



RESIDENTIAL TENANCIES AMENDMENT (DOMESTIC VIOLENCE REFORM) BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

Victim-survivors of domestic and family violence are some of the most vulnerable members of our community. Domestic and family violence is the leading cause of homelessness in Australia, and in NSW, an estimated 794,100 women (25%) have experienced violence, emotional abuse or economic abuse by a cohabiting partner since the age of 15 years old.

It is critical that renters experiencing domestic violence and abuse are able to flee their home to escape their situation. Being locked into a lease or required to pay a break fee would prevent them attaining safety. Over one third of residents in NSW are renters. There is a clear need to ensure tenancy laws do not prevent victim-survivors of domestic violence from protecting themselves.

Currently victim-survivors who are renters can take direct and immediate action to end their rental agreement to escape violence, without paying a break fee, if they – or their dependent child – is experiencing violence and they can provide specific evidence to support this.

The Bill implements the majority of the legislative recommendations from the Statutory Review of the domestic violence provisions in the *Residential Tenancies Act 2010*. The purpose of a statutory review is to assess whether the law is working as intended, identify unintended consequences or gaps, gather evidence and input from stakeholders and the public, and undertake a detailed analysis to make recommendations for improvements.

The review involved extensive consultation with the community, government agencies, frontline services and hearing the experiences of victim-survivors themselves. More than 400 individuals and 40 organisations contributed feedback, including through roundtables co-hosted by the NSW Rental Commissioner and the Women's Safety Commissioner.

Current rental protections are critical for victim-survivors and their families. However, barriers to accessing the provisions and securing and maintaining safe housing still persist, especially in regional areas and for our most vulnerable and marginalised community members.

While broadly supportive of the current provisions, the Review received a range of suggested improvements. For example, of the survey responses received during public consultation, only 34% of respondents agreed that the rules relating to giving a domestic violence termination are working well. Similarly, only 25.5% of 204 respondents said the current limitations on property damage liability are clear and working well.

The final report makes 37 recommendations, which balance the needs of victim-survivors with the interests of landlords, co-tenants and other parties involved in the tenancy process.

The reforms in the Bill are necessary to improve access to and strengthen current rental protections for renters who flee violence. It will make it easier for victim-survivors to manage their safety and security, and reduce the financial burden of property damage

arising from violence and abuse in their rental home. These protections have been balanced with the interests of other parties, including owners and their agents, other tenants in the rental agreement and dependents.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill is in the public interest as it aims to:

- increase protections for renters experiencing domestic or family violence or abuse,
- provide a clear legal pathway for renters to take reasonable steps to secure their safety or the safety of their dependents,
- improve access to housing for victim-survivors of domestic violence while also balancing the interests of landlords, co-tenants and other parties involved in the tenancy process,

The Bill will achieve these aims by, for example:

- making it easier for a victim-survivor to leave a tenancy by improving access to competent person declarations and requiring landlords/agents to notify co-tenants that they have ended their tenancy, instead of the victim-survivor
- reduce the financial burden experienced by victim-survivors by ensuring they are not burdened with debts for property damage caused by violence and abuse
- providing clear guidance on taking photographs and videos of the inside and outside of a victim-survivors home where their possessions are visible, and clarify when and how a victim-survivor may improve security in their home for their protection
- support victim-survivors to access and sustain a new tenancy by making it easier for them to remove a listing on a tenancy database if they can show that they were experiencing domestic violence or abuse during the relevant tenancy.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The NSW Government considered a range of options as part of the statutory review, as discussed in the review Report. In drafting the Bill, the following options were considered:

1. Option 1 - Take no legislative action, i.e. implement only the administrative changes recommended by the Review
2. Option 2 - Implement the legislative recommendations of the Review in addition to administrative changes.

Option 2 requires legislative amendment to the Residential Tenancies Act and cannot be delivered through alternative mechanisms if the improvements identified through the statutory review process are to be implemented.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Option 1, to take no action, is not preferred. Option 2, to implement the recommendations of the statutory review and improve access for victim-survivors to the rental laws intended to help them escape violence, is the preferred option.

Takin no action (Option 1) would not address gaps in the current rental laws that impact the operation of the provisions, as identified by stakeholders and the community through the review process. Victims-survivors living with domestic violence and abuse would continue to face barriers that prevent them from leaving a tenancy, experience greater risk and financial liability, and struggle to secure alternative housing if they do leave.

Implementing the changes to the laws as outlined in the Bill (option 2) means the Government will be delivering on the recommendations of the review to improve access to and strengthen current rental protections for renters who flee violence. These protections

have been balanced with the interests of other parties, including owners, agents, other tenants in the rental agreement and dependents. The Bill also delivers on NSW's commitments under National Cabinet's 2023 decision, 'A Better Deal for Renters', which commits to a range of protections for tenants in circumstances of domestic violence.

For victim-survivors, the changes to the law will make it easier to leave a tenancy, reduce risk and liability for property damage arising from domestic violence, and to help secure and sustain a safe home.

The Bill achieves this through improved termination processes for renters experiencing domestic violence, greater clarity around recovering their bond from co-tenants, improvements to the protections and approval processes relating to photographs and changing locks, and protections against blacklisting on a residential tenancy database. These issues were identified in consultation as key barriers for victim-survivors obtaining a safe home. Where there is more than one renter in a rental agreement, the Bill also considers the impact for co-tenants.

For landlords and agents, the changes are likely to have initial costs in the form of education and some system adaptation for the property sector. This will be addressed through a comprehensive education campaign and staged implementation. The reforms in the Bill are not expected to have a significant increased financial impact as they update existing protections in place since 2019. For example, there are already limitations on property liability, constraints on photographs and changing of locks and a ban on tenancy database listing when domestic violence and abuse is an issue.

The reforms aim to strike a balance between the landlord's interests and the need to ensure the safety of tenants and their dependents. It is one important part of a broader program of changes. It will be complemented by a range of administrative changes, some that will require updates to the supporting regulation.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

NSW Fair Trading (Fair Trading) within the Department of Customer Service administers the Act. It will continue to administer the existing domestic violence provisions.

Most of the Bill's provisions will commence on a date set by proclamation.

Before the changes commence, the NSW Government must amend the Residential Tenancies Regulation 2019 to provide supporting details that are required for the reforms to operate. This includes, for example, prescribing further categories of competent persons to improve access for vulnerable groups, prescribing what is meant by a 'prescribed employee' acting as a competent person, updating the competent persons declaration form, and amending the standard tenancy agreement to record the bond contribution of each tenant in a co-tenancy.

Certain changes around the privacy and security of personal information will also be addressed via regulation changes resulting from the Bill. It is anticipated these changes will be progressed as a priority in 2026.

The Government will also need to give the property management industry some time to understand the changes and adapt their own processes and forms, so they align with the new requirements. A comprehensive education campaign will also be developed to ensure all parties are informed about the changes, their roles and responsibilities. An exact commencement date for these changes will be set once the Regulation changes have been made and in consultation with stakeholders.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

In early 2022, Fair Trading engaged key external stakeholders for input into an issues paper that was released in late 2022 for public consultation. The review received 220 survey responses, 164 quick poll responses and 20 long form submissions. All input was carefully reviewed and used to inform draft recommendations, as detailed in the final report.

In 2024, the NSW Rental Commissioner and Women's Safety Commissioner engaged in more detail with government, industry and community stakeholders to refine preliminary reform proposals. This included co-hosting a domestic and family violence sector and tenancy advocates roundtable and meeting with industry representatives.

In 2025, NSW Fair Trading, the Rental Commissioner and the Women's Safety Commissioner also undertook targeted consultation with key stakeholders on the draft review recommendations and a draft of the Bill in 2025. Key external stakeholders consulted include:

- The Real Estate Institute of NSW,
- Tenants' Union of NSW,
- The Law Society of NSW,
- Redfern Legal Centre,
- Women's Legal Service NSW,
- Domestic Violence NSW
- Representatives from real estate agencies including Ray White, Bresic Whitney, LJ Hooker, Laing + Simmons and Harcourts,
- Aboriginal Community Housing Industry Association
- Community Housing Industry Association NSW
- Lucy's Project
- St Vincent de Paul's Society
- People with a Disability Australia