

## Fact sheet

### Domestic and family violence – information for tenants

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#### What is domestic and family violence?

Domestic and family violence is a term used to describe any form of violence or abuse between people in a domestic relationship, where the person who is violent towards you is:

- a spouse (including defacto)
- an intimate or dating partner
- a family member, or
- an informal carer.

Defined as a 'domestic associate' under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act).

#### What can I do if there is violence in the home?

Every person has a right to feel safe and live free from violence. If there is violence in your home, a domestic violence order may be able to help stop the violence. A domestic violence order places limits on the behaviour of the person who is violent towards you. For more information on domestic violence orders, visit the Queensland Courts website [www.courts.qld.gov.au](http://www.courts.qld.gov.au), or contact DV Connect using the details at the end of this fact sheet.

#### How can I apply?

You can apply for a domestic violence order yourself at a Magistrates Court, or get a police officer, solicitor or someone else you authorise to apply for you. Contact the relevant service/s listed on the bottom of this fact sheet for more help in applying for a domestic violence order.

#### What if I'm renting a premises with the person who is violent towards me?

The Act gives rights to people in a domestic relationship whether you are a tenant named on the tenancy agreement or not. This includes a spouse (including a defacto), a dating partner, a family member or an informal carer.

If you are experiencing domestic and family violence while living in rental accommodation, you can apply to the Tribunal for an order to:

- be recognised as the tenant
- remove the name of the person who has committed an act of domestic and family violence from the tenancy agreement
- restrain the person who has committed an act of domestic and family violence from causing further damage or injury
- Prevent your personal information being listed in a tenancy database where a breach of the agreement is a result of the actions of another person who has committed an act of domestic or family violence, or
- end your tenancy agreement altogether.

#### What if the person you live with is violent and you are not in a domestic relationship with them?

If the person you live with is violent and you are not in a domestic relationship with them and the person has, or is likely to cause serious damage to the premises, or injury to you or someone else occupying the premises, you can apply to the Tribunal for an order to:

- be recognised as a tenant, or
- remove the name of the person that has been violent from the tenancy agreement.

### How do I apply to the Tribunal?

For information on applying to the Tribunal, visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au), or contact the QCAT registry on 1300 QLD CAT (1300 753 228).

### How does the Tribunal make a decision?

In making the order, the Tribunal would have to be satisfied that the applicant had established evidence of domestic and family violence, such as having a domestic violence order, or having applied for one. An application can be made to the Tribunal to have an interim order put in place restraining the violent person from causing further personal injury or damage to property. Contact the relevant services listed on this fact sheet for assistance in documenting evidence of domestic and family violence.

### Can I apply for a domestic violence order and an order about my tenancy at the same time?

A person experiencing domestic violence may apply to the Magistrates Court for a domestic violence order under the *Domestic and Family Violence Protection Act 1989*. At the same time, the person can also apply for an order about their tenancy under the *Residential Tenancies and Rooming Accommodation Act 2008*.

### Do I have to tell my lessor/agent?

If you are applying to be recognised as the tenant, the lessor/agent must be told about the application before either the Tribunal or the Magistrates Court can make a decision about the tenancy. If you are concerned about disclosing domestic and family violence to the lessor/agent you could seek tenancy and/or legal advice first.

### What can I do if I've been listed on a tenancy database because of the violence?

You can make an application to the Tribunal about an inaccurate, incomplete, ambiguous or out of date listing on a tenancy database. For example, you can apply if you have been listed on a tenancy database due to any damage to the property caused in the course of (or during) an incident of domestic and family violence. The Tribunal can also make an order that you are not be listed on a tenancy database.

### Where can I get more help or information?

DV Connect (for women)	1800 811 811
DV Connect (for men)	1800 600 636
Women's Legal Aid (located in Brisbane and Woodridge)	1300 65 11 88
Women's Legal Service or areas outside Brisbane	3392 0670 1800 677278
Integrated Indigenous Strategy Unit – Legal Aid Queensland	1300 650 143
Immigrant Women's Support Service	3846 3490
Brisbane Domestic Violence Advocacy Service	3217 2544
Disability Awareness Line (statewide)	3224 8444 or 1800 177 120 (TTY 3896 3471)
Elder Abuse Prevention Unit	1300 651 192
Tenants Queensland	1300 744 263
Department of Justice and Attorney-General	<a href="http://www.justice.qld.gov.au">www.justice.qld.gov.au</a>

### Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

### Accessing RTA forms

The RTA's forms can be obtained electronically or in person by:

- [rta.qld.gov.au](http://rta.qld.gov.au)
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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#### Disclaimer

*This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.*