

Domestic & Family Violence Policy

1. Purpose

To define how Compass Housing Services Co Ltd (Compass) will respond to, and support, tenants or applicants experiencing domestic and family violence.

2. Scope

This policy applies to all Compass tenants, household members and applicants for housing assistance.

3. Policy Statement

Compass recognises that domestic and family violence has serious and harmful impacts on tenants, applicants and their families. Compass is committed to reducing the impact of domestic and family violence through the provision of safe and affordable housing and housing assistance to applicants.

Domestic and family violence affects many people regardless of social background, disability, age, gender, religion, sexuality or ethnicity. Compass recognises that domestic and family violence affects both females and males, those in lesbian, gay, bisexual, transgender, queer and intersex relationships. Living with domestic and family violence has a profound impact on survivors, children and young people.

Compass acknowledges that domestic and family violence is a whole of community issue that requires a whole of system response.

In determining Compass' response, Compass will take appropriate action that balances the wishes of the victim with the safety and wellbeing of other household members and the rights of the landlord to protect the property. Compass will comply with the provisions of the Residential Tenancies Act 2010 (NSW).

In circumstances where Compass determines that children or young people are at risk, a mandatory report will be made in accordance with the Children and Young Persons (Care and Protection) Act 1998.

Compass is committed to building staff skills, capacity and practice to identify indicators of domestic and family violence and to work with those affected to manage their housing and support needs.

4. Guiding Principles

- Domestic & family violence is illegal and unacceptable;
- The safety of the victim and children is our primary concern;
- All reports of domestic & family violence will be treated seriously;
- Compass recognises the right of the victim to say in their home;
- Compass' response will depend on the circumstances.

5. Responding to Domestic & Family Violence

When responding to clients affected by domestic and family violence, Compass will:

- Respect the client's right to privacy and confidentiality and make lawful decisions about disclosure of personal information;
- Consider the safety and wellbeing of the client and any children and young people (who may be part of the household) when assessing requests for assistance;
- Provide reliable and complete information to the tenant, co-tenant and any household members about their options and entitlements;
- Make appropriate referrals to services and support agencies;
- Ask the victim to provide us with documentation to support their request for assistance. The type of evidence we ask for will depend on the situation but may include police reports.

6. Changes in the Tenancy due to Domestic & Family Violence

A tenant or co-tenant can give a termination notice (a domestic violence termination notice) to Compass and any other co-tenant if they or their dependent child are in circumstances of domestic violence.

These circumstances are:

- Has been the victim of a domestic violence offence while a tenant or co-tenant, or dependent child, in the residential premises and a relevant domestic violence offender has been found guilty of that offence;
- A Domestic Violence Order has been made for their protection against a relevant domestic violence offender, as per the Crimes (Domestic & Personal Violence) Act 2007;
- The person has been declared by a competent person to be a victim of domestic violence during the current tenancy agreement (declarations must meet the requirements under the Residential Tenancies Act 2010).

A relevant domestic violence offender is defined in the Residential Tenancies Act 2010.

If the tenant or co-tenant gives a domestic violence termination notice, they must attach one of the following types of evidence:

- Certificate of conviction for the domestic violence offence;
- Family law injunction;
- Provisions, interim or final Domestic Violence Order;
- Declaration made by a medical practitioner in the prescribed form.

If a tenant ends their fixed term tenancy in circumstances of domestic violence, they will not be liable to pay any compensation or additional money for the early termination.

If a co-tenant (other than a relevant domestic violence offender) remains in the tenancy, they will be able to apply to the Tribunal to end their tenancy and they will be entitled to a two (2) week period where they will only pay their share of the rent.

Refer to the Residential Tenancies Act 2010 for further information about ending a tenancy in circumstances of domestic violence.

7. Privacy and Confidentiality

Compass respects a person’s right to privacy and will follow the law when we handle personal information. However, where Compass believes there is a serious threat to life, health or safety and, where it is unreasonable or impractical to obtain the individual’s consent to a disclosure, Compass may share information to reduce or prevent the threat, as permitted by privacy laws.

8. Legislation and Compliance

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010 (NSW)
- Privacy Act 1998 (Cth)

9. Policy Implementation and Review

This Policy will be implemented and published on Compass intranet once approved. Workers receive communications and training on new and reviewed policies and procedures.

Compass will review this policy on a regular basis. Refer to Compass Policy and Procedure Development Approval and Review (PROC-011) for information on the document review process.

Confirmation of internal compliance with this policy will be undertaken regularly.

10. Related documents and resources

- Ending Tenancies Policy
- Succession of Tenancy Policy
- Transfer Policy
- Care & Protection of Children & Young People Policy

11. Definitions

Term	Definition
Applicant	A person approved for social housing
Compass	Compass Housing Services Co. Ltd
Compass Group	The corporate structure that includes Compass (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.
Director	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand
Domestic & Family Violence	Behaviour that is violent, threatening, controlling and makes someone live in fear. The people involved are in, or have been in, a domestic relationship.
Household Members	A person who resides at the property who is an approved additional occupant but who is not the tenant
Landlord	The person who grants the right to occupy a property under a Residential Tenancy Agreement

Term	Definition
NSW Civil & Administrative Tribunal (NCAT)	An independent statutory body that resolves disputes including tenancy disputes. Orders of the NCAT are enforceable
Officer	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand
Parent Board	The current directors of Compass.
Parent Company	Compass Housing Services Co Ltd (Compass)
Residential Tenancy Agreement	A legal agreement between the tenant and landlord
Subsidiary Boards	The appointed board of directors of a Subsidiary Company.
Subsidiary Company	A company in which Compass owns all or at least a majority of the shares.
Tenant	A person who signs the Residential Tenancy Agreement with Compass
Worker (Compass)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> a) an employee, or b) a contractor or subcontractor, or c) an employee of a contractor or subcontractor, or d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or e) an outworker, or f) an apprentice or trainee, or g) a student gaining work experience, or h) a volunteer, or i) a person of a prescribed class.
Worker (Compass QLD)	is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.

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