



Commissioner for Children and Young People
Western Australia

All enquiries
Telephone: (08) 6213 2297
Email: natalie.hall@ccyp.wa.gov.au
Our reference: 18/8712

Hon Dr Sally Talbot MLC
Chair
Standing Committee on Legislation
By email: lcl@parliament.wa.gov.au

Dear Sally

**Inquiry into the Residential Tenancies Legislation Amendment
(Family Violence) Bill 2018**

As Commissioner, pursuant to the *Commissioner for Children and Young People Act 2006* (the Act), I advocate for all Western Australian children and young people under 18 years of age. I also have a legislated responsibility to monitor and review written laws, draft laws, policies, practices and services affecting the wellbeing of children and young people.

In performing my functions I must give priority to, and have special regard to the interests and needs of Aboriginal and Torres Strait Islander children and young people, and children and young people who are vulnerable or disadvantaged for any reason. The best interests of children and young people must be my paramount consideration and I must have regard to the United Nations Convention on the Rights of the Child (UNCROC).

With the above responsibilities in mind I welcome the opportunity to provide comment on the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018 referred to your committee by the Legislative Council.

Caring for the future growing up today

Within the report of my office on the *State of Western Australia's Children and Young People in 2014*ⁱ the impact of family and domestic violence on children was clearly articulated.

"The negative effects of exposure to family and domestic violence on children and young people have been well identified by researchers worldwide. Some of the psychological and behavioural effects of exposure to family and domestic violence can include depression, anxiety, trauma symptoms, antisocial behaviour, mood problems, school difficulties and a higher likelihood of substance abuse. Other research has identified eating disorders, early school leaving, suicide attempts and violence as possible consequences of exposure to family violence.

While the child themselves may not be the subject of the violent behaviour, the existence of violent behaviour in their household has been shown, for a significant proportion of children, to cause trauma. This can have effects on the child's coping mechanisms and sense of self, can cause a state of hyper-vigilance and in some cases can manifest as post-traumatic stress disorder. Not all children and young people witnessing domestic violence exhibit trauma symptoms; regardless, every child or young person has a right to live free from violence in any form".

I welcome and strongly support the proposed Bill which aims to assist, empower and unencumber victims of family violence to take actions within their tenancies to improve safety (e.g. changing locks on the home), promote stability (remain in the home and have the perpetrators name removed from the tenancy agreement) or if necessary be able to leave the tenancy without penalty to secure safety and accommodation elsewhere.

Victims of family violence are often making difficult decisions about tenancy for themselves and their children within a context of high conflict, tension and stress and legislative provisions that increase options for victims, enable decision making and timely actions without penalties are to be applauded.

Prioritising the safety and stability of accommodation of victims of family violence in turn promotes and supports the right of children to be safe. Maintaining the security of a child's home where it is safe to do so also minimises the potential disruption to the child's education, peer friendships, and support of adults in their local community.

I am pleased to note the cross-industry collaboration and discussions that have been occurring to understand the impact on landlords of the proposed Bill and that sector agencies such as Shelter WA, the Real Estate Institute of Western Australia, and the Department of Mines, Industry Regulation support the Bill.

I am supportive of the principle of holding perpetrators of violence accountable for the consequences of their actions and prioritising the needs of victims and their children. I am aware however some perpetrators of family violence may be young people themselves and their victims may be their parents, siblings or other family members. Adolescent violence in the home is a distinct form of family violence and it may co-exist with family violence perpetrated by others. Whilst there is a need for an immediate response to adolescent violence in the home so that young people understand the consequences of their actions and family members can be protected, the response to the young person should be comprehensive and seek to offer supported accommodation and service responses for addressing the violent behaviour and any other co-occurring issues for the young person.

Likewise comprehensive responses are required for young people with violent behaviour who are in shared tenancy arrangements with peers or in relationships and tenancies with partners and potentially children. Alternate supported accommodations options are required as are timely and appropriate treatment options. Adolescence is a key life stage and early interventions for adolescents using violence in the home are crucial to prevent further violence and the risk of intergenerational violence.

Thank you again for the opportunity to comment on the Bill.

Yours sincerely



COLIN PETTIT

Commissioner for Children and Young People WA

16 November 2018
