



# Aboriginal Housing - Family Violence Policy

## Purpose

To outline how we (The Department of Housing and Works) will assist Aboriginal housing applicants and tenants who are experiencing or are at risk of experiencing family violence.

## Scope

This policy applies to you if you are living in a town based or remote Aboriginal community or looking to access Aboriginal housing assistance and you have experienced, are experiencing or are at risk of experiencing family violence.

## Definitions

|                                              |                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Co-tenants</b>                            | Two or more people who have signed a tenancy agreement to rent a property together.                                                                                                                                                                                                                                       |
| <b>Elder</b>                                 | A community member in a position of cultural authority.                                                                                                                                                                                                                                                                   |
| <b>Family (in a family violence setting)</b> | The use of the term 'family' acknowledges the variety of relationships and structures that can make up family units and kinship networks. It can include current or former partners, children (including adolescent or adult children), siblings, parents, grandparents, extended family and kinship networks and carers. |
| <b>Family Violence</b>                       | An ongoing pattern of behaviours intended to coerce, control or create fear within a family or intimate relationship. This includes physical, financial, emotional, or psychological abuse, sexual violence, neglect, intimidation, or any other behaviour which causes the victim to live in fear.                       |
| <b>Prescribed Security Upgrades</b>          | <ul style="list-style-type: none"><li>• Locks and security screens to windows</li><li>• Security screens to doors</li><li>• Exterior security lighting</li><li>• Locks on gates.</li></ul>                                                                                                                                |
| <b>Third Party</b>                           | <ul style="list-style-type: none"><li>• Community council</li><li>• Community Elder</li><li>• Family member or friend</li><li>• Support worker/agency</li></ul>                                                                                                                                                           |

- |  |                                                                                                                                                                                                            |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• Medical professional</li><li>• Housing and Works' employee who has previously assisted the person</li><li>• Court officer or legally appointed guardian.</li></ul> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Policy statements

### 1. Response to family violence

We support maximising the safety of people who have experienced family violence and prevent or reduce the consequences of family violence.

If you ask us for help in relation to family violence, we will, in consultation with the community council, do all we can to assist you.

If you have experienced, are experiencing or are at risk of experiencing family violence, we will prioritise the safety and wellbeing of you and any person in your care.

We also acknowledged the importance of protecting your pets.

We will work in collaboration with other support services to support your safety and wellbeing.

### 2. Examples of family violence

We recognise that family violence may include but is not limited to:

- emotional/psychological abuse: mind games, manipulation, insults, threats, verbal putdowns used to humiliate, degrade or embarrass and make the victim feel worthless or no good, property damage. Preventing a family member from making or retaining connections to culture.
- physical violence: pushing, slapping, punching, choking, kicking, harming or threatening to harm pets or possessions, physical threats, using weapons and any other behaviour that is intended to cause harm.
- sexual violence: forced sexual contact/activity. 'Forced' in this context refers to individuals who are physically coerced to participate or who are not able to say no because of fear, threats, or intimidation.
- social isolation: keeping the victim away from friends, family, work and/or other social opportunities.
- older person abuse: a single or repeated act, or lack of appropriate action, that occurs in a relationship with an older person where there is an expectation of trust and where that action causes harm or distress to the older person.
- financial abuse: controlling the money and decisions around its use, taking or limiting money, stealing.
- coercive control: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim.
- technology-facilitated abuse: use of technology (such as mobile devices) to monitor and stalk, send abusive text messages/emails or make harassing phone calls or share or threaten to share intimate images without consent.

- spiritual abuse: keeping the victim away from places of worship or forcing them to participate in spiritual or religious practices they do not want to be involved with.

### **3. Supporting your request for assistance**

We acknowledge the impacts of trauma associated with family violence.

You will be asked to share some information about your experiences of family violence. If you have already shared your story with the community council or a community Elder, a Department of Housing and Works staff member or another agency, with your written consent we can liaise with these third parties directly.

We acknowledge you may have difficulty providing supporting documentation due to cultural reasons, lack of knowledge about support services or lack of available and appropriate support services.

In communities where police cannot attend, or for cultural or circumstantial reasons, you are prevented from reporting to police, we may apply our Discretionary Decision Making Policy. This would be in relation to substantiating incidents of family violence and determining tenant liability.

### **4. Additional security**

You may ask us to install prescribed security upgrades at your Aboriginal housing property if you believe it improves your safety, or the safety of people in your care.

We will install these prescribed security upgrades at no cost to you:

- Locks and security screens to windows
- Security screens to doors
- Exterior security lighting
- Locks on gates.

You may add or alter prescribed security upgrades at your own cost.

- You do not need our permission, but you must advise us before they are altered or installed.
- The work must be completed by a suitably qualified tradesperson, and we may need to inspect the completed work to ensure it meets required standards.

You can ask us to reimburse you. You will need to supply receipts from the person/company who completed the work and proof of their trade qualifications.

Where required, we will also prune shrubs and trees to improve visibility around the property.

We will consider reasonable and necessary requests for other non-prescribed security upgrades based on your individual circumstances. We may require you to provide new information to support your request for security upgrades. This can be provided by you or a third party.

## **5. Tenant liability for property damage**

If a perpetrator of family violence damages your Aboriginal housing rental property, you will not be held responsible for the cost of repairing the damage.

We may need to ask for additional information, such as a brief report of the damage and written confirmation from a supporting agency. This may be supplied by a third party, on your behalf.

Where possible, we will attribute debt to the perpetrator of family violence.

## **6. Tenants unable to reside in their rental premises**

If you or a co-tenant cannot stay at your Aboriginal housing property because of family violence, we will re-calculate the rent based only on the income of the remaining co-tenant and householders.

If you can demonstrate that your Aboriginal housing property is empty because of family violence, we may waive rent charges for the period the property is empty, up to three months. An additional maximum of three months may be approved with further supporting evidence (six months in total).

We will discuss the options for the future of your tenancy with you.

## **7. Joint tenancies where family violence is present**

Co-tenants have equal rights and responsibilities, under their tenancy agreement, including the right to occupy the property.

This means we have no legal authority to remove a perpetrator of family violence from an Aboriginal housing property if it is a joint tenancy.

If a co-tenant leaves, or is legally prohibited from living at the property, their rights and responsibilities as a tenant continue until:

- a. the tenancy is terminated,
- b. their tenancy interest is terminated or,
- c. the tenancy is assigned to the co-tenant who is still living at the property.

## **8. Joint tenancies - termination of tenancy interest**

If you are experiencing, or at risk of experiencing family violence in a joint tenancy and you decide to move out of the Aboriginal housing property, you can terminate your interest in the tenancy.

If you or a person in your care have experienced family violence and you want to stay in the Aboriginal housing property, you may apply to a competent court to terminate the perpetrator's interest in the tenancy. We will provide you information on how to do this.

If you are the perpetrator of family violence, and you decide to move out of the Aboriginal housing property, you may apply to a competent court to terminate your interest in the tenancy. We will provide you information on how to do this.

## Related legislation

- *Housing Act 1980*
- *Residential Tenancies Act 1987*
- *Residential Tenancies Regulations 1989.*

## Related policies/strategies

- Aboriginal Housing Policy Manual
- Maintenance Policy Manual
- Rent to Income Policy
- Tenancy Management Policy
- Discretionary Decision Making Policy
- Aboriginal Family Safety Strategy
- WA Strategy to Respond to the Abuse of Older People (Elder Abuse) 2019 - 2029
- National Agreement on Closing the Gap
  - Priority Reform Areas 1 – 4
  - Outcome 13 Aboriginal and Torres Strait Islander families and households are safe.

Target 13: By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by 50%, as progress towards zero.

## Document control

|                         |                                         |
|-------------------------|-----------------------------------------|
| <b>Publication date</b> | August 2024                             |
| <b>Review date</b>      | August 2027                             |
| <b>Owner</b>            | Executive Director – Statewide Services |
| <b>Custodian</b>        | Director Housing Practice and Support   |