

Fact sheet

Domestic and family violence – information for tenants

What is domestic and family violence?

Domestic and family violence is a term used to describe any form of violence or abuse between people in a domestic relationship, where the person who is violent towards you is:

- a spouse (including defacto)
- an intimate or dating partner
- a family member or
- an informal carer.

Defined as a 'domestic associate' under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act).

Domestic violence includes:

- physical abuse
- damage to property
- verbal abuse
- emotional abuse
- sexual abuse
- financial abuse
- threats or attempts to do any of the above.

What can I do if there is violence in the home?

Every person has a right to feel safe and live free from violence. If there is violence in your home, a domestic violence order may be able to help stop the violence. A domestic violence order places limits on the behaviour of the person who is violent towards you. For more information on domestic violence orders, visit the Queensland Courts website (courts.qld.gov.au), or contact DV Connect using the details at the end of this fact sheet.

The Queensland Government has made changes to give tenants experiencing domestic and family violence more options to manage their tenancy arrangements and enact plans to end the violence [during the COVID-19 emergency period until 30 September 2021](#). **Learn more at rta.qld.gov.au/covid.**

How can I apply for a domestic violence order?

You can apply for a domestic violence order yourself at a Magistrates Court, or get a police officer, solicitor, or someone else you authorise to apply for you. Contact the relevant service/s listed on the bottom of this fact sheet for more help in applying for a domestic violence order.

What if I'm renting a premises with the person who is violent towards me?

The Act gives rights to people in a domestic relationship whether you are a tenant named on the tenancy agreement or not. This includes a spouse (including a defacto), a dating partner, a family member or an informal carer.

If you are experiencing domestic and family violence while living in rental accommodation, you can apply to the Tribunal for an order to:

- be recognised as the tenant
- remove the name of the person who has committed an act of domestic and family violence from the tenancy agreement

- restrain the person who has committed an act of domestic and family violence from causing further damage or injury
- prevent your personal information being listed in a tenancy database where a breach of the agreement is a result of the actions of another person who has committed an act of domestic or family violence, or
- end your tenancy agreement altogether.

What if the person you live with is violent and you are not in a domestic relationship with them?

If the person you live with is violent and you are not in a domestic relationship with them and the person has, or is likely to cause serious damage to the premises, or injury to you or someone else occupying the premises, you can apply to the Tribunal for an order to:

- be recognised as a tenant, or
- remove the name of the person that has been violent from the tenancy agreement.

How do I apply to the Tribunal?

For information on applying to the Tribunal, visit qcat.qld.gov.au, or contact the QCAT registry on 1300 753 228.

How does the Tribunal make a decision?

In making the order, the Tribunal would have to be satisfied that the applicant had established evidence of domestic and family violence, such as having a domestic violence order, or having applied for one. An application can be made to the Tribunal to have an interim order put in place restraining the violent person from causing further personal injury or damage to property. Contact the relevant services listed on this fact sheet for assistance in documenting evidence of domestic and family violence.

Can I apply for a domestic violence order and an order about my tenancy at the same time?

A person experiencing domestic violence may apply to the Magistrates Court for a domestic violence order under the *Domestic and Family Violence Protection Act 2012*. At the same time, the person can also apply for an order about their tenancy under the *Residential Tenancies and Rooming Accommodation Act 2008*.

Do I have to tell my lessor/agent?

If you are applying to be recognised as the tenant, the lessor/agent must be told about the application before either the Tribunal or the Magistrates Court can make a decision about the tenancy. If you are concerned about disclosing domestic and family violence to the lessor/agent you could seek tenancy and/or legal advice first.

What can I do if I've been listed on a tenancy database because of the violence?

You can make an application to the Tribunal about an inaccurate, incomplete, ambiguous, or out of date listing on a tenancy database. For example, you can apply if you have been listed on a tenancy database due to any damage to the property caused in the course of (or during) an incident of domestic and family violence. The Tribunal can also make an order that you are not be listed on a tenancy database.

Where can I get more help or information?

Related resources: [Help and support is available](#) for Queenslanders affected by domestic and family violence.

Q Shelter toolkit: [Q Shelter has developed a toolkit](#) in collaboration with the Real Estate Institute of Queensland (REIQ) to strengthen property manager's response and practice in managing tenancies that are impacted by domestic and family violence.

Organisation	Contact details
Emergency response	000 (available 24/7) Call for police, ambulance or fire services if you are in imminent danger or been harmed or involved in a violent incident
Policelink	131 444 (available 24/7 for non-urgent incidents, crimes or police enquiries)
DV Connect (for women)	1800 811 811
DV Connect (for men)	1800 600 636
Aboriginal & Torres Strait Islander (ATSI) Women's Legal & Advocacy Service	07 3720 9089
Legal Aid Queensland	1300 651 188
Women's Legal Service	07 3392 0670 or areas outside Brisbane 1800 677 278
Integrated Indigenous Strategy Unit - Legal Aid Queensland	1300 650 143
Immigrant Women's Support Service	07 3846 3490
Brisbane Domestic Violence Service	07 3217 2544
Disability Services	Contact your local service centre or call 13 QGOV (13 74 68)
Elder Abuse Prevention Unit	1300 651 192
Tenants Queensland	1300 744 263
Department of Justice and Attorney-General	13 74 68
1800RESPECT	1800 737 732 (available 24/7)

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person at:

- rta.qld.gov.au
- 1300 366 311
- Level 11, Midtown Centre, 150 Mary Street, Brisbane.



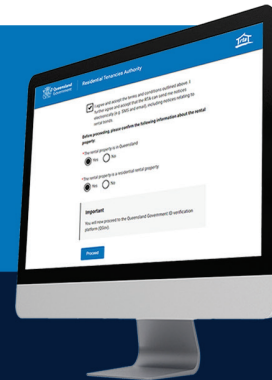
If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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Use RTA Web Services to lodge or refund
a bond, change bond contributors,
update your details and more.

rta.qld.gov.au/webservices

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Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.