

HOUSE OF ASSEMBLY

THURSDAY 19TH NOVEMBER 2015

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 October 2015.)

Mr PEDERICK (Hammond) (15:57): I rise too to support the Residential Tenancies (Domestic Violence Protections) Amendment Bill 2015. I think it is an apt time to have this bill on the table in this place when we have made contributions earlier today in regard to White Ribbon Day and the obvious impact of domestic violence on our women and children in society. What this bill is intended to do is provide further protections to victims of domestic violence in the tenancies sector to terminate a residential tenancy, as has already been indicated by the member for Mount Gambier, or a rooming house agreement where the South Australian Civil and Administrative Tribunal is satisfied that domestic violence has occurred or there is an intervention order in force against the person residing at the premises.

At the moment, a tenant or landlord may apply to SACAT to terminate a residential tenancy based on hardship. However, SACAT's powers are limited in cases where the tenant is a co-tenant with a person being violent towards them. Co-tenants therefore are jointly and severally liable. What this means for SACAT is they cannot terminate a residential tenancy unless the other tenant joins the application, indicates no opposition to it, or SACAT is satisfied that the other tenant has abandoned the residential tenancy. SACAT is also unable to make an order that more than one tenant in a co-tenancy is liable for compensation to the landlord to the exclusion of other co-tenants. In situations where there is domestic violence, this generally results in the victim being required to pay for the damage caused to the property by the perpetrator, either out of the bond or as compensation or, in some cases, both.

Under this bill, it is proposed that a tenant will be able to apply to SACAT to terminate a residential tenancy based on domestic abuse in specified circumstances. Some of these circumstances will obviously involve a South Australia Police report, or a report from a domestic violence service provider.

SACAT will have power to make an order terminating the residential tenancy and substitute a new tenancy agreement. SACAT will also have power to make an order that one of the co-tenants must pay compensation to the landlord. The government says SACAT's powers in relation to the bond are designed to:

...provide a balance between the victim's interest in the bond, if any, and the landlord's right to compensation out of the bond.

The Landlords' Association has raised some questions about details of the bill. I note that there is a clause in the new bill which talks about restraining orders,

where landlords will have some powers to protect their obvious interests in a tenancy arrangement.

We support the bill. As the member for Mount Gambier put so well, the scourge of domestic violence has spread too far and we must do all we can to protect victims and their rights. This goes no small way to assisting that process. Obviously, at times, with regard to where someone has been a victim of domestic violence, they may lose their direct income to the family in the immediate sense, and it may mean that a breadwinner has left and new arrangements are made.

There is a whole range of arrangements that someone may have to make in that situation regarding their home life decisions, whether it is to do with bringing up their children (if they have children), putting the children through school, paying the bills, or just putting food on the table. This bill will take some of those pressures off people caught up in an issue of tenancy and the payment of rent, bonds and other matters.

I fully support the bill and, as I said earlier, this will go part of the way to alleviating some of the pain that victims of domestic violence have to put up with. Let's hope—and I say it is hope—that this does not have to be enacted too many times into the future. I commend the bill.