



Tenancy laws for victims of domestic violence

College Chronicle
Newsletter

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Australian College
of Professionals

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Tenancy laws for victims of domestic violence



As we lead into International Women's Day on Monday 8th March, there is a need for us all to focus on the effects of domestic violence.

As property professionals, it is particularly important to have an understanding of the tenancy laws for victims of domestic violence. In accordance with the Residential Tenancies Act 2010 (NSW), Division 3A Termination by tenant – circumstances of domestic violence, a tenant can end their tenancy immediately, without penalty, if they or their dependent child are in circumstances of domestic violence

The tenant will need to give the landlord or their agent a Domestic Violence Termination Notice and attach one of

the permitted forms of evidence:

- a certificate of conviction for the domestic violence offence
- a provisional, interim or final Domestic Violence Order
- a family law injunction
- a declaration in the prescribed form made by a competent person after they have consulted with the tenant or the tenant's dependent child.

The laws surrounding the declaration have changed. Previously, only registered medical practitioners were allowed to complete a domestic violence declaration.

- Registered health practitioners who hold either general or specialist registration under the Health Practitioner Regulation National Law (NSW), in one of the following health professions (see forms for full list):



- » Aboriginal and Torres Strait Islander health practice
- » dental
- » medical
- » nursing
- » occupational therapy
- » pharmacy
- » psychology
- social workers who are a member of the Australian Association of Social Workers,
- employees of a NSW government agency that work in child protection,
- employees of non-government agencies that receive government funding to provide services relating to domestic violence/sexual assault or refuge/emergency accommodation, and
- approved counsellors under the Victims Rights and Support Act 2013.

There are now four (4) new forms for victims to complete if they wish to end their tenancy. These forms can be found

on the NSW Fair Trading website and they can be downloaded. Most of the providers of agency agreements also have these forms available for you to download.

Each co-tenant must also be provided with a domestic violence termination notice (without any evidence).

A landlord or any remaining co-tenant(s) can apply to the Tribunal (NCAT) if they wish to dispute the validity of a domestic violence termination notice. The Tribunal can only examine whether the domestic violence termination notice was properly given under the tenancy laws. A landlord is not able to dispute the contents of a declaration in any Tribunal proceedings if it is used as evidence.

A tenant who ends their tenancy in

these circumstances is not liable to pay any compensation or additional money for the early termination. E.g. a victim does not need to pay a break fee, loss of rent, advertising and a reletting fee or an occupation fee for abandoned goods.

Victims will have the right to privacy and protection from discrimination to ensure that a victim's ability to secure a rental property in the future is not negatively impacted by a domestic violence termination:

- landlords and their agents will be prohibited from listing a tenant on a tenancy database if they ended a tenancy in circumstances of domestic violence
- information disclosed in a domestic violence termination notice cannot be provided in a reference check by a property manager. Disclosure can only be made if permitted or compelled by law.

After a tenant gives a domestic violence termination notice, a co-tenant who remains in the tenancy will be:

- able to apply to the Tribunal to end their tenancy
- entitled to a 2-week period to only pay their share of the rent and will not be required to cover the departing victim's share. This only applies if the remaining co-tenant is not the perpetrator of domestic violence. A co-tenant who is the perpetrator of domestic violence will have to pay the full cost of the remaining rent

It is essential that agents have a knowledge about the processes surrounding the ending of a tenancy in the circumstances of domestic violence and that you have the capacity and the knowledge to support your tenants through this process.

Rosy Sullivan
Director | College Principal

UPCOMING CPD WEBINARS

3 HOUR COMPULSORY CPD

Strata Management	TUE 9TH MAR
Sales & Leasing	WED 17TH MAR
Strata Management	TUE 6TH APR
Sales & Leasing	TUE 20TH APR

3 HOUR ELECTIVE CPD

Property Sales	TUE 16TH MAR
Strata Management	THU 18TH MAR

Please note: All Webinars will be held via Zoom and run from 9am - 12pm unless stated otherwise.

UPCOMING CPD FACE TO FACE COURSES

COMPULSORY SALES & LEASING AND ELECTIVE CPD - NSW

Property Sales Orange	TUE 9 TH MAR	Comm Sales & Leasing Port Macquarie	MON 15 TH & TUE 16 TH MAR
Property Sales Dubbo	WED 10 TH MAR	Residential Prop Mgmt Sydney CBD	MON 15 TH MAR
Property Sales Parramatta	WED 10 TH MAR	Residential Prop Mgmt Dee Why	WED 17 TH MAR
Stock & Station Mudgee	FRI 12 TH MAR	Stock & Station Bathurst	THU 18 TH MAR
Stock & Station Mittagong	MON 15 TH MAR	Property Sales Sydney	THU 18 TH MAR
Property Sales Port Macquarie	MON 15 TH MAR	Property Sales Terrigal	THU 18 TH MAR
Residential Prop Mgmt Port Macquarie	MON 15 TH & TUE 16 TH MAR		

COMPULSORY & ELECTIVE STRATA CPD - NSW

Strata Management Sydney CBD	TUE 16 TH MAR	Strata Management Sydney CBD	FRI 23 RD APR
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Two 3-hour sessions. 9am - 12pm then 1pm - 4pm unless stated otherwise. If you have already completed one CPD course and only need to attend either the Compulsory OR Elective component, please contact the College on 1300 88 48 10

UPCOMING CERTIFICATE OF REGISTRATION FACE TO FACE COURSES

ASSISTANT AGENT - CERTIFICATE OF REGISTRATION

Real Estate and Stock & Station Sydney CBD	6 TH -9 TH APRIL
Real Estate and Stock & Station Sydney CBD	3 RD -6 TH MAY

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV in Real Estate Practice.

Strata Management Sydney CBD	21 ST -24 TH JUNE
Strata Management Sydney CBD	16 TH -19 TH AUGUST

Units taken from nationally accredited training qualifications from the CPP40516 Certificate IV in Strata Community Management.



From the office

Oh wow – it's almost mid March and there are only a few days left for property agents in NSW to obtain their CPD requirements before the deadline of 22nd March.

So the trainers at ACOP are running around the State conducting face-to-face CPD sessions, there are webinars almost daily and of course, many agents are choosing the online version to undertake the Compulsory and the Elective training sessions. The admin team seem to be consistently on the phone and emails supporting agents to understand their requirements and schedule their participation into training sessions. All of these CPD classes are in addition to our regular Certificate of Registration, licensing programs, finance and leadership and management courses. We here at ACOP, are all looking forward to 23rd March, when we'll all take a huge breath, and not surprisingly, we will probably have an end of CPD year celebration cake.

At the same time, we are getting ready with all the new course materials and presentations for the new topics for CPD, including COVID-safe business, Material Fact, and Short-term Rental Accommodation Code of Conduct. In addition to these compulsory topics, we are finalising the courses for elective and business CPD sessions – and are so excited about the new topics that we will be presenting to our agents.

Speaking of reasons to celebrate, ACOP has welcomed two new members to the admin team this past fortnight – Jenn and Kelly are our two newbies and have slotted in as if they've been here for years. Kelly has vast experience in working in other training organisations for other industries, and Jenn brings with her almost 15 years of experience in the insurance support industry. So added to Michala who started with us in January, Phoebe our new marketing co-ordinator who started three weeks ago, and Martin our new Business Development Guru – we are a quickly expanding team. New desks are being built and installed this week, and rearrangement of the office is the hot topic of conversation. This can only mean more birthdays to celebrate and more occasions to have fun.

UPCOMING LICENCE FACE TO FACE COURSES

PROPERTY LICENSING

Commercial Sales & Leasing SYDNEY CBD	11 TH - 12 TH MAR
Property Sales SYDNEY CBD	30 TH MAR - 1 ST APR
Stock & Station Agency Practices SYDNEY CBD	31 ST MAY - 10 TH MAR
Strata Management Agency Practices SYDNEY CBD	27 TH - 29 TH APR
Auctioneering SYDNEY CBD	15 TH - 16 TH APR
Property Mgmt Business Development & NCAT SYDNEY CBD	18 TH - 19 TH MAR

PROPERTY LICENSING

Financial Management (Strata) SYDNEY CBD	11 TH - 12 TH MAR
Trust Accounting + Insurance SYDNEY CBD	FRI 30 TH APR
Trust Accounting SYDNEY CBD	22 ND - 23 RD MAR
Property Management SYDNEY CBD	24 TH - 26 TH MAR
Business Broking SYDNEY CBD	10 TH - 11 TH MAY

Units taken from nationally accredited training qualifications from the CPP41419 Certificate IV Real Estate Practice and CPP40516 Certificate IV in Strata Community Management.

UPCOMING FINANCE & MORTGAGE BROKING FACE TO FACE COURSES

Certificate IV in Finance & Mortgage Broking SYDNEY CBD	17 TH - 19 TH MAY
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Diploma of Finance & Mortgage Broking Management <i>(Upgrade Program - Must hold Certificate IV in Finance & Mortgage Broking)</i> SYDNEY CBD	20 TH - 21 ST MAY
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Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

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