



New Domestic Violence Tenancy Laws

February 8, 2019

RTO 91513

New tenancy reforms that better protect victims of domestic violence living in a rented property commence on the 28th of February 2019. The reforms are part of a number of tenancy amendments following the statutory review of the Residential Tenancies Act 2010 NSW.

From the 28th of February 2019, a tenant will be able to end their tenancy immediately and without penalty if they or their dependent child are in circumstances of domestic violence.

The tenant will need to give the landlord or agent a domestic violence termination notice and attach one of the permitted forms of evidence:

- a certificate of conviction for the domestic violence
- a family law injunction
- a provisional, interim or final Domestic Violence Order
- a declaration in the prescribed form made by a medical practitioner, such as a General Practitioner, physicians (doctors in a hospital) and all medical specialists (including surgeons, psychiatrists and paediatricians)

Each co-tenant must also be given a domestic violence termination notice (without any evidence attached).

A landlord or any remaining co-tenant(s) will be able to apply to the Tribunal (NCAT) if they wish to dispute the validity of a domestic violence termination notice. The Tribunal can only examine whether the domestic violence termination notice was properly given under the tenancy laws. A landlord will not be able to dispute the contents of a declaration in any Tribunal proceedings, if it is used as evidence.

For a medical practitioner to make a declaration, they must have consulted with the tenant giving the termination notice or the tenant's dependent child in their professional capacity. Certain other criteria, as set out in the Residential Tenancies Amendment (Circumstances of Domestic Violence) Regulation 2018 must also be met.

A tenant who ends their tenancy in circumstances of domestic violence will not be liable to pay any compensation or additional money (for example a break lease fee) for the early termination, and will not be liable for property damage caused by the perpetrator as part of a domestic violence incident. Other co-tenants at the property who are not the perpetrator will also not be liable for that damage. Only the perpetrator will be liable for any property damage caused by their violence. What this means in reality, is that if the perpetrator does not reside at that specific property, then it becomes civil action from the landlord against the perpetrator. You, as the agent would suggest that the landlord contact their landlord protection insurance provider in relation to a "malicious damages claim".

Victims of domestic violence will have the right to privacy and protection from discrimination to ensure that a victim's ability to secure a rental property in the future is not negatively impacted

...Continued ➤

Continued...

by a domestic violence termination:

- landlords and their agents will be prohibited from listing a tenant on a tenancy database if they ended a tenancy in circumstances of domestic violence
- evidence that a tenant or their dependent child is in circumstances of domestic violence only needs to be given to the landlord or their agent and not to any remaining co-tenant(s)
- information disclosed in a domestic violence termination notice cannot be provided in a reference check by a property manager. Disclosure can only be made if permitted or compelled by law.
- the contents of a declaration made by a medical practitioner will not be reviewable by the Tribunal.

After a tenant gives a domestic violence termination notice, a co-tenant who remains in the tenancy will be:

- able to apply to the Tribunal to end their tenancy
- entitled to a (2) two week period to only pay their share of the rent and will not be required to cover the departing victim's share. This only applies if the remaining co-tenant is not the perpetrator of the domestic violence. A co-tenant who is the perpetrator of the domestic violence will be required to pay the full cost of the remaining rent.

The new domestic violence laws and other related provisions are set to be reviewed within (3) three years of commencement to ensure that they are working effectively.

'Til next time,

Wishing you every success in your business ventures,

Rosy

4 HOUR CPD Seminars

THUR 14 TH FEB	GOSFORD Sales & Prop Mgmt	THUR 21 ST FEB	PORT MACQUARIE Sales & Prop Mgmt
MON 18 TH FEB	BATHURST Sales & Prop Mgmt	THUR 21 ST FEB	PORT MACQUARIE Comm & Retail Sales & Leasing
MON 18 TH FEB	BATHURST Stock & Station	THUR 21 ST FEB	SYDNEY CBD Real Estate Sales
MON 18 TH FEB	BALLINA Sales & Prop Mgmt	THUR 21 ST FEB	SYDNEY CBD Prop Mgmt
TUE 19 TH FEB	TWEED HEADS Sales & Prop Mgmt	MON 25 TH MAR	CASTLE HILL Sales & Prop Mgmt

2 HOUR CPD Seminars (8am - 10am unless otherwise specified). Pre-reading required Full 12 points!!

THUR 14 TH FEB	SYDNEY CBD Strata Mgmt	FRI 8 TH MAR	CASTLE HILL Sales & Prop Mgmt
TUE 19 TH FEB	TWEED HEADS Strata Mgmt	WED 13 TH MAR	LIVERPOOL Sales & Prop Mgmt
FRI 22 ND FEB	PARRAMATTA Sales & Prop Mgmt	FRI 15 TH MAR	GOSFORD Sales & Prop Mgmt
FRI 1 ST MAR	SYDNEY CBD Sales & Prop Mgmt	THUR 4 TH APR	WOLLONGONG Sales & Prop Mgmt



From the office

What a splendid way to end the last fortnight here at ACOP – we’ve had a very busy fortnight - from the awesome turn out of new faces who attended our Certificate of Registration course in Parramatta this week to the enormous pleasure of running our CPD seminars not only here in Sydney but also travelling distances to provide the sessions in Newcastle, Orange, Castle Hill and Parramatta. We have also had full classrooms of eager students undertaking their licensing modules in financial management, trust accounting and property management – what a week! With all of these students in the College, we had the awesome opportunity to meet our students again and discuss their career progression and day-to-day work issues. We love spending time talking with our students and supporting them through their property pathway.

Now of course because I always leave the best until last I would like to take this moment to wish Rosy, our College Principal and John, our Financial Controller a happy 31st Wedding Anniversary from all of us here at ACOP. Rosy and John are very much our College parents - they are incredible role models who strive for the best and show us daily that a team should be a family. So thank you, we wish you both nothing less than happiness. Ending this last fortnight we would also like to wish Kristen a Happy Birthday. As the first cake receiver of the year we celebrated it with a BANG! We surprised her with a doughnut mound cake from Doctor Doughnut. It was an impressive way to end the week with doughnut mixes like lemon meringue, strawberry nerds, white chocolate Oreos and strawberry jam. Now bring on the run of birthdays for the rest of February and March.

Certificate of Registration Courses

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

MON 18 TH - WED 20 TH FEB	PORT MACQUARIE
MON 18 TH - WED 20 TH FEB	SYDNEY CBD
MON 4 TH - WED 6 TH MAR	CASTLE HILL
SAT 23 RD - SUN 24 TH MAR	SYDNEY CBD ONLINE + WEEKEND WORKSHOP
MON 1 ST - WED 3 RD APR	PARRAMATTA

Finance & Mortgage Broking Courses

Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

MON 25 TH - WED 27 TH FEB	SYDNEY CBD Cert IV in Finance & Mortgage Broking
MON 25 TH FEB - FRI 1 ST MAR	SYDNEY CBD Dip of Finance & Mortgage Broking Management

Property Licence Courses

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

25 TH - 26 TH MAR	Financial Management SYDNEY CBD	FRI 15 TH MAR	Trust Accounting + Insurance SYDNEY CBD
27 TH - 28 TH MAR	Staff Management SYDNEY CBD	18 TH - 20 TH FEB 4 TH - 6 TH MAR	Trust Accounting PORT MACQUARIE SYDNEY CBD
15 TH - 18 TH APR	Sales for Real Estate SYDNEY CBD	7 TH - 8 TH MAR 25 TH , 26 TH , 27 TH FEB	Property Management SYDNEY CBD SYDNEY CBD EVENING (5.30PM - 8.30PM)
1 ST - 5 TH APR	Stock & Station Agency Practices SYDNEY CBD	9 TH - 10 TH MAY	Business Broking Agency Practices SYDNEY CBD
11 TH - 14 TH MAR	Strata Management Agency Practices SYDNEY CBD		
FRI 15 TH FEB	Real Estate Auctioneer Accreditation SYDNEY CBD		

View our course calendar for all course details.

Start 2019 with Success

With proposed reforms coming for the real estate and property industry, make 2019 the year that you get the qualification and obtain a full property licence.

ACOP provides licensing training programs, and will recognise your prior learning and experience, for the following licence categories:

- **real estate agent's licence**
- **strata manager's licence**
- **business agent's licence**
- **stock and station agent's licence**
- **buyer's agent's licence**
- **on-site residential property manager's licence**

If you are seeking Recognition of Prior Learning (RPL) or Recognition of Current Competence (RCC), talk to us about the types of evidence that you will need to provide to seek these exemptions from training.



- ☎ 1300 88 48 10
- @ enquiries@acop.edu.au
- 🌐 www.acop.edu.au
- 📍 Level 2, St Andrews House
Sydney, NSW 2000



**Australian College
of Professionals**

Follow us

