

DOMESTIC
VIOLENCE
VICTORIA

Submission to the proposed
Residential Tenancies Regulations
2020

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YOUR VOICE AGAINST VIOLENCE

Domestic Violence Victoria

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About DV Vic

Domestic Violence Victoria (DV Vic) is the peak body for specialist family violence response services for victim-survivors in Victoria. As such, DV Vic is recognised as the state-wide voice of Specialist Family Violence Services (SFVS) responding to victim-survivors. DV Vic is a membership-based organisation and is accountable to its members, who also comprise its Board of Governance. DV Vic's core membership comprises state-wide and regional specialist agencies working with victim-survivors of family violence across Victoria. We are an independent, non-government organisation that leads, organises, advocates for, and acts on behalf of its members utilising an intersectional feminist approach. However, the organisation is ultimately accountable to victim-survivors of family violence and works in their best interests.

DV Vic's work is focused on advocating for, supporting, and building the capacity of specialist family violence practice and service delivery for victim-survivors; system reform; and research, policy development and law reform. DV Vic analyses the views and experiences of member organisations, the evidence on family violence, and the lived experience of victim-survivors, and translates this into innovative and contemporary policy, practice, and advocacy.

DV Vic holds a central position in the Victorian family violence system and its strategic governance and is one of the key agencies with responsibility for providing family violence subject matter expertise, technical assistance, capacity building, and policy and practice advice to the SFVS sector, broader sectors, government, and other partners and stakeholders.

Introduction

Domestic Violence Victoria (DV Vic) welcomes the opportunity to provide comment on the proposed *Residential Tenancies Regulations 2020* (the Regulations). The passage of the *Residential Tenancies Amendment Act 2018* (Vic) (the Amendment Act) was a significant opportunity to update the *Residential Tenancies Act 1997* (Vic) (the Act) to better reflect the contemporary private rental market and improve the rights and protections for tenants throughout Victoria. It was also a significant opportunity to respond to a number of issues identified by the Royal Commission into Family Violence (the Royal Commission) relating to victim-survivors' ability to maintain and access safe and affordable housing in the private rental market. The Regulations are an important next step in ensuring that the Residential Tenancies Act upholds the safety and rights of victim-survivors of family violence, as envisioned by the Royal Commission.

For the purpose of this submission, DV Vic will focus on the regulations that are specific to family violence. While this submission is primarily responding to proposals put forward in the Regulations, it will also point to several issues and concerns that DV Vic has identified in the Act which either create inconsistency or uncertainty and are likely to be problematic in implementation. Although we recognise that amendments to the Act are considered out of scope for this consultation, we look forward to working with the Victorian Government's Department of Justice and Community Safety to further amend the Act to ensure that the original intent behind the Amendment Act is realised.

Despite our focus on family violence specific regulations, we recognise that the broader regulations will also have significant impact on victim-survivors of family violence and their ability to access quality and safe housing and have their rights and privacy protected. As a result, we support calls from other community service organisations, including community legal centres and consumer advocates, for more robust minimum standards that include standards for ventilation, insulation, draught proofing and cooling; improved energy efficient heating standards; and heating standards for apartments. We also call for greater transparency and mandatory disclosure about past concerns related to mould, damp and asbestos related risks and support calls for expanded banned lease terms that unfairly impinge upon consumers' rights.

While the standards and rights set out in the Act and proposed Regulations are a significant improvement from what is currently in place, we feel that several of the proposed regulations continue to fall short of community expectations and can be improved. We also believe that there is a community expectation that these minimum standards and protections for tenants should apply to all tenancies, existing and new. We therefore call for the new legal framework to be phased in to cover all renters within two years starting from 1 July 2020.

In relation to the above points, DV Vic endorses submissions by the Victoria Tenant's Union, Justice Connect Homeless Law, CHP and VCOSS.

Family violence related protections

Tribunal Orders and supporting evidence (Regulation 36)

DV Vic Supports:

- The removal of the need for an intervention order (IVO) to end and/or create a new lease
- A broad list of acceptable evidence to support a VCAT application

DV Vic has concerns about:

- The current wording of the Regulations and Act regarding matters to be considered potentially to be interpreted as cumulative
- The risk of perpetrators of family violence increasingly being able to make vexatious claims of family violence as a result of a low evidentiary requirement.
- The evidentiary requirements for VCAT hearings regarding ending and/or creating a new lease being inconsistent with other family violence protections in the Act.

Evidence required to support a VCAT application to end/create a lease due to FV (s91V)

DV Vic is supportive of changes made by the Amendment Act to remove the need for an (IVO) and expand the type of evidence accepted to support a VCAT application to end and/or create a new lease (s91W). This is consistent with Recommendation 116 of the Royal Commission.

We are particularly supportive of the proposal to accept a letter from the broad list of people as evidence. Obtaining a statutory declaration can be onerous and daunting for highly marginalised groups and can be a barrier to accessing VCAT as a result. Therefore, a letter is a more appropriate evidential requirement.

We do have some concerns about the current wording of Regulation 36 and the different ways this could be interpreted. The use of “and, any” in Regulation 36 (and similar Regulations 51, 71 & 88) could be interpreted as needing each type of evidence listed to support a VCAT application if the applicant does not have an IVO. For example, if a victim-survivor does not have an IVO, the victim-survivor would need a letter, *in addition to a* bank statement, *in addition to* any electronic communication, etc. Such an interpretation would make the evidentiary requirement for a VCAT application to end and/or create a new lease in the case of family violence potentially more onerous than obtaining an IVO. This would be contrary to the intent of the RTA reforms which is to lower the burden of evidence on victim-survivors to end or obtain a new lease. DV Vic strongly advocates that the wording of the Regulations be reviewed to make it clear that *any one* type of evidence listed in the prescribed matters can be accepted as enough to support a VCAT application.

Recommendation 1: The wording in Regulation 36 and related Regulations 51, 71 & 88 be reviewed to ensure they clearly indicates that *any one* type of evidence listed will be accepted as evidence to support a VCAT application.

Further to concerns about the wording in the Regulations, DV Vic also has concerns that the wording in s91V of the Act is somewhat ambiguous and evidence required could be interpreted as cumulative. Such an interpretation is contrary to the intent of the Amendment Act and the Royal Commission recommendations. As a result, DV Vic believes that the Act should be further amended to clarify evidentiary requirements under s91V.

Recommendation 2: Amend the Act to clarify evidentiary requirements to support VCAT applications to end and/or create a new lease (S91V).

Protecting against vexatious claims

DV Vic fully supports lowering the burden of evidence for victim-survivors to prove their experiences of family violence. However, lowering the evidentiary burden does increase the risk that perpetrators of family violence will be able to make vexatious claims against victim-survivors and abuse the VCAT process. It is not uncommon for perpetrators of family violence to position themselves as victims of family violence in order to use and abuse system processes as a further means to exercise power and control over their victim. Protecting against vexatious claims requires VCAT members to have a good understanding of family violence and the dynamics of power and control to be able to accurately assess power imbalances between parties where both may claim to be victims. Accurately assessing claims where misidentification of a perpetrator has occurred is complex and DV Vic looks forward to working with VCAT to improve this process.

In addition to increased training and understanding of family violence among VCAT members, it was highlighted in member consultations that one way to help mitigate the risk of vexatious claims of family violence via the Regulations could be to require family and friends to produce a statutory declaration instead of a letter. As stated earlier, requiring a statutory declaration can be an added barrier to access support for marginalised groups. Consequently, we would not support requiring a statutory declaration from the other range of professionals currently listed in the Regulations. However, obtaining a letter from a family or friend is a very low bar of evidence and is likely to be the most common form of evidence used by perpetrators to support vexatious claims. It is DV Vic’s view that requiring a statutory declaration as a legal document may help prevent vexatious claims from

perpetrators of family violence without significantly increasing the burden of evidence for victim-survivors.

Recommendation 3: Amend Regulation 36 (and other associated Regulations 51, 71 & 88) to require family and friends to provide a statutory declaration to support a VCAT application in an effort to protect against vexatious claims of family violence from perpetrators.

Inconsistent evidentiary requirements to access family violence protections

As discussed above, DV Vic supports changes made to the Act to remove the need for an IVO and broaden the list of evidence accepted to support VCAT applications. DV Vic believes that this should be the standard of evidence needed to access all family violence protections listed under the Act. Unfortunately, parts of the Act are now inconsistent with the standard of evidence proposed in the Regulations for s91V.

For example, to access the bond apportioning provisions in instances of family violence, a victim-survivor does not have to produce an IVO if the perpetrator is on the lease (s420A), but they do if the perpetrator is not on the lease (s420B). In cases where a perpetrator has been removed from a lease and returns to damage the property, the requirements to have an IVO in order to protect the victim-survivor's bond, places victim-survivors at an unfair disadvantage. Similarly, victim-survivors are only able to request sales inspections by appointment only if they are listed as a "protected person," (s86(2)), meaning they need an IVO to access this protection.

DV Vic believes that the evidentiary requirements listed in the Regulations to access a VCAT order to end and/or create a new lease are more appropriate and should be standardised throughout the Act for all family violence protections. As found by the Royal Commission, obtaining an IVO can be onerous and, in some cases, can increase the risk to victim-survivors. If an IVO is not required to end and/or create a new lease, and IVO should not be required to access other family violence provisions listed in the Act.

Recommendation 4: Amend the Act to remove the requirement to have an IVO to access family violence protections.

Property modifications (Regulations 26 & 28)

DV Vic supports:

- The introduction of modifications that can be made without a residential rental provider's consent

DV Vic has concerns about:

- Family violence safety related modifications only being allowed with a residential rental provider's consent
- The need for increased guidance regarding what constitutes a "safety measure"
- Requirements that victim-survivors must pay to restore family violence related modifications to their original state when leaving a property
- Family violence related modifications are not exempt under Section 64 (1D) as are disability related modifications.

Modifications without Residential Rental Provider's consent

It is DV Vic's view that family violence related modifications to properties should be able to be made without a residential rental provider's consent.

Enabling victim-survivors to stay safely in their home was a key recommendation of the Royal Commission. The ability to quickly make safety modifications to a property is critical to enabling a Safe at Home response that reduces family violence related risk and supports a victim-survivor to safely remain in their home. This in turn reduces the risk of becoming homeless. Being forced to leave their home in order to escape family violence is the most common reason women and children become homeless and often has a long term, spiralling effect that increases victim-survivors' likelihood that they become entrenched in the social service system. A victim-survivor's health and safety should not be dependent on a residential provider's discretion. The ability to make these modifications also should not be delayed by needing to obtain consent or contest a residential rental provider's decision in VCAT. When it comes to family violence risk and safety time is of the essence. We strongly recommend that the Regulations be amended to include family violence related safety modifications in Regulation 26 to allow these modifications to be made without a residential rental provider's consent.

Recommendation 5: Include family violence related safety modifications in Regulation 26 to enable these modifications to be made quickly and without a residential rental provider's consent.

In the event that the Regulations are not modified to include family violence safety related modifications in Regulation 26, DV Vic believes that there must be a time limit put on the period during which a residential rental provider can refuse consent, after which time consent is implied. As previously mentioned, family violence related modifications are critical to ensuring victim-survivors' safety and preventing the risk of homelessness and, as such, are time sensitive. Without a time limit on periods for residential rental providers to refuse, it is possible that residential rental providers can simply delay giving a response. This undermines the intention of the Act to enable improved Safe at Home responses and has the potential to cause significant harm to victim-survivors of family violence. It is DV Vic's view that residential rental providers should be required to respond to requests for family violence safety related modifications within 24-72 hours, after which consent is implied.

Recommendation 6: If family violence safety modifications are not included in Regulation 26, amend the Act to require residential rental providers to respond to requests for such modifications within 24-72 hours, after which consent is implied.

Increased guidance on family violence safety modifications

For the purpose of including family violence safety modifications in Regulation 26, it is DV Vic's view that providing increased guidance to residential rental providers, tenants and VCAT members about what constitutes a family violence safety modification would help clarify expectations and rights among parties. DV Vic does not support a fully prescriptive list of family violence safety modifications, as an overly prescriptive list could inhibit a victim-centred approach to Safe at Home response. Ultimately, a victim-survivor is the expert in what they need to feel safe and this should not be limited by a prescriptive list of allowed modifications.

However, we do feel that more direction could be provided to residential rental providers, VCAT members and tenants about what a family violence related safety measure could include. For this

reason, we support a list of specified family violence safety modifications that “includes but is not limited to” a list of example safety modifications, such as the list of family violence safety modifications drafted by Justice Connect in their submission to the Regulations.

Recommendation 7: Include in Regulation 26 a list of example family violence safety modifications that “includes but is not limited to” specified modifications such as the ones listed in Homeless Law’s submission.

Restoring family violence related modifications to original state

DV Vic considers the requirement that tenants must pay to restore any changes made as a result of family violence related modifications to be unreasonable and an unjust cost burden. Victim-survivors of family violence are among the most socio-economically marginalised cohorts in our society and are unlikely to have the money to restore changes made to the property.

Many of the proposed modifications to rental properties are likely to enhance the property’s value. However, where family violence related modifications do not enhance the value of a property, it is DV Vic’s view that the cost of restoring the property to its original state should not fall to the victim-survivor. Furthermore, tenants who have experienced family violence should not be financially penalised for expecting to have a safe home that meets their needs.

We note that the Act also requires tenants with a disability to restore their property to its original state upon leaving. Family violence is the leading cause of disability among women, and women with disabilities are twice as likely as women without disabilities to experience family violence.¹ We therefore believe that the requirement that people with a disability pay to restore their property to the original state is doubly unjust to women with disabilities who are also victim-survivors of family violence. These women are even more likely to be locked out of employment and to be socio-economically marginalised and unable to pay for the costs of restoration. Their financial position should not be a barrier to having disability and/or safety related modifications made to a property. DV Vic therefore strongly recommends that the Act be amended to exempt tenants from needing to restore properties to their original state where modifications have been made related to family violence or disability.

Recommendation 8: The Act be amended to exempt tenants from needing to restore properties to their original state where modifications have been made related to family violence or disability.

Family violence related modifications included under s64 1D

DV Vic applauds the exclusion of disability related modifications from s64(1C) of the Act. This exclusion gives tenants with a disability assurance that disability related modifications will be made to a property regardless of the property’s circumstances (e.g. the property is being imminently sold).

DV Vic believes that the Act should be amended to include family violence related modifications in s64(1D). Women with disabilities who experience family violence are significantly more likely to be at risk of homelessness as a result of family violence due to the difficulty in finding accessible properties that meet their needs. Ensuring that women with disabilities can make the disability and safety

¹ Women with Disabilities Victoria (Sept 2014) Position Statement: Violence Against Women with Disabilities.

related modifications needed to remain safely in their homes is therefore critical in meeting their human rights and maintaining their wellbeing and independence.

Recommendation 9: Amend the Act to include family violence related modifications in s64(1D) to give greater assurance that family violence related modifications will be made despite certain circumstances listed in s64(1C) of the Act.

Tenancy Database and Family Violence related listings (Regulation 95)

DV Vic supports:

- A broad list of evidence able to be used to contest a wrongfully added listing

DV Vic has concerns about:

- Lack of clarity about tenancy database protections being applied to historic listings related to family violence.

Evidentiary requirements to remove listings

DV Vic is supportive of the broad list of evidence included in Regulation 95 pertaining to evidence that can be presented to contest a listing in a tenancy database and the removal of a need to have an IVO. We note our concerns raised in relation to Regulation 36 regarding the prescribed list of evidence possibly being interpreted as cumulative and the risk of perpetrators exploiting the low bar of evidence to make vexatious claims as victims. To this effect, we advocate for changes recommended to Regulation 36 to be applied to Regulation 95.

Recommendation 10: Recommendations related to Regulation 36 in this submission are also applied to Regulation 95.

Historic listings in tenancy databases

Our member services frequently work with victim-survivors who have wrongfully been added to tenancy databases for behaviour and/or damage to properties done by the perpetrator of family violence. Inclusion on these tenancy databases reduces victim-survivors' access to private rental and makes them more vulnerable to homelessness. For this reason, we are very pleased with changes made in the Amendment Act which prohibit victim-survivors from being able to be added to the tenancy database for issues related to family violence. We are also very supportive of an improved process to remove wrongfully added listings

Questions remain for DV Vic about how these new provisions apply to historic listings that relate to family violence. Some victim-survivors will be currently listed on a tenancy database for issues related to family violence. The current wording of the Amendment Act relating to s439F(6 & 7) and Regulation 95 make it unclear if the new provisions in the Amendment Act will apply to historic listings. If it does not, these victim-survivors will continue to face unwarranted discrimination and barriers to accessing private rental. This again is contrary to recommendations made by the Royal Commission and the intention behind changes made in the Amendment Act to increase access to private rental for victim-survivors of family violence and reduce risks of homelessness and housing instability. DV Vic strongly encourages that Regulation 95 be amended to make it clear that victim-survivors can present evidence pertaining to historic or current instances of family violence to request listings to be removed.

Recommendation 11: Amend Regulation 95 to make it clear that prescribed evidence can relate to historic or current acts of family violence to support requests for listings to be removed.

Prohibited Questions on Rental Applications (Regulation 15)

DV Vic Supports:

- The list of prohibited questions currently listed in Regulation 15

DV Vic has concerns about:

- The list of prohibited questions still does not fully reflect the Equal Opportunity Act

Prohibited questions

DV Vic is very supportive of the list of prohibited questions listed in Regulation 15. Victim-survivors often face discrimination in the private rental market based on the listed attributes, including visa and residency status, past bond history or if an applicant has previously had a dispute with a residential tenancy provider. These attributes have no relevance to if a prospective tenant can pay their rent and will be a good tenant and should not be asked.

However, DV Vic also does not feel that the current list of prohibited questions goes far enough. The Act and Regulations are clear that it is illegal to discriminate according to certain characteristics listed in the Equal Opportunity Act. This is good and appropriate. It is DV Vic's view that any attributed listed in the Equal Opportunity Act should be listed as a prohibited question under Regulation 15. If it is illegal to discriminate against a person due to these qualities, residential rental providers should not be allowed to ask about these qualities.

DV Vic supports the "Statement of Information for Rental Applicants" included in the current proposed Regulations. This information about tenants' rights should be readily provided to prospective tenants so they are better able to exercise their rights. However, we do not believe that this is enough on its own. While the Equal Opportunity Act may prohibit discrimination, in practice that does not prevent residential rental providers from subconsciously or covertly making decisions about tenants based on the presence of absence of these characteristics. Continuing to ask about such characteristics is inherently discriminatory and should be prohibited.

DV Vic also has concerns that residential rental providers are still allowed to ask about the use of a bond loan scheme. In consultation with our members, specialist family violence services highlighted that often the use of a bond loan scheme is a source of discrimination against victim-survivors of family violence as it implies that the applicant is not financially secure. The use of a bond loan scheme to pay a bond is not indicative of a prospective tenant's ability to pay rent. Allowing residential rental providers to ask about bond loan schemes undermines an extremely effective scheme that is designed to reduce barriers into private rental for people who are not in the position to cover the cost of a bond, but are capable of paying their rent, including victim-survivors of family violence. We therefore advocate for questions about bond loan schemes to be added to Regulation 15.

Recommendation 12: Expand the list of prohibited questions currently listed in Regulation 15 to reflect the list of protected characteristics under the Equal Opportunity Act and prohibit questions about the use of a bond loan scheme.

Temporary Crisis Accommodation exemptions from the RTA (Regulation 6)

DV Vic supports

- An acknowledgement that temporary crisis accommodation is different from other forms of accommodation and therefore needs special consideration

DV Vic has concerns about:

- A time limited exemption from the Act
- The proposed definition of temporary crisis accommodation is too broad

A time limited exemption from the RTA

DV Vic is pleased to see that the previous 14-day exemption from the Act for temporary crisis accommodation has been recognised as inappropriate. However, DV Vic believes that any time limited exemption from the Act is fundamentally unworkable for temporary crisis accommodation, including family violence refuges, and that temporary crisis accommodation should be exempt from the Act entirely.

Defining crisis accommodation according to a set time period ignores the function that crisis accommodation plays in the specialist family violence and specialist homelessness sectors. It is DV Vic's and its members' view that temporary crisis accommodation is not housing; it is a service.

In the case of family violence refuges, victim-survivors stay in refuge to escape family violence and begin the initial phases of recovery. Support to escape and recover is a service that family violence refuges just happen to provide in an accommodation setting. However, the accommodation service setting does not mean a family violence refuge is housing. The accommodation supports the delivery of a service to a targeted cohort, but the accommodation itself is secondary to the service being provided.

Unfortunately, the systemic lack of affordable, long-term housing for people to leave a temporary crisis accommodation service means that many people remain in temporary crisis accommodation long after they have received what they need from the service itself. The systemic lack of housing has caused the true purpose of temporary crisis accommodation to be obscured – that is to offer support in recovery and stabilisation in the lead up to *securing* housing, not to *provide* housing.

The distinction of temporary crisis accommodation as a service compared to housing helps explain why a time-limited exemption for temporary crisis accommodation is so problematic. Services are not meant to be residential rental providers and they should not be required to be. Asking them to manage leases will detract from their ability to provide the service they are funded to provide – in the case of family violence refuges, that is assessing and managing family violence risk and helping victim-survivors' develop and implement plans for their safety and recovery. Asking services to provide and manage leases also fundamentally changes the relationship between a service provider and client from one of a supportive and helpful relationship to one of contract management. In a trauma-informed, recovery-centred, supportive service context this is inappropriate.

Potentially being required to sign clients up to leases not only obscures the true purpose of temporary crisis accommodation services, like family violence refuges, but will also exacerbate existing systemic issues related to demand and client access. Family violence refuge beds are already

scarce compared to demand and victim-survivors can spend weeks and sometimes months in motels waiting for access to a family violence refuge. Services are already struggling to move families through the system into more permanent housing – sometimes this is because services cannot find a suitable place to move a family, other times it is because a victim-survivor refuses to leave, even if there are suitable housing options available. Signing clients up to a lease with the implication of more permanent tenure in a service that was never meant to be permanent will slow throughput, increase administration burdens, and increase the current bottleneck in the system. Ultimately this means that more victim-survivors in need of family violence temporary crisis accommodation will be forced to stay in motels waiting for a bed. Prolonged stays in motels are incredibly harmful to victim-survivors and significantly increase the risk that they will return to the violent relationship in order to escape homelessness. We need an Act that helps prevent homelessness among victim-survivors, not exacerbate it.

In the case of family violence refuges, it is unfortunately no longer uncommon for victim-survivors to be in a family violence refuge for more than six months which means the issues raised above are likely to eventuate under the proposed Regulations. DV Vic does not believe the issues raised above can be solved by adjusting the prescribed time period in Regulation 6. As a result, we do not necessarily advocate for the prescribed period to be shorter or longer than six months. Rather, we strongly advocate for the Act to be amended to remove the prescribed period listed in Section 3(a).

Recommendation 13: Amend the Act to remove Section 3(a) and fully exempt temporary crisis accommodation from the Act based on a functional definition only.

The Definition of Temporary Crisis Accommodation

Aside from our concerns about the prescribed time period, DV Vic also has serious concerns about the definition of temporary crisis accommodation listed in Regulation 6. The current definition is much too broad and will apply to a range of accommodation types that are not temporary crisis accommodation, potentially leaving many individuals without rights under the Act.

DV Vic support CHP's suggested definition of:

- (a) “accommodation that is specifically funded and provided as part of the Department of Health and Human Services (DHHS) Temporary Crisis Accommodation program by a DHHS accredited service agency funded to deliver Temporary Crisis Accommodation support to people:
- experiencing homeless or at risk of experiencing homelessness; or
 - being subjected to family violence or at risk of being subjected to family violence.”

This definition of crisis accommodation is much more appropriate as it more clearly defines what temporary crisis accommodation is within the broader specialist family violence and specialist homelessness systems.

Recommendation 14: Narrow the scope of the definition of temporary crisis accommodation in Regulation 6 to more accurately reflect the purpose of temporary crisis accommodation.

Conclusion

The proposed Regulations are a good start in ensuring that Victorians in private rental, including victim-survivors of family violence, have access to safe, affordable, and quality housing that provides them a secure place to live and establish a home. Regarding family violence specifically, the Regulations provide an important opportunity to ensure victim-survivors are protected and supported to maintain housing security in private rental as much as possible. Maintaining housing, was identified by the Royal Commission as one of the most successful ways in mitigating the risk of homelessness as a result of family violence and ensuring that victim-survivors of family violence are able to remain in their home and retain connections in their local community like family, friends, work and education as they begin to recover from violence. As more Victorians become likely to live in private rental for the majority, if not all, of their lives, victim-survivors are also more likely to depend on private rental for their housing. As a result, it is critical to ensure that the legislative framework regulating private rental is robust and provides private renters the same rights, amenities and protections that homeowners enjoy.

DV Vic believes that the proposed Regulations relating to family violence protections are moving Victoria in the right direction. However, we do feel that a number of the Regulations can be improved to further protect victim-survivors and clarify expectations between tenants and residential rental providers, as well as provide increased guidance and assurance for VCAT members and ensure consistency in access and interpretation across family violence protections. To this effect, we have made a series of recommendations to improve the Regulations and point towards areas where we believe the Act needs to be further amended. A summary of Recommendations is provided below.

DV Vic thanks the Victorian Government's Department of Justice and Community Safety for the work they have done on the Regulations so far. DV Vic looks forward to working with them and our partners in the community sector to continue to support private rental tenants and victim-survivors in Victoria.

Summary of Recommendations:

Recommendation 1: The wording in Regulation 36 and related Regulations 51, 71 & 88 be reviewed to ensure they clearly indicates that *any one* type of evidence listed will be accepted as evidence to support a VCAT application.

Recommendation 2: Amend the Act to clarify evidentiary requirements to support VCAT applications to end and/or create a new lease (S91V).

Recommendation 3: Amend Regulation 36 (and other associated Regulations 51, 71 & 88) to require family and friends to provide a statutory declaration to support a VCAT application in an effort to protect against vexatious claims of family violence from perpetrators.

Recommendation 4: Amend the Act to remove the requirement to have an IVO to access family violence protections.

Recommendation 5: Include family violence related safety modifications in Regulation 26 to enable these modifications to be made quickly and without a residential rental provider's consent.

Recommendation 6: If family violence safety modifications are not included in Regulation 26, amend the Act to require residential rental providers to respond to requests for such modifications within 24-72 hours, after which consent is implied.

Recommendation 7: Include in Regulation 26 a list of example family violence safety modifications that "includes but is not limited to" specified modifications such as the ones listed in Homeless Law's submission.

Recommendation 8: The Act be amended to exempt tenants from needing to restore properties to their original state where modifications have been made related to family violence or disability.

Recommendation 9: Amend the Act to include family violence related modifications in s64(1D) to give greater assurance that family violence related modifications will be made despite certain circumstances listed in s64(1C) of the Act.

Recommendation 10: Recommendations related to Regulation 36 in this submission are also applied to Regulation 95.

Recommendation 11: Amend Regulation 95 to make it clear that prescribed evidence can relate to historic or current acts of family violence to support requests for listings to be removed.

Recommendation 12: Expand the list of prohibited questions currently listed in Regulation 15 to reflect the list of protected characteristics under the Equal Opportunity Act and prohibit questions about the use of a bond loan scheme.

Recommendation 13: Amend the Act to remove Section 3(a) and fully exempt temporary crisis accommodation from the Act based on a functional definition only.

Recommendation 14: Narrow the scope of the definition of temporary crisis accommodation in Regulation 6 to more accurately reflect the purpose of temporary crisis accommodation.