



The Relationship between Domestic and Family Violence and Housing

by Talina Drabsch

Introduction

According to the Australian Institute of Health and Welfare (AIHW) one in six women in Australia has experienced physical or sexual violence by a current or previous partner since the age of 15 (compared to one in 16 men) ([AIHW: 4](#)). The rate of emotional abuse is even higher: one in four women having been emotionally abused by a current or previous partner since the age of 15. The [Women in NSW Report 2018](#) notes that:

- women were the victim in 68.3% of all domestic assaults reported to police in 2017 and males were the perpetrators in 79.4% of assaults;
- Indigenous females were victims of domestic violence assault at 4.6 times the rate of non-Indigenous females;
- females residing in remote or very remote areas recorded higher rates of domestic assault victimisation than females residing in major cities; and
- nearly one-third of females who were repeat victims of domestic assault in the last two years lived in the most socio-economically disadvantaged areas of NSW.

Indigenous women are 32 times more likely to be hospitalised due to family violence than non-Indigenous women. Further, 41% of Indigenous homicide victims were killed by a current or previous partner compared to 22% of non-Indigenous victims during the 2012-14 period ([Mission Australia: p 28](#)). A culturally appropriate response to domestic and family violence (DFV) in Indigenous communities needs to be found in order to reduce the rates of injury and death among Indigenous women and children as well as ensuring that fewer Indigenous children are placed in out of home care (Australian Housing and Urban Research Institute (AHURI): [Report No 320](#)).

Contents

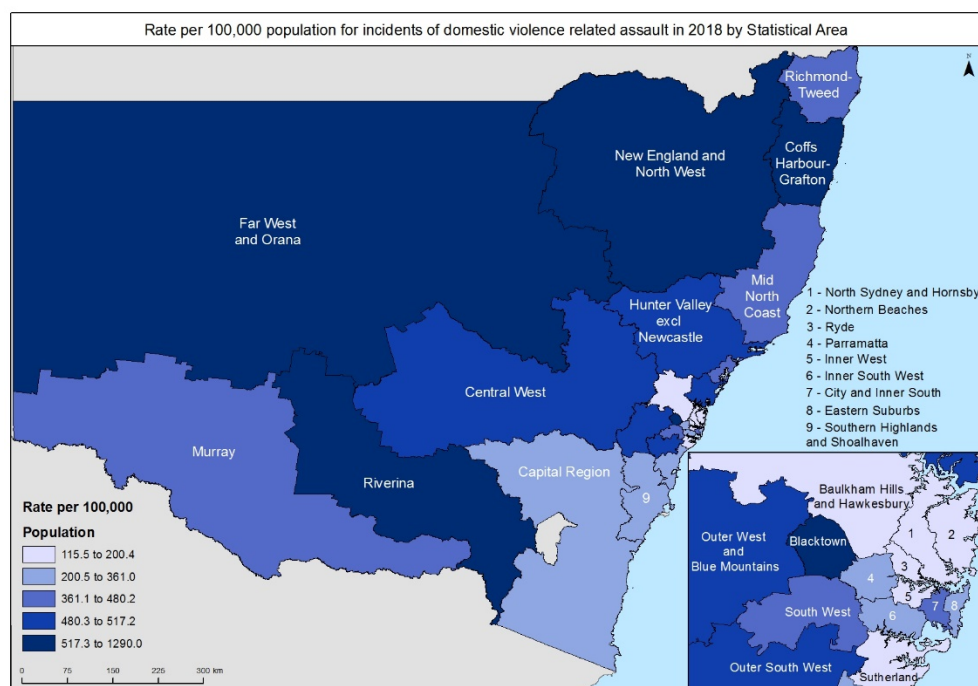
Introduction	1
Refuges: The role of crisis accommodation	5
The link between homelessness and DFV	7
The right to adequate housing.....	10
Avoiding homelessness: what is the long-term solution?	11
Safe at home approaches	13
The private rental market and victim-survivors of DFV: overcoming barriers.....	18
Conclusion	21

DFV is variously defined. The NSW Department of Communities and Justice [describes](#) it as:

when there is violent, abusive or bullying behaviour or actions towards a partner or former partner to scare and control them. It can happen at home or outside the home. It causes fear and harm to the body, mind and spirit.

In the Aboriginal and Torres Strait Islander community, the term 'family violence' includes intimate partner abuse as well as abuse between wider family relationships such as siblings and grandparents. For further information regarding the definition of domestic and family violence as well as descriptions of the various forms it can take see the Victorian Royal Commission into Family Violence [report](#).

The NSW Bureau of Crime Statistics and Research provides the following [map](#) of the distribution of domestic violence related assault offences within NSW. The map illustrates the rate per 100,000 population by statistical area for domestic violence related assault offences recorded by the NSW Police Force in 2018:



DFV is widespread and of enormous [cost](#) both to those directly impacted by the violence as well as the community in general. Intimate partner violence [causes](#) more illness, disability and deaths than any other preventable risk factor for women aged 25 to 44 (Domestic Violence NSW – [Good Practice Guidelines for the Domestic and Family Violence Sector in NSW](#): 21). Living with DFV has an enormous impact, with potential outcomes ranging from death, illness, injury, disability, emotional and psychological trauma, homelessness, anxiety and depression, to substance abuse. It can also contribute to poverty as one's ability to work may be hindered or household finances may be completely controlled by the abusive partner.

The availability of safe, secure and affordable housing is important when it comes to providing victim-survivors with a genuine, long-term option that enables them to permanently leave a violent relationship. A lack of safe and appropriate housing options may be enough reason to prevent some women leaving an abusive relationship ([Domestic Violence NSW](#): p 2). Housing instability may also result in some victim-survivors who have attempted to leave returning to live with the perpetrator because:

housing options available to women leaving violence can often be substandard, in a neighbourhood that feels risky or dangerous, or involve frequent moves (due to insecure or short term tenure) that disrupt children's schooling and support networks. In such circumstances, women may decide that returning to the perpetrator is a better, safer option for them and their children ([Flanagan et al](#): p 6)

Ensuring that safe, secure, affordable and suitable housing is available thus plays a critical role in enabling victim-survivors of DFV to permanently leave a violent relationship.

The availability of appropriate housing is also key to victim-survivors having the opportunity to recover from the impact of having lived with DFV. As noted by the [Victorian Royal Commission into Family Violence](#) (p 29):

The first pillar of recovery is housing. Safe and affordable housing is central to stabilising a victim's life. Without the certainty of knowing where they will live, a victim cannot plan for the future: if they are not returning home, they need to know where their children will go to school, how they themselves will get to work, or even where they might seek work. With stable accommodation they can turn their mind to rebuilding their own and their children's lives and (re)connecting with the community.

Whilst secure housing is pivotal to recovery, it is just one aspect of what often needs to be a multi-faceted approach to assisting victim-survivors of DFV. According to the [Flinders Institute for Housing, Urban and Regional Research](#) a continuum of individualised and open-ended support is essential. This support includes outreach services for women and their children in a range of areas (therapy, health, life skills, housing assistance). The best support is available for as long as needed. According to Mission Australia's [Blueprint for the domestic and family violence response in NSW](#) the average length of support for women who were homeless and provided with support to gain housing by Specialist Homelessness Services (SHS) was 54 days. This compared to 24 days for women who were able to maintain housing throughout. However, Mission Australia highlighted that for some women, assistance is needed for some time after a new home is found. This assistance includes the provision of trauma informed support and rental assistance. It also stressed that the complexity of cases involving DFV clients meant that longer support periods were required compared to other SHS clients.

Domestic Violence NSW (previously known as the NSW Women's Refuge Movement) has developed [good practice guidelines](#) in consultation with the sector to:

provide a framework to support the delivery of high quality, consistent responses to victim-survivors across the DFV sector in NSW, and to provide services with a tool to assist them to provide high quality services and guidelines for service development, planning and quality assurance.

These guidelines are based on ten core principles:

1. Services and practitioners prioritise the physical, cultural and emotional safety of victim-survivors, their families and workers.
2. Access and equity.
3. Trauma-informed practice.
4. Victim-survivor centred practice and empowerment.
5. Confidentiality and informed consent.
6. Non-judgmental support.
7. Collaboration.
8. Upholding, promoting and advocating for victim-survivor rights.
9. Prevention and early intervention.
10. Competency, accountability and continuous improvement.

For children who have lived in a home with DFV, the lack of safe, secure and affordable housing can compound the negative consequences of having lived in a home where violence was present. It contributes to poor mental wellbeing, negative educational outcomes, a range of behavioural issues and trauma. Children from violent homes are also more likely to suffer other forms of child abuse or neglect and become caught in cycles of intergenerational violence. Childhood experience of DFV has also been linked to a greater likelihood of adult homelessness ([Mission Australia](#): pp 13 and 22). The negative impact of DFV on children may be minimised when their housing situation is stabilised as quickly as possible. It may help alleviate the trauma of losing their home, or the threat of it, and the associated outcomes such as needing to move schools and away from their peers and other support networks.

Victim-survivors of DFV represent a cross-section of society, with varying, sometimes layered, and often complex needs. They encompass young women, women with children, older women, women of culturally and linguistically diverse backgrounds, women or children with disabilities, Aboriginal and Torres Strait Islander women, the LGBTIQ community, those in rural and remote areas, and male victims. According to a Mission Australia [report](#):

- 37% of the 43,300 young people aged 15 to 24 years who presented to a SHS agency in 2017-18 reported DFV;
- 21% of older Australians seeking help from SHS in 2017-18 reported DFV as their main reason for seeking help;

- 25% of Aboriginal and Torres Strait Islander people seeking assistance from an SHS agency in 2017-18 did so because of family violence and 37% of Indigenous clients aged 10 and over reported experiencing family violence (see [AHURI Final Report No 320](#) for information on improving housing and service responses to DFV for Indigenous individuals and families);
- 25% of SHS clients from inner and outer regional areas and 38% from remote/very remote areas reported DFV as their main reason for seeking assistance (compared to 32% of clients from major cities) (see [Campo and Tayton](#) for an overview of some of the key issues faced by those experiencing DFV in regional, rural and remote communities); and
- 8% of SHS clients in 2017-18 reported one or more limitations with a core activity (self-care, mobility and/or communication). 40% of the 4,500 clients with severe or profound core activity limitations who also experienced additional vulnerabilities indicated that they had experienced DFV.

Housing solutions need to account for the differing needs of these groups and may need to be tailored accordingly, in order to be effective.

Refuges: The role of crisis accommodation

Women's refuges provide short term crisis accommodation and support in a safe environment for women escaping DFV. The first women's refuge in NSW [opened](#) in March 1974 as an option for women and children at a time when there were few alternative services. Refuges traditionally either adopt communal living arrangements or utilise a cluster housing model ([Flinders Institute for Housing, Urban and Regional Research](#): 44). Depending on their stage in life, women may have [different preferences](#) in relation to accommodation type. Younger women were found to generally prefer communal living situations because of the opportunity to build support networks. In contrast, older women may prefer more independent living arrangements. New core and cluster models have been developed that take into account the feedback of users who want support workers and other women and children around them in addition to their own space and privacy.¹

Several features of women's refuges are considered to be [key](#) to their role in providing assistance in a crisis situation:

- specialist understanding of DFV and their emphasis on the right to safety;

¹ J Oberin, 'It's nothing you did or didn't do: New models of refuge for women and children escaping violence', *Parity*, 31(1), March 2018: p 46.

- being part of a coordinated response to DFV, providing a continuum of service and links to legal, child protection, support, outreach and counselling services; and
- the smaller, local nature of refuges.

However, the demand for refuges outstrips the number of places available, with [reports](#) that more than half of women seeking help are unable to be accommodated. The lack of space in refuges has led to the use of hotels, motels and caravan parks as a form of crisis accommodation ([Flinders Institute for Housing, Urban and Regional Research](#): 46). However, this is problematic for many reasons including the:

- lack of support services;
- cost involved;
- inappropriateness of such accommodation for children; and
- security concerns.

Gaining access to refuges can also be complicated for those: with teenage sons; who are pregnant; who are under the age of 18; and/or who have pets² ([AHURI](#): p 53).

In February 2019, the Commonwealth Government [announced](#) a \$60.4 million grants program to provide new or expanded emergency accommodation facilities for those escaping DFV. This is to provide up to 450 safe places, with the potential to assist 6500 people each year. It forms part of the Commonwealth Government's commitment to the [Fourth Action Plan 2019-2022](#) of the [National Plan to Reduce Violence against Women and their Children 2010-2022](#). In 2019, the number of refuges supported by the NSW Government [increased](#) to 83.

Refuges are not designed to provide long term accommodation. However, a lack of viable options post-refuge, with exit pathways frequently overburdened, can result in some women and their children remaining in refuges for up to six months. An AHURI [report](#) found women are remaining longer than six weeks in crisis accommodation [due](#) to: a lack of social housing; limited affordable and accessible private rental housing; and the limited incomes of many women leaving violent situations (p 55). The lack of social housing, despite a clear need for it, is considered to be one of the major factors contributing to the length of time women remain in refuges ([Flinders Institute for Housing, Urban and Regional Research](#): 45).

² According to [Domestic Violence NSW](#), threats or acts of violence upon a pet may be used as a means of exerting control as well as a way to keep someone in a violent relationship (p 10). The RSPCA runs a [Community Domestic Violence Program](#) which offers housing for pets of people seeking refuge from domestic violence.

A different housing response may be necessary for Indigenous women experiencing family violence in rural and remote areas. There is a need for recognition of, and sensitivity towards, possible mistrust of government and community services. There can be a fear that child protection services will become involved or that it will be difficult to have children returned if they have been placed in out of home care if the housing situation does not appear to be stable or secure. Also, there may be a reluctance to involve the criminal justice system any further due to the over-representation of Indigenous peoples ([Flinders Institute for Housing, Urban and Regional Research](#): 43). As a result:

Adequately resourced and staffed safe houses and cooling off places are identified as one of the successful, preferred and culturally appropriate housing/support models for Indigenous women and children ([Flinders Institute for Housing, Urban and Regional Research](#): 43).

The provision of men's or 'cooling off' houses, involves the perpetrator moving for a period of respite. The perpetrator of the violence stays there until they are sober, have slept and had a meal. They have been found to be successful in remote NSW, and can allow the issue of DFV to be identified and dealt with rather than remaining hidden ([Flinders Institute for Housing, Urban and Regional Research](#): 49).

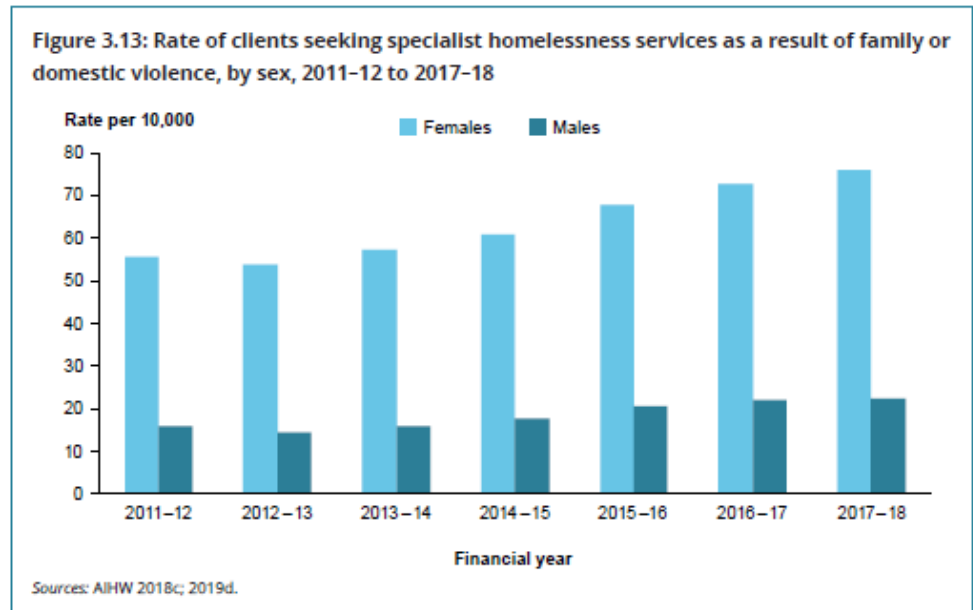
However, should longer term housing solutions be required, many Indigenous women and children may need to leave town and thus their community and land. This separation from kin and land and associated cultural responsibilities may be enough to prevent some women from leaving. The 2019 AHURI [Report No 320](#) provides an explanation of the complications faced by some Indigenous women who would otherwise consider leaving a violent relationship.

The link between homelessness and DFV

DFV is one of the key drivers of homelessness among women. It is the most common main reason given by people for seeking assistance from Specialist Homelessness Services (SHS) in Australia. In NSW, DFV is one of the top three reasons for clients seeking assistance – 32% of NSW clients cited DFV as the reason for seeking assistance in 2017-18 (The other main reasons cited were housing crisis (45%) and financial difficulties (41%) (AIHW, [Specialist homelessness services 2017-18: New South Wales](#)).

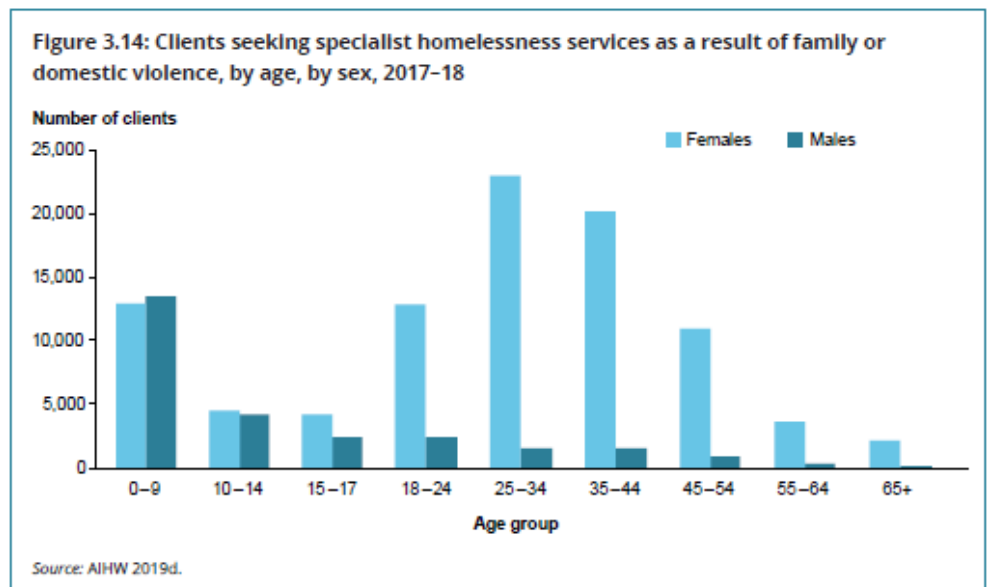
Between 2012-13 and 2017-18, the number of SHS clients reporting that they had experienced DFV increased an average of 9% per year. In 2017-18, 42% of all SHS clients had experienced DFV (121,000 persons) (AIHW, [Family, domestic and sexual violence in Australia: continuing the national story 2019](#): ix). 78% of these were female, 61% sought assistance while they were at risk of homelessness and 39% sought assistance while they were homeless. 47% of those experiencing DFV were single parents with a child or children.

The following graphs illustrate the steady rise in the rate of people seeking specialist homelessness services as a result of DFV since 2012/13.



Source: AIHW, [Family, domestic and sexual violence in Australia: continuing the national story 2019](#), p 37

The following graph shows the large number of females between the ages of 25 and 44 seeking assistance from specialist homeless services as a result of DFV. Also of concern is the large number of children under the age of 10 who are at an increased risk of homelessness because of DFV.



Source: AIHW, [Family, domestic and sexual violence in Australia: continuing the national story 2019](#), p 38

A [report](#) by the Flinders Institute for Housing, Urban and Regional Research highlights the cycle in which a significant proportion of women attempt to leave DFV situations repeatedly only to return to live with the perpetrator. As a result, some of these women cycle in and out of homelessness. However, the report stresses (p 41):

...this cycling in and out of homelessness is also often part of the pathway out of abuse for women, as repeated contact with domestic violence services builds their strength and trust in such services. It also allows the women to have the necessary support wrapped around them while they make the choice to leave the perpetrator.

According to [Spinney](#) (p 2), the most effective homelessness prevention measures for women and children who have experienced DFV often combine legal/judicial, housing and welfare policy and practices. These measures include:

- **Legal/judicial:** improving police responses to breaches of court orders, providing court-based family violence advocacy services, domestic violence courts, law reform.
- **Housing:** private rental brokerage programs for women who have experienced family violence, 24 hour response services by housing agencies, Staying Home Leaving Violence type schemes, perpetrator accommodation.
- **Welfare:** outreach services, sanctuary type schemes, emergency support, personal development, and confidence-building assistance.

[Mission Australia](#) (p 65) has made the following policy recommendations for preventing DFV-related homelessness:

- i. State and Territory governments should fund rapid rehousing options through a housing first model for victim-survivors who cannot or choose not to stay at home;
- ii. State and Territory governments should expand Safe at Home programs to enable women experiencing DFV and their children to remain safely in their home if that is their choice; and
- iii. State and Territory governments should provide additional funding for accommodation options for men who use violence to enable women to remain safely in their home. This is in addition to requisite funding for women's accommodation.

The link between DFV and homelessness was recognised in the [National Plan to Reduce Violence Against Women and their Children 2010-2022](#). The National Plan includes initiatives such as:

- increasing the numbers of families who maintain or secure long term safe and sustainable housing post-violence;

- implementing homelessness services to improve housing options for victim-survivors of violence;
- ensuring wraparound support to those who have experienced DFV;
- increasing affordable housing stock; and
- recognising there is a risk that perpetrators will return home if there is insufficient accommodation available to them.

According to a [report](#) by the Flinders Institute for Housing, Urban and Regional Research (p 57):

...it should be noted that sustaining women affected by domestic and family violence safely in their home or in an appropriate, affordable and safe home must be part of any solution to address violence related homelessness... Some women affected by domestic and family violence will need longer term support to re-establish their lives, and those of their children, post-violence. This support needs to include additional assistance with housing costs for some women, as well as therapeutic assistance, counselling, support to develop life and employment skills and assistance to purchase basic necessities such as household furniture.

The right to adequate housing

Article 25(1) of the [Universal Declaration of Human Rights](#) provides that everyone:

has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Adequate housing with all it entails may be far from the reality experienced by those still living in a violent household as well as those who have attempted to set up a new household free from violence. The impact of homelessness on human rights is not limited to the right to adequate housing. The Australian Human Rights Commission has [highlighted](#) how homelessness impacts on the rights to: health; personal safety; privacy; an education; work; non-discrimination; social security; vote; freedom of movement and freedom of association; and freedom from cruel, inhuman or degrading treatment or punishment.

Given the strong link between DFV and homelessness, the rights of DFV victim-survivors may be compromised in numerous ways. The Human Rights Law Centre has [noted](#) that the UN Committee on the Elimination of Discrimination Against Women has stated that in order to act with due diligence, governments must provide 'appropriate protective and support services' including 'services to ensure the safety and security of victims of family violence, including refuges' ([General Recommendation No 19](#)). Women and children affected by

DFV have been deemed a national homelessness priority group in the [National Housing and Homelessness Agreement](#) in Australia.

[Domestic Violence NSW](#) is the peak representative body for a range of specialist DFV services in NSW. It works with government and the DFV sector to improve policy, legislative and program responses to DFV and seeks to eliminate it through advocacy, partnerships and the promotion of good practice. In its [Submission](#) to the NSW Homelessness Strategy, Domestic Violence NSW argued (p 1):

That the NSW Parliament must make a long term, bipartisan government commitment and strategy to ensure a range of safe and affordable housing and support options are accessible to women and families impacted by domestic violence (as well as perpetrators of violence). This includes the expansion of Staying Home Leaving Violence services, adequately resourcing dedicated specialist DFV crisis accommodation and specialist responses to victim-survivors of domestic and family violence, community-based services for high-risk populations, transitional, social and community housing and diverse private rental accommodation models and subsidies.

The NSW Government has invested \$431 million in specialist DFV initiatives over four years including (Gibbons M, Domestic and Family Violence, [NSW Hansard](#), 26 September 2019 (proof)):

- \$31.8 million in 2019-20 for [Start Safely](#) – which provides short to medium-term financial support for people escaping DFV to help secure private rental accommodation so they do not have to return to the violent situation;
- \$17.5 million for [Safer Pathway](#) in 2019-20 – a streamlined and integrated approach to safety assessment, referrals and service coordination for victims of domestic violence;
- \$14.7 million to reduce reoffending in 2019-20 and to support the reduction of re-offending and re-victimisation;
- \$11 million in 2019-20 for the [Women's Domestic Violence Court Advocacy Services](#) to support victims at 29 locations, supporting 117 courts across New South Wales;
- \$8.1 million for [Staying Home Leaving Violence](#) to support women and their children to remain safely at home; and
- \$5.4 million for the [Domestic and Family Violence Innovation Fund](#) for projects in innovative prevention, early intervention and crisis responses.

Avoiding homelessness: what is the long-term solution?

Long-term housing options in Australia generally fall within one of the following categories:

- i. social housing;
- ii. the private rental market; or
- iii. owning a home (either outright or with a mortgage).

If none of these options are viable, homelessness may result. However, there may be barriers to each of these alternatives that prevent them being a realistic option for victim-survivors. The [HAP Domestic Violence Project Evaluation: Overarching Report](#) identified some of the barriers faced by women who have left a violent relationship (pp 21 and 30):

- A severe general shortage of available and affordable housing, including a shortage of social housing and affordable rental accommodation in Australia;
- The shortage of long-term affordable housing prevents women making the transition from temporary accommodation in homelessness services to permanent housing;
- Poverty, often resulting from the abusive relationship itself, is a significant obstacle to remaining in the home and sustaining this housing;
- Certain groups of women (Indigenous, culturally and linguistically diverse and refugee women, women with disabilities, and women from rural and remote areas) may be additionally disadvantaged with reduced access to refuge accommodation and other housing options meeting their specific needs;
- the loss of an income that previously contributed to the mortgage or rent;
- a shortage of appropriate housing in terms of cost, location and/or facilities for those with a disability;
- lack of rental history;
- discrimination against single parent families and pets;
- the partner's previous damage or failure to pay rent may negatively reflect on their rental history;
- the private rental market can be tight and not equipped to deal with the needs of those leaving a violent relationship; and
- a more tenuous link to the workforce due to: not working fulltime; casual employment; being older; being a sole parent; being self-employed or not employed.

According to a [report](#) by the Flinders Institute for Housing, Urban and Regional Research (p 55):

Social housing is clearly the best housing option for women escaping domestic and family violence, providing safe, secure and guaranteed affordable housing. Both public and community housing options are needed, as these options suit different groups of women, and provide additional housing options for women.

Social housing is secure and affordable rental housing for people on low incomes. It includes public housing (which is managed by Family

and Community Services in NSW) and community housing (managed by non-government organisations). It also includes Aboriginal housing. However, the waiting lists for social housing are lengthy. As at 30 June 2018, there were 48,337 applicants on the NSW Housing Register and 4,595 people on the priority list, with wait times of up to 10 years in some areas (Family and Community Service, [Expected waiting times](#)). The median waiting time for those on the priority list is 3.4 months, with the wait increasing to a median of 25 months in 2017-18 for non-priority applicants (NSW Auditor-General Report: [Family and Community Services 2018](#)). There is accordingly likely to be a considerable delay between being deemed eligible for social housing and actual housing becoming available.

Safe at home approaches

A recent shift in thinking questioned why victim-survivors should be the ones who leave, as opposed to the person responsible for the violence. This change in approach has led to the development of various safe at home schemes in Australia which operate from a social justice perspective where:

the perpetrator is solely accountable for their violence and controlling behaviours which should mean that their partners and children are not made homeless, or displaced from families, friends and schools ([Breckenridge et al](#): p 9).

This new government policy approach seeks to keep DFV victim-survivors in their home with the perpetrator removed. It contrasts with the previous response to DFV which involves women and children leaving the violent home, often out of sheer necessity to ensure their safety. [Spinney](#) has highlighted that whilst DFV refuges have played a pivotal role in assisting those affected by DFV, they have inadvertently normalised a situation that sees women and children becoming homeless in order to leave a violent relationship (p 11).

However, this is not to deny that barriers exist and need to be overcome to ensure the safety of DFV victim-survivors who remain in their home. It should also be stressed that it is not considered appropriate in all circumstances but may be a suitable option in lower risk situations.

Staying Home, Leaving Violence program: NSW

In NSW, the [Staying Home, Leaving Violence](#) (SHLV) program is a safe at home strategy that commenced in 2007 with two pilots based on the [Sanctuary Schemes](#) model in the United Kingdom but modified for the Australian context. The foundation of SHLV is that there may be some situations where it is possible for a woman wanting to remove herself, and any children, from a violent relationship to remain in the family home following a thorough risk assessment and the implementation of certain safety measures (such as the use of dead

locks, lockable security screens, sensor lights, back to base alarms). The perpetrator is the one forced to leave the home.

The [Program Guidelines](#) describe SHLV as 'a specialised domestic and family violence program aimed at promoting victim's housing stability, and preventing their homelessness'. It is based on intensive case work which is long-term, needs based and integrated with key agencies such as NSW Police, Women's Domestic Violence Court Advocacy Services, health services, Housing NSW and relevant NGOs. It aims to help victim-survivors to:

- remain separated from a violent partner by addressing common barriers to leaving violent relationships;
- have stable accommodation;
- maintain support networks;
- maintain security in employment/training for women;
- maintain security in education/childcare for their children; and
- prevent the occurrence of post-separation abuse.

SHLV intervenes after DFV is identified in a family by police, health services, child protection agencies and/or support services such as family support programs. The role of the police is to encourage the victim and children to remain in the home unless there are immediate dangers that prevent this being a suitable option ([Spinney](#): 34). SHLV staff conduct risk assessments to help the client decide whether they should remain in the home, ensure the necessary protection orders are in place, conduct safety audits and provide ongoing emotional support. The police seek exclusion orders and offer accommodation to the perpetrator at nominated accommodation centres.

Women who are separated from their violent partner but nonetheless continue to experience abuse are prioritised in the program. Priority is also given to women who have previously experienced DFV and:

- are from an ATSI background;
- are affected by socio-economic disadvantage;
- are from culturally and linguistically diverse backgrounds;
- affected by social exclusion;
- who have a disability;
- are caring for a child with a disability; and/or
- are aged 16 to 18 years.

A wide range of support is provided under the SHLV program including: safety planning; improving home security; assistance with finance management; support for children; and help with the legal process. SHLV enables victim-survivors to remain connected to their

crucial support systems of family and friends, schools and their local community.

Each SHLV service establishes a Local Advisory Committee consisting of representatives of the local referral network. An integrated response is ensured by a Memorandum of Understanding between local agencies that articulates what is expected of their role, what victims can expect and what mechanisms are in place to ensure effective service delivery. According to [Breckenridge et al](#) (p 26), key elements of the NSW SHLV programs include:

- flexible brokerage funding;
- intensive, outreach case management services;
- service flexibility which may vary in intensity and duration according to clients' individual circumstances;
- early intervention and prevention principles;
- legal protection and home security to enable women and children to remain safely at home;
- local partnerships with other key agencies; and
- a SOS Response System Alarm to improve DFV victims' sense of safety.

[Spinney](#) (p 34) contends that NSW SHLV programs increasingly exhibit many of the characteristics of best practice models including:

- police remove the perpetrator;
- courts grant exclusion orders;
- support services provide information and resources;
- risk assessment, security upgrades and safety planning;
- assessment and assistance for violent partners; and
- leadership and legislation from government.

However, the program is not offered across NSW. Access is dependent on whether the person lives in an area offering the program. As at November 2019, SHLV currently operates in the following NSW locations:

Staying Home, Leaving Violence program locations in NSW

Albury	Maitland, Cessnock
Bega	Moree
Blacktown	Newcastle
Broken Hill	Northern NSW (Clarence Valley)

Campbelltown	Orange
Coffs Harbour	Parramatta, Holroyd
Coonamble, Walgett	Penrith
Dubbo	Port Stephens
Eastern Sydney	Redfern
Fairfield, Liverpool	Richmond Valley
Griffith	Shoalhaven
Inverell	Tamworth
Kempsey	Wollongong
Lake Macquarie	Wyong, Gosford

Safe at home schemes throughout Australia have largely been funded by States and Territories through the Commonwealth and State-Territory National Partnership Agreement on Homelessness ([Breckenridge et al](#): 24). In 2017-18, a total of 2,464 women and 4,270 children in NSW were supported by SHLV programs. (FACS, [Annual Report 2017-2018](#), vol 1, p 17). The Commonwealth Government [announced](#) a further \$18 million in funding in February 2019 for the Keeping Women Safe in their Homes program.

What are the long-term benefits?

According to the [Program Guidelines](#), SHLV aims to improve long term outcomes for women and children escaping DFV by influencing the factors that affect their ability to remove themselves from the violence. Consequently, clients are free from DFV in their own home, and remain so over time. It aims to facilitate long term stability in housing, income, education and healthy relationships. It can prevent homelessness, maintain the social supports of the victim-survivor, and enable continuity in schooling and employment. These are all important protective factors in helping a victim-survivor move forward after violence.

Some key policy challenges identified by Breckenridge et al and Spinney are highlighted in the table below.

Policy challenges re safe at home schemes ([Breckenridge et al](#): p 18 and [Spinney](#))

Legislative development and policy change must promote normalisation of the idea that women who experience DFV should not become homeless as a result.

Women and children need to be able to afford to remain in the family home. Preventing homelessness through the subsidisation of these families may be cost effective as well as equitable.

Risk assessments need to be professionally conducted.

Women and children need to *feel* safe as well as be safe. They may need support to feel emotionally confident enough to remain in the home. They may also need practical and legal support to increase their physical safety.

Perpetrators need to have somewhere to live or they will be more likely to try to return to the family home.

Adequate funding is needed so referrals do not have to be put on hold.

Culturally appropriate services are required for Indigenous Australians and those from culturally and linguistically diverse communities. The [HAP Domestic Violence Project Evaluation: Overarching Report](#) recognised that Stay at Home schemes may not be suitable for some Indigenous women as a result of complicated extended kinship relationships, their location in small communities where the perpetrator and the perpetrator's family reside, low income, or a desire not to engage with the criminal justice system (p 33). Some have also raised concerns that it will lead to the greater criminalisation and homelessness of Indigenous men.

There needs to be a consistent approach by the police and judicial services towards the perpetrator's exclusion from the home.

Adequate funding so women in private rental and owner-occupied homes can sustain their accommodation.

The SHLV program has encountered some opposition from the Women's Refuge Movement. Spinney argues this derives from a sense that it impinged on their work in addition to a core belief that women cannot be safe in their own home ([Spinney](#): 39). According to [Breckenridge et al](#), there has been no research conducted since safe at home ideas were first proposed that provides quantitative evidence that women who choose to remain in their home with the perpetrator removed are in any greater danger than those who leave their home (p 9). They also note that qualitative evidence from practitioners indicates that if women can decide whether to remain, staying in their own home puts them in no greater danger than if they had left. Spinney also rejects the contention that SHLV only works for the low risk or middle class women. She argues that SHLV programs help prevent homelessness for women and children who have experienced DFV in very different areas of Australia, including those previously thought to not be suitable ([Spinney](#): 39).

The NSW Legislative Council Standing Committee on Social Issues commented on the SHLV program in its 2012 report on [Domestic violence trends and issues in NSW](#):

While the Committee, like other inquiry participants, recognises that this program will only be appropriate for some victims, we see it as an excellent example of a non-traditional, victim-focused response that exemplifies the

broader shift that we consider must occur across the entire domestic violence system (p xxxi).

Several factors guide whether a victim-survivor feels comfortable remaining in their home. [Breckenridge et al](#) argue that:

Legislation, legal and judicial practices, practical and emotional support services, affordability issues, and integrated DFV programs can all influence women's decisions to remain in their home following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety (p 17).

Strengthening each of these aspects may expand the number of people who are able to remain in their own home without the experience of violence.

The private rental market and DFV victim-survivors: overcoming barriers

Social housing may be the better housing option for those who require long term housing assistance or have support needs. However, lengthy waiting lists and a limited number of suitable properties may result in considerable delay and do not solve the immediate need for housing. As a result, some victim-survivors are forced into the private rental market.

Those leaving a violent relationship are likely to be faced with several difficulties as they are left to provide for the cost of housing on their own. They may also incur the expense of establishing a new household, such as obtaining furniture, appliances and household goods. Some victim-survivors may not have been recently employed or their employment history may have been negatively affected by the violence. Others have lost the joint contribution towards housing costs.

Some financial assistance such as the [Start Safely Private Rental Assistance Subsidy Policy](#) may be available to those who have left DFV and are in the private rental market. This subsidy provides short to medium term private rental financial assistance to those who are homeless, or at risk of being homeless because of DFV. Its purpose is to enable access to safe and affordable housing in the private rental market. Clients must be eligible for social housing and able to demonstrate their capacity to sustain their tenancy in private rental accommodation at the end of the subsidy period (rent should not exceed 50% of the household's gross weekly income excluding Commonwealth Rent Assistance). Eligibility requirements include:

- eligible for social housing;
- escaping DFV;
- homeless or at risk of homelessness;
- able to afford and sustain the tenancy at the end of the subsidy period; and

- willing to receive support services where relevant.

The subsidy may be used in conjunction with such assistance as the Rentstart Bond Loan, Advance Rent, Tenancy Guarantee, Tenancy Facilitation and Private Rental Brokerage. It provides the difference between the amount paid by the client and their share of the property rent. The [Rentstart Assistance Policy](#) provides assistance with costs to establish and maintain a tenancy in the private rental market through the provision of bond money, assistance to pay rental arrears or short term assistance for those who are homeless.

The [HAP Domestic Violence Project Evaluation: Overarching Report](#) found that the Start Safely Private Rental Subsidy Scheme in addition to Rentstart, Tenancy Guarantees, Tenancy Facilitation, and the Private Rental Brokerage Service can directly enhance longer term housing sustainability for some women exiting a violent relationship (p 29). However, there are difficulties in using the private rental market as a policy response to DFV. As [Flanagan et al](#) argue:

there is an inherent contradiction in expecting a profit-oriented market to act as part of the housing assistance system. Even with subsidies and other support, affordability, competition and scarcity continue to present barriers for those perceived as less desirable tenants due to assumptions about risk (p 5).

The most effective responses to DFV work on multiple levels towards ensuring that victim-survivors can continue to meet their housing costs in the long-term. As the [Victorian Royal Commission into Family Violence](#) recommended, financial assistance for housing 'should be explicitly linked to consideration of education and employment assistance to build women's economic security and resilience' (p 29).

Efforts have been made to remove some of the barriers in the private rental market faced by victim-survivors as they seek to establish themselves in a separate household beyond the violent relationship. The [Residential Tenancies Amendment \(Review\) Act 2018 \(NSW\)](#) recognised the challenges faced by those experiencing DFV in a rental property and subsequently made a number of changes to the [Residential Tenancies Act 2010 \(NSW\)](#). These changes came into effect in February 2019. The Bill's Second Reading [speech](#) noted:

Currently section 100(1)(d) of the Residential Tenancies Act provides that a tenant may terminate a tenancy with 14 days notice on the basis that a current or former co-tenant or occupant is prohibited by a final apprehended violence order from accessing the premises. Women and domestic violence advocates argue that most victims of domestic violence never obtain a final apprehended violence order. The process of obtaining such an order can take many months and many women are fearful of seeking an order as this typically causes the violence to escalate. It is also difficult to obtain an order excluding a perpetrator from premises if the person has no other housing to go to.

By inserting [Division 3A](#) into Part 5 of the Act, it provided for the termination of a residential tenancy agreement by a tenant in circumstances of domestic violence. The changes empower them to end their tenancy immediately and without penalty if they or their dependent child are experiencing DFV. The tenant will need to provide:

- A domestic violence termination notice to their landlord or agent which has one of the following attached as evidence:
 - A certificate of conviction for the domestic violence offence;
 - Family law injunction;
 - Provisional, interim or final domestic violence order; and
 - A declaration made by a medical practitioner in the prescribed form.
- A domestic violence termination notice to each co-tenant.

A tenant who ends their tenancy in these circumstances is protected from liability for compensation or additional money for the early termination. They are not liable for break fees, loss of rent, advertising and a reletting fee, or an occupation fee for abandoned goods.

Additional changes protect the tenant in the long-term so their ability to secure a rental property is not negatively impacted by a domestic violence termination. Such protections include:

- Landlords and their agents are 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);
- A person is prohibited from using or disclosing information from a domestic violence termination notice or the attached evidence for any other purpose. It thus cannot be used in a reference check by a property manager, with disclosure only to be made if permitted or compelled by law. The person in possession of these documents must store and dispose of them securely;
- Victims of domestic violence will not be subject to cross-examination as the contents of a declaration made a medical practitioner will not be reviewable by the Tribunal;
- The victim of the domestic violence offence is not liable for property damage caused by the perpetrator as part of a domestic violence incident. The same applies to other co-tenants who are not the perpetrator; and

- Only the perpetrator of domestic violence is liable for any property damage caused by their violence.

The Women's Legal Service NSW welcomed the changes to the [Residential Tenancies Act 2010](#), viewing them as going a long way towards improving the rights of victims of domestic violence who are renting.³ It highlighted how the option to rely upon a declaration by a medical practitioner empowers those victims who are reluctant to report violence to the police because they are ashamed or because they are afraid the violence will escalate and/or they are not able to access the family courts. However, they believe this option should be extended so the necessary declaration can be obtained from professionals such as social workers and community access workers. This would improve access to these reforms for the most vulnerable, for example, persons with a disability who attend doctor's appointments with their carers who are also the perpetrator of the violence.

Conclusion

As Domestic Violence NSW has [highlighted](#) (p 2):

There are multiple systemic and cultural barriers that make leaving the family home almost inconceivable to victim-survivors of violence. Many find it just too hard to contemplate leaving an abusive relationship and their home as the alternative solutions are filled with uncertainty. Older women and young women on lower incomes have very few options and are also vulnerable in a social housing system that is already overburdened. Older CALD women face multiple disadvantages and vulnerability as they often rely on family members for support and speak languages other than English so can experience language barriers.

Not all victim-survivors of DFV have formal contact with services. The [HAP Domestic Violence Project Evaluation: Overarching Report](#) has stressed that most women living with DFV do not use refuges and other specialist homelessness services, instead seeking help from informal sources such as family, friends or a doctor for treatment of physical injuries (p 24).

A long term solution to the housing insecurity faced by many of those seeking to leave a violent relationship must be found so that 'victims do not have to choose between either continuing to live with the perpetrator or the likelihood of chronic homelessness and insecurity' ([HAP Domestic Violence Project Evaluation: Overarching Report](#): p 70). The provision of long term suitable, secure, safe and affordable housing will facilitate the recovery of DFV victim-survivors, and in many cases their children, from the effects of having lived with violence and make possible a better future for all concerned.

³ K McDonald, New tenancy reforms strengthen the rights of domestic violence victims, *Law Society of NSW Journal*, 53, March 2019, p 78.