Domestic abuse

Protections for tenants

There are options for tenants who experience abuse or domestic violence by a person who may be:

- living in the home
- is a regular visitor.

Terminating your tenancy

If you are a tenant experiencing domestic abuse you can **terminate your tenancy directly, and immediately if required, with your landlord or agent** without needing to apply to the South Australian Civil and Administrative Tribunal (SACAT).

You will need to submit **Form 15** - Notice of termination by tenant on grounds of domestic abuse with the following as **supporting evidence**:

- a copy of an intervention order
- a signed report from an authorised professional setting out why they are of the opinion you are experiencing domestic abuse.

Authorised professionals who can issue reports are:

- legal practitioners
- registered medical practitioners
- social workers
- people working for domestic and family violence support services or sexual abuse support services
- domestic and family violence case managers.

Any evidence you provide must be stored and disposed of securely by your landlord or agent.

They can only use, or disclose this evidence, without your consent to refer a matter to the police, a child protection agency, or if it is reasonably necessary for your protection.

Tenants can also give 7 days' notice to end a tenancy if they need to vacate to obtain temporary crisis accommodation. They will need to provide the name of the crisis accommodation provider. See **Form 14** - Termination by tenant where certain circumstances apply.

Changing of locks

A tenant or a person protected by an intervention order experiencing domestic abuse may alter any lock or security device without the permission of their landlord/agent. They must provide required evidence of the abuse and provide a key to the landlord or landlord's agent.

If there is NO intervention order in place, landlord/agent consent is required to change the locks. If the tenant believes approval is being unreasonably withheld, they can apply to SACAT for a resolution.

Applications to SACAT

- SACAT can terminate or vary a tenancy in circumstances where domestic abuse has occurred.
- A person who is protected by an intervention order and normally lives at the rental premises, but is not listed on the tenancy agreement, can apply to SACAT for the tenancy agreement to be varied so that they can remain at the premises without the perpetrator.
- SACAT has greater authority to make decisions about whether a tenant who has experienced domestic abuse and was not responsible for damage caused by their co-tenant, should be liable to pay compensation to the landlord/agent for this damage.
- This means SACAT can refund a victim's portion of a rental bond and hold a co-tenant responsible for any damages they caused, even when the amount of compensation owed to the landlord/agent is greater than this tenant's portion of the bond.
- SACAT may make an order that a termination notice served on the tenant is invalid if the reason for termination was due to the act of a person who subjected the tenant or a domestic associate of the tenant to domestic abuse.

How to apply to SACAT

If you are a tenant or a co-tenant you can apply to SACAT for an order to:

- terminate the tenancy
- allow you to stay in the property without the perpetrator
- leave the property and terminate your responsibility under the tenancy
- stop a landlord/agent from listing your details on a Residential Tenancy Database (tenant 'blacklist') for damage caused by the perpetrator
- determine how the bond will be refunded.

All applications to SACAT are completed online at www.sacat.sa.gov.au. All the information you are required to provide will be contained in the online application form.

If you are unable to complete the form online, you can contact the tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street Adelaide and use a computer at one of SACAT's public kiosks. An application fee normally applies but may be waived if you cannot pay due to your circumstances.

Your safety at a hearing

SACAT always has at least one security guard present.

The guard's role is to ensure the safety of tribunal members and people attending. The guard may walk in and out of a hearing room at any time. The guard may be present in the room if there are security concerns for a particular hearing.

Where an intervention order is in place, SACAT will usually allocate two hearing rooms, with one person in each room connected by teleconference facilities. The tribunal member may move from one room to the other to take evidence from each person.

Assistance at the hearing

You may have a family member or friend to assist you, or you may arrange for someone to advocate for you at the hearing (refer to the service providers listed below).

Where can I get further help or information?

Organisation	Details	Contact	When
Your safety			
South Australia Police www.police.sa.gov.au Find your local police station: www.police.sa.gov.au/about-us/find-your-local-police-station	Discuss appropriate responses at your local police station	131 444 for patrol assistance OR 000 for an emergency	24 hours a day 7 days per week
Domestic Violence Crisis Line	Crisis counselling, support and referral to safe accommodation	1800 800 098	24 hours a day 7 days per week
Tenancy Advisory and Advocacy Services			
Consumer and Business Services www.sa.gov.au/tenancy/renters	Tenant and landlord advisory service	131 882	Mon to Fri 9am to 5pm
RentRight SA	Tenant information and advice service	1800 060 462	Mon to Fri 8am to 8pm
Legal Advice			
Women's Domestic Violence Court Assistance Services www.wdvcas.lsc.sa.gov.au	Free legal support within the court system for victims of family and domestic abuse	1800 246 642	Mon to Fri 9am to 5pm
Legal Services Commission www.lsc.sa.gov.au	Free legal help	1800 366 424	Mon to Fri 9am to 4.30pm
Women's Legal Service SA www.wlssa.org.au	Community-based legal centre providing legal services to women	08 8231 8929 1800 655 037	Advice line: Mon, Tues, Thurs and Fri 10am to 4pm
Aboriginal Legal Rights Movement www.alrm.org.au	Free legal services	8113 3777 (24 hours for emergencies)	Mon to Fri 9am to 5pm

		1800 643 222	
Domestic and Family Violence Service Providers			
Yarrow Rape and Sexual Assault Service www.yarrowplace.sa.gov.au	SA Adult Rape and Sexual Assault Service	1800 817 421	24 hours a day 7 days per week
1800RESPECT www.1800respect.org.au	National sexual assault, domestic family violence counselling	1800 RESPECT (1800 737 732)	24 hours a day 7 days per week
Victim Support Service www.victimsa.org	Free assistance for adult victims of crime	1800 VICTIM (1800 842 846)	Mon to Fri 9am to 5pm
Office for Women - Women's Information Service www.wis.sa.gov.au	Information and referral service	8303 0590 1800 188 158 0401 989 860 SMS	Mon to Fri 9am to 5pm
Bond Assistance			
Housing SA www.sa.gov.au/tenancy/renters	Housing advice including eligibility for bond assistance	131 299	Monday to Friday 9am to 5pm
Apply to SACAT			
South Australian Civil and Administrative Tribunal www.sacat.sa.gov.au	Apply to resolve disputes	1800 723 767	Monday to Friday 9am to 5pm
Translating and Relay Services			
Translating and Interpreting Service www.tisnational.gov.au	Translation services	131 450	24 hours a day 7 days per week
National Relay Service www.relayservice.gov.au	For people who are deaf or have a hearing or speech impairment	133 677 (TTY/voice calls) 1300 555 727 (speak and listen) 0423 677 767 (SMS relay)	24 hours a day 7 days per week

More rental information

For further details:

- see rights and obligations in the Tenant Information Guide www.cbs.sa.gov.au/tenantinfoguide
- visit www.sa.gov.au/renting or contact Consumer and Business Services on 131 882 or www.cbs.sa.gov.au.

The information provided in this fact sheet is of a general nature only and should not be regarded as a substitute for legal advice and/or reference to the appropriate residential tenancies legislation.