating, reducing costs to the justice system and the community' (at 38).

²⁵ Across the board federal funding cuts to community legal centres of \$34.83 million are proposed to take place between 1 July 2017 and 30 June 2020, representing a 30% cut to total funding: see National Association of Community Legal Centres, *Open letter to the Council of Australian Governments* (31 March 2016) (available at http://www.naclc.org.au/cb_pages/news/).

²⁶ See SHASP Managers Network (Victoria), *Social Housing Advocacy & Support Program (SHASP): Support that works* (September 2014), which found that 78% of public housing tenants supported by SHASP avoided eviction and 73% engaged in repaying rent debts.

3. Improve the legal framework for victims of family violence to keep their housing

²⁷ RCFV Report, above n 9, Summary and recommendations, 22. See also Justice Connect Homeless Law, *Family Violence and homelessness - the Royal Commission's findings* video available at <https://youtu.be/LbhLiXMeyCU>.

²⁸ See also *Residential Tenancies Act 1997* (Vic) s 233C, which provides that where VCAT makes an order for creation of a new tenancy agreement on an application under section 233A, the Tribunal can determine the liability between parties

to the terminated tenancy, including for arrears that have accrued. However, section 233C will only apply if an order under section 233A has been made, and it is therefore not available to a victim of family violence who has not obtained a final IVO with an exclusion condition.

²⁹ Second Reading Speech for the introduction of the *Family Violence Protection Act 2008* (Vic) Hansard 2649.

³⁰ Victorian Civil and Administrative Tribunal, *Submission to the Royal Commission into Family Violence* (2015), 3. VCAT reports that only 13 section 233A applications were heard in the 2013-2014 period.

³¹ Although the relevant OOH policy on temporary absence was recently amended, with Agatha being deemed eligible for a backdated rebate and reimbursement of rent payments she made whilst homeless, the OOH maintains that, as a co-tenant, Agatha is liable for the arrears the perpetrator accumulated at the property during her period of approved temporary absence. It is imperative that OOH policies are amended to clarify that victims of family violence should not be liable for non-payment of rent by a perpetrator.

³² For a more detailed summary of the issues with this requirement, see RCFV submission, above n 8, 27-29.

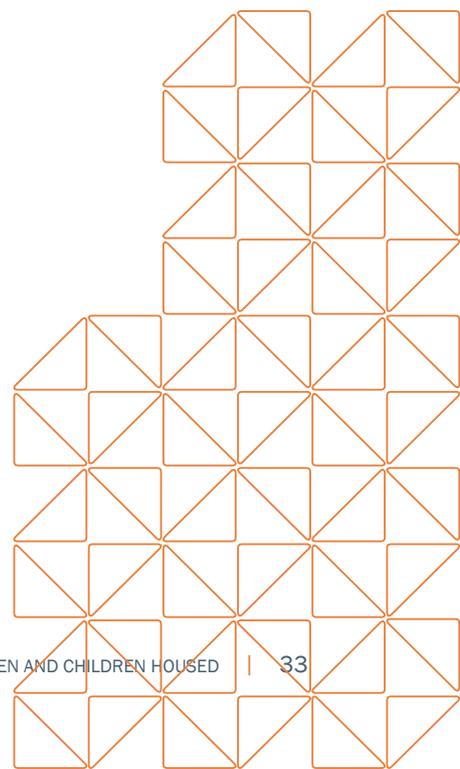
³³ RCFV Report, above n 9, Summary and recommendations, 28.

³⁴ See *Residential Tenancies Act 2010* (NSW) s 102.

³⁵ See for example *Harvey v Wiremu Ribbon* (Tenancy) [2013] NSWCTTT 369 (26 July 2013).

³⁶ *Residential Tenancies and Rooming House Accommodation Act 2008* (QLD) s 245.

³⁷ RCFV Report, above n 9, Vol IV, recommendations 117, 118 & 120, 126.



4. Improve legal mechanisms for exiting leases due to family violence

³⁸ See s 234(2) of the *Residential Tenancies Act 1997* (Vic) which provides VCAT may also order compensation when making an order for reduction of a fixed term lease. Generally, lease-break costs under the Residential Tenancies Act include reasonable re-advertising costs, a re-letting fee, and rent until a suitable tenant moves into the property.

³⁹ Under the current legal framework, where a landlord and any co-tenants consent, parties to both fixed term and periodic leases are free to terminate or vary their agreements at any time. See *Residential Tenancies Act 1997* (Vic) s 218 that provides for termination of a tenancy agreement by consent, and s 81 of the *Residential Tenancies Act 1997* (Vic) that provides for assignment of a tenancy between parties.

⁴⁰ See s 100 of the *Residential Tenancies Act 2010* (NSW).

⁴¹ Minister for Prevention of Family Violence and Sexual Assault (NSW), *New tenancy laws to protect domestic violence victims* (media release July 2016), available at <https://www.nsw.gov.au/news/tenancy-laws-protect-domestic-violence-victims>. These changes are scheduled to be introduced into Parliament during the first half of 2017.

5. Prevent victims of family violence being penalised for damage or arrears caused by perpetrators

⁴² See, e.g., Department of Health and Human Services, *Allocations Manual, Introduction and conditions of public housing offers (DHHS Allocations Manual)*, which provides that (1) for applicants in the 'special housing needs' category, '[o]utstanding charges of up to \$200 must be made in full [and] [o]utstanding charges of over \$200 require a lump sum payment of \$200, and a repayment agreement made and maintained for a minimum of three months prior to offer. The minimum repayment agreement amount is \$5.00 per week or \$10 per fortnight'; and (2) for people in the 'priority transfer' category for 'safety issues', '[a] repayment agreement must be made and maintained' prior to allocation (although there is no minimum repayment period prior to an offer of housing being made) available at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/allocations-manual>.

⁴³ Issues with residential tenancy database listings are discussed in greater detail in part 5.2.

⁴⁴ This includes both finalised and unfinalised matters across public, community and private tenancies. Also, a number of clients were assisted with both a debt or compensation claim and another legal issue (e.g. eviction).

⁴⁵ *Wrongs Act 1958* (Vic) ss 24AF and 24AH.

⁴⁶ RCFV Report, above n 9, Vol IV, recommendation 116, 125.

⁴⁷ *Residential Tenancies Act 1997* (Vic) part 10A provides a legislative framework for maintenance of residential tenancy databases by private 'database operators'. A listing can be made where one or more tenants have breached certain provisions of the Residential Tenancies Act and the landlord is either owed more than the bond will cover, or VCAT has made a possession order in respect of the rented premises (s 439E).

⁴⁸ *Residential Tenancies and Rooming Accommodation Act 2008* (QLD) s 461.

⁴⁹ RCFV Report, above n 9, Vol IV, recommendation 116, 125.

6. Strengthen policies and oversight to avoid inappropriate debts for public housing tenants

⁵⁰ See, e.g., RCFV Report, above n 9, 66.

⁵¹ Department of Health and Human Services, *Tenant Property Damage Operational Guidelines* (February 2015) available at <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/maintenance-manual/5.-tenant-property-damage>.

⁵² See DHHS Allocations Manual, above n 42.

⁵³ Two of these matters are ongoing, and another has been closed due to lost contact with the client.

⁵⁴ See, eg, the Department of Health and Human Services, *Tenancy Management Manual*, chapter 1 'Arrears' and chapter 14 'Vacated Tenants Accounts', available at: <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/tenancy-management-manual/vacated-tenants-accounts>.

⁵⁵ For detailed submissions in relation to OOH policies and processes regarding debts see, Justice Connect Homeless Law, *Through the Roof: Improving the Office of Housing's policies and processes for dealing with housing debts* (2016) available at <http://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/through-roof>.

7. Promote the ability of tenants to retrieve and keep their belongings when their tenancy ends

⁵⁶ RCFV Report, above n 9, Vol IV, 110.

⁵⁷ *Residential Tenancies Act 1997* (Vic) part 9.

⁵⁸ See Consumer Affairs Victoria, *Report on Operations 2014-15: Making Markets Fair*, 15.

8. Make human rights meaningful and accessible

⁵⁹ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 8. In relation to the rights under section 8 of the Charter, we note that in international human rights law, violence against women is considered to be a form of discrimination against women, and that accordingly, governments and public authorities must exercise 'due diligence' to prevent and respond to violence against women: see Committee on the Elimination of Discrimination Against Women, *General Recommendation No 19: Violence Against Women* (1992) 5.

⁶⁰ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 13(a).

⁶¹ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 17(1).

⁶² *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 17(2).

⁶³ *Director of Housing v Sudi* [2011] VSCA 266 (**Sudi**).

⁶⁴ *Burgess v Director of Housing* [2014] VSC 648 (**Burgess**).

⁶⁵ See Justice Connect Homeless Law, *Charting a Stronger Course: Submission to the Eight Year Charter Review* (2015) available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/charting-stronger-course-homeless-law-submission-eight-year-charter-review>.

⁶⁶ Michael Brett Young, *From Commitment to Culture: The 2015 Review of the Charter of Human Rights and Responsibilities Act 2006* (September 2015), recommendation 27, which also stated: 'The amendment should be modelled on section 40C of the Human Rights Act 2004 (ACT). The Tribunal's jurisdiction to determine whether a public authority has breached section 38 of the Charter should be similar to its jurisdiction in relation to unlawful discrimination under the Equal Opportunity Act 2010 (Vic)' available at: <https://myviews.justice.vic.gov.au/2015-review-of-the-charter-of-human-rights>.

⁶⁷ Attorney-General, *Government response to the 2015 review of the Charter of Human Rights and Responsibilities Act* (July 2016) available at: <http://www.justice.vic.gov.au/home/justice+system/laws+and+regulation/human+rights+legislation/>.

9. Support the private rental sector to avoid unnecessary evictions

⁶⁸ Victorian Housing Register, above n 3.

⁶⁹ Council to Homeless Persons, *Submission to the Royal Commission into Family Violence* (May 2015) 17.

⁷⁰ See, e.g., *Generous landlords have joined a scheme to offer lower rents to those in real need* News.com.au (19 December 2014) regarding the innovative partnership between the REA Group and non-profit real estate agency HomeGround Real Estate, which aims to help an extra 1000 people find low-cost housing, including up to 300 who would otherwise become homeless. See also Joanna Mather and Jaclyn Keast, *Telstra introduces domestic violence leave* Australian Financial Review (13 January 2015), which reports that Telstra was joining Virgin Australia, some banks and universities in providing 10 days domestic violence leave for medical appointments, legal advice and counselling. Telstra's chief talent officer, Katherine Paroz, said: 'This is a legitimate form of leave and as an iconic Australian organisation we see it as important that we have a prominent role in tackling violence against women ... We want our people to have long careers with us, to trust us and respect us as an employer.'

⁷¹ An additional 5 women with 11 children in their care were assisted to obtain additional time in the existing property, so that alternative stable housing could be arranged without an intervening period homelessness. Four of these women were assisted with financial brokerage.

10. Plan for - and invest in - significant growth in affordable housing

⁷² RCFV Report, above n 9, Volume II, 45.

⁷³ Ibid.

⁷⁴ Anglicare Australia, above n 4.

⁷⁵ Victorian Housing Register, above n 3.

⁷⁶ RCFV joint submission, above n 8.

⁷⁷ RCFV Report, above n 9, Volume II, 67.

⁷⁸ See *There's No Place Like Home*, above n 10.

⁷⁹ Infrastructure Victoria, *Victoria's 30-year Infrastructure Strategy* (December 2016) 98 available at <http://www.infrastructurevictoria.com.au/document-library>.

⁸⁰ Ibid 99.

⁸¹ Ibid 100. See also Council on Federal Financial Relations, Affordable Housing Working Group, Report to the Head of Treasuries, *Innovative Financing Models to Improve the Supply of Affordable Housing* (October 2016).

⁸² Premier of Victoria, *10 Year Plan to End Family Violence* (24 November 2016) available at <http://www.premier.vic.gov.au/10-year-plan-to-end-family-violence/>.

⁸³ Minister for Housing, Disability and Ageing and Minister for the Prevention of Family Violence, *Housing Blitz For Women And Children Begins* (13 April 2016), Premier of Victoria, available at <http://www.premier.vic.gov.au/housing-blitz-for-women-and-children-begins/>.

⁸⁴ Minister for Housing, Disability and Ageing, *Social Housing Pipeline To Provide more Homes* (6 September 2016) available at <http://www.premier.vic.gov.au/social-housing-pipeline-to-provide-more-homes/>.

⁸⁵ Minister for Housing, Disability and Ageing, *Andrews Government Puts Every Victorian First* (12 November 2016) available at <http://www.premier.vic.gov.au/andrews-labor-government-puts-every-victorian-first/>.

⁸⁶ Minister for Housing, Disability and Ageing, *Over 1100 Public Housing Homes set for Redevelopment* (1 December 2016) available at <http://www.premier.vic.gov.au/over-1100-public-housing-homes-set-for-redevelopment>.

⁸⁷ Pro Bono Australia, *Vic 10-Year Plan for Ending Family Violence 'Momentous'* (24 November 2016) available at <https://probonoaustralia.com.au/news/2016/11/vic-10-year-plan-for-ending-family-violence-momentous/>.

⁸⁸ Infrastructure Victoria, above n 79, 5.

