

## Domestic and family violence – information for tenants

On 20 October 2021, the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) was amended to provide options for people experiencing domestic and family violence to leave a tenancy.

These changes, coupled with existing protections in the Act, support tenants experiencing domestic and family violence to end a tenancy quickly, or if they choose, to remain in the rental property safely.

A person who experiences domestic and family violence in a rental property has rights under the Act, even if they are not named on the tenancy agreement.

### What is domestic and family violence?

Under the Act, domestic violence has the meaning given by the *Domestic and Family Violence Protection Act 2012*.

Domestic and family violence occurs when one person in an intimate personal, family or informal carer relationship behaves towards the other person in the relationship in a way that is:

- physically or sexually abusive
- verbally abusive
- emotionally or psychologically abusive
- economically abusive
- threatening
- coercive
- in any other way controlling or dominating the second person and causes them to fear for their safety or wellbeing or that of someone else.

Domestic and family violence covers a wide range of behaviours (for further information refer to the *Domestic and Family Violence Protection Act 2012* section 8), including damaging a person's property or threatening to do so.

### What can I do if I am experiencing domestic and family violence?

Every person has a right to feel safe and live free from violence.

If you have been harmed, involved in a violent incident or are in imminent danger, phone 000 (triple zero) for emergency assistance.

If you are experiencing domestic and family violence, a domestic violence order (DVO) may be able to help keep you safe. A DVO is a protection order made by the court to stop threats or acts of domestic and family violence against you and can be in the form of a protection order or a temporary protection order.

You can apply for a protection order at a Magistrates Court, or get a police officer, solicitor or someone else you authorise to apply for you.

For more information about protection orders, visit the Queensland Courts website [courts.qld.gov.au](https://courts.qld.gov.au), or contact DVConnect or other support services listed at the end of this fact sheet.

### What can I do if I'm renting a premises and I believe I can no longer safely continue to occupy the premises because of domestic and family violence?

If you believe you can no longer continue to safely occupy the premises due to domestic and family violence, you can vacate immediately providing you give the property manager/owner seven days' notice to end your interest in the tenancy agreement.

You can do this by giving your property manager/owner a [Notice ending tenancy interest \(domestic and family violence\)](#) (Form 20) including any relevant evidence (listed on Part B of the form).

You also have the option to provide this evidence in person for your property manager/owner to read/view, if preferred.

If there are any other tenants for the same agreement, the agreement will continue on the same terms for them after your interest ends.

If you end your interest in a tenancy agreement using a Notice ending tenancy interest, you:

- **can vacate immediately**, but must provide seven days' notice and pay rent until the end of the seven-day notice period
- **are not responsible** for costs associated with ending the agreement or interest, goods left behind at the premises or reletting costs
- **are not required** to repair or compensate the property manager/owner for damage to the premises or inclusions caused by an act of domestic and family violence you have experienced
- **are still responsible** for other costs associated with breaching terms of the agreement (e.g. rent arrears)
- **can request** your bond contribution be refunded by completing a [Bond refund for persons experiencing domestic and family violence](#) (Form 4a). Property owners/managers can also request a rental bond refund for a tenant's bond contribution where a tenant has vacated due to domestic and family violence by completing this form
- **are not required** to give the property manager/owner your forwarding address details.

Where the property manager/owner believes a notice and supporting evidence does not comply with the Act, they may apply to the [Queensland Civil and Administrative Tribunal](#) (QCAT) for an order to have the notice set aside. The property manager/owner must inform you whether they intend to apply to QCAT within seven days of receiving the notice.

In making their decision, QCAT will only examine whether the notice and the supporting evidence you have provided meet the requirements of the Act. QCAT **will not examine**:

- whether you have experienced domestic violence
- your belief as to whether you could safely continue to occupy the premises.

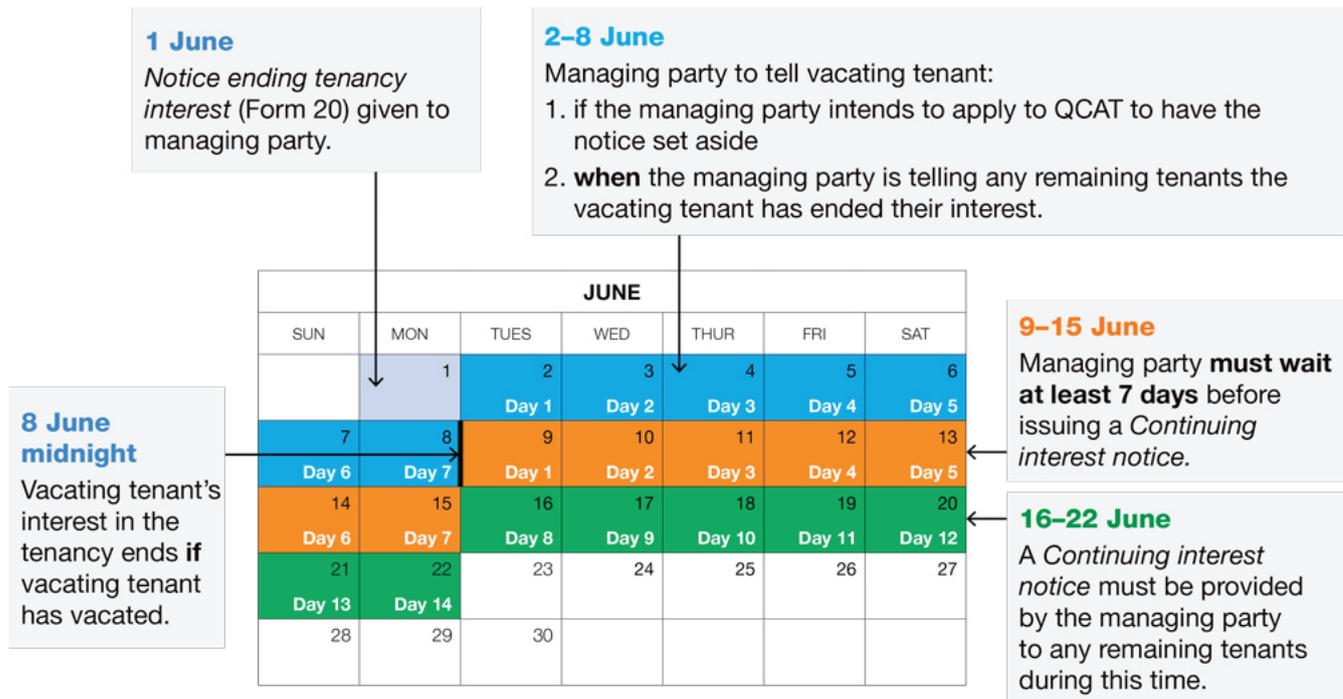
## Is the information I share with the property manager/owner confidential?

After you give the property manager/owner a [Notice ending tenancy interest \(domestic and family violence\)](#) (Form 20) supported by relevant evidence, the property manager/owner:

- **must not** disclose any relevant information supporting your notice ending tenancy interest to anyone except in specific permitted circumstances outlined in the Act (section 308I or 381I). **Penalties apply** to anyone who does not follow these requirements
- **cannot** require you to provide your forwarding address.

**If there is more than one tenant for the tenancy**, the property manager/owner:

- is required to inform you within seven days of receiving the notice **when** any remaining tenants will be informed that you have ended your interest in the tenancy
- **must** give each remaining tenant a Continuing interest notice between 7–14 days **after** your interest in the tenancy ends (this is when your seven-day notice period expires AND you have vacated the premises)
  - if the person remaining is the person who committed an act of domestic and family violence against you, they will also receive a Continuing interest notice.
- the [Continuing interest notice](#) will only inform remaining tenants that:
  - your interest in the agreement has ended
  - the agreement continues on the same terms for the remaining tenants
  - if the remaining tenants are required to top up the rental bond, the amount they are required to pay and the day by which the top up must be made.



*Note: When you calculate dates for notices, where the notice period is in days, weeks or months, you must not count the day the notice is given. If the time period allowed under the legislation for a party to do anything ends on a weekend or public holiday, then the end of the time period will be on the next business day.*

## What can I do if I am occupying the premises with the person who is violent towards me, and I would like to stay in the premises?

If you are occupying a premises with a person who is violent towards you and you would like to remain in the premises, you can apply to QCAT for an order to:

- be recognised as the tenant or co-tenant under the agreement, changing it from the person who has committed an act of domestic and family violence
- restrain the person who has committed an act of domestic and family violence from causing further damage or injury.

If you are applying to be recognised as the tenant or a co-tenant, **before** QCAT can make the order:

- QCAT is required to be satisfied you have established evidence of domestic and family violence, such as having a protection order or having applied for one
- QCAT is also required to give property manager/owner an opportunity to be heard on the matter.

You may be able to apply for an order about your tenancy under the Act at the Magistrates Court at the same time you are applying for a protection order under the *Domestic and Family Violence Protection Act 2012*.

Contact the relevant services listed on this fact sheet for assistance in documenting evidence of domestic and family violence.

For information on applying to QCAT, visit [qcat.qld.gov.au](http://qcat.qld.gov.au), or contact the QCAT registry on 1300 753 228.

## Changing the locks

The Act gives you the right to change the locks at the property if you believe it is necessary to protect yourself or other occupants in the property from domestic and family violence. You do not need to ask the property manager/owner for consent to do this, but you must:

- engage a qualified locksmith or tradesperson
- **provide a copy of the key or access code to the property manager/owner** (unless they agree it is not necessary, or QCAT orders that the key not be given to the property manager/owner)
- comply with body corporate laws or by-laws applying to the property.

If you do change a lock due to domestic and family violence and give the property manager/owner a key for the new lock, they must not give the new key to any person other than yourself without your agreement or a reasonable excuse.

**Penalties apply** to property managers/owners who do not comply with this section of the Act.

## Where can I get more help or information?

Everyone deserves to feel safe at home—domestic and family violence is never acceptable.

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

Organisation	Contact details
Emergency response	000 / triple zero (24 hours a day, 7 days a week) Call for police, ambulance or fire services if you are in imminent danger, have been harmed or involved in a violent incident
<a href="#">Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation</a>	1800 88 77 00
<a href="#">First Nations Women's Legal Services Qld</a>	07 3720 9089
<a href="#">DVConnect Womensline</a>	1800 811 811 (24 hours a day, 7 days a week) Assists women and their children obtain safe refuge accommodation, counselling and referral to other support services
<a href="#">DVConnect Mensline</a>	1800 600 636 (9am to 12 midnight, 7 days a week) Provides counselling, information and referral to men affected by domestic and family violence. Assists men experiencing domestic and family violence and men looking for help to stop their abusive behaviour
<a href="#">Legal Aid Queensland</a>	1300 651 188
<a href="#">Women's Legal Service</a>	1800 957 957 or areas outside Brisbane 1800 457 117
<a href="#">Immigrant Women's Support Service</a>	07 3846 3490
<a href="#">Brisbane Domestic Violence Service</a>	07 3217 2544
Disability Support Services	Contact your local service centre or call 13 QGOV (13 74 68)
<a href="#">Elder Abuse Prevention Unit</a>	1300 651 192 (9am to 5pm, Monday to Friday) Provides information and support to older people who experience elder abuse
<a href="#">Tenants Queensland</a>	1300 744 263
Department of Justice	13 74 68
1800RESPECT	1800 737 732 (24 hours a day, 7 days a week) National service providing crisis and trauma counselling to people affected by domestic, family and sexual violence
Lifeline	13 11 14 (24 hours a day, 7 days a week) National service providing access to crisis support and suicide prevention services
<a href="#">Policelink</a>	If reporting a non-urgent incident or crime, think Policelink and <a href="#">report online</a> or call 131 444 (available 24/7)
<a href="#">Crime Stoppers Queensland</a>	To report information about a crime anonymously contact Crime Stoppers Queensland. <a href="#">Report online</a> or call 1800 333 000 (available 24/7)

## Accessing RTA forms

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

- [rta.qld.gov.au](http://rta.qld.gov.au) • 1300 366 311 (Mon – Fri: 8:30am – 5:00pm) • Level 11, Midtown Centre, 150 Mary Street, Brisbane



**Other languages:** You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8:30am to 5:00pm).

### Further information

For more information contact the Residential Tenancies Authority.



[rta.qld.gov.au](http://rta.qld.gov.au)



1300 366 311



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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.*

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