

# “Family violence Your tenancy rights if you are a protected person living in a rented house or flat”

## ① Changing the locks

If you are named as a protected person on a family violence safety notice or intervention order, and the respondent (the person who committed the family violence) is ordered to be excluded from your home, you have the right to change the locks.

- You do **not** need to be named on the lease, but do need to live at the property.
- You will need to pay for the locks to be changed. Support agencies can provide help and advice.
- You must give a key for the new lock and a copy of the family violence safety notice or intervention order to the landlord or agent.
- The landlord or agent is not allowed to give the respondent a key for the new lock as long as the notice or order is current.
- You must give a key for the new lock to any other tenants living in the property (except the respondent).

## ② Changing the lease

When a family violence intervention order is made final by a magistrate, the order may say the respondent has to leave the family home and live somewhere else. You can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a new tenancy agreement even if you are not named on the existing lease.

- VCAT can require the landlord to give you a new tenancy agreement for the remaining period of the lease, based on the same terms, conditions and rent as the existing lease.
- You can also apply to VCAT to end the lease early on hardship grounds.
- VCAT has a family violence support worker who can assist you with the hearing process.

The respondent can also apply to VCAT to end the lease early on hardship grounds.



## Translating and Interpreting Service

☎ 131 450  
[www.immi.gov.au/tis/](http://www.immi.gov.au/tis/)

## Further advice and support

**Victims of Crime Helpline**  
☎ 1800 819 817  
[www.justice.vic.gov.au/victims-of-crime](http://www.justice.vic.gov.au/victims-of-crime)

**Consumer Affairs Victoria**  
☎ 1300 55 81 81  
[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

**Tenants Union of Victoria**  
☎ 03 9416 2577  
[www.tuv.org.au](http://www.tuv.org.au)

**Victorian Civil and Administrative Tribunal (VCAT)**  
☎ 03 9628 9800  
☎ 1800 133 055 (country callers only)  
[www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

**Women's Legal Service Victoria**  
☎ 03 9642 0877  
☎ 1800 133 302 (country callers only)  
[www.nwjc.org.au](http://www.nwjc.org.au)

**Women's Domestic Violence Crisis Service**  
☎ 03 9373 0123  
☎ 1800 015 188 (country callers only)  
[www.wdvcvcs.org.au](http://www.wdvcvcs.org.au)

**In an emergency, always call 000 for help**

## ⚠ Before you try to change the lease

If you apply to VCAT for a new tenancy agreement, the landlord has the right to have a new condition report on the rented property. VCAT can make decisions about the bond and who must pay for any damage.

You can get free advice from **Consumer Affairs Victoria** or the **Tenants Union of Victoria**.

# “Family violence Your tenancy rights if you are excluded from a rented house or flat”

## ① Changing the locks

If you are named as the respondent (the person who committed the family violence) on a family violence safety notice or intervention order, the notice or order might exclude you from your home for a period of time. The protected person will then have the right to change the locks.

- The protected person does **not** need to be named on the lease, but does need to live at the property.
- The protected person must give a key for the new lock to the landlord or agent and any other tenants living in the property (except you).
- The protected person must also give the landlord or agent a copy of the family violence safety notice or family violence intervention order.
- The landlord or agent is not allowed to give you a key for the new lock as long as the notice or order is current.

## ② Changing the lease

When a family violence intervention order is made final by a magistrate, the order may say you have to leave the family home and live somewhere else. If you are one of the tenants named on the existing lease, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) to end the lease early on hardship grounds.

The protected person can also apply to VCAT for a new tenancy agreement in order to stay in the home, even if they are not named on the existing lease. VCAT can require the landlord to give the protected person a new tenancy agreement for the remaining period of the lease.

## ⚠ Before you try to change the lease

If you apply to VCAT to end the lease early, the landlord has the right to have a new condition report on the rented property. VCAT can make decisions about the bond and who must pay for any damage.

You can get free advice from **Consumer Affairs Victoria** or the **Tenants Union of Victoria**.



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## Further advice and support

### Consumer Affairs Victoria

☎ 1300 55 81 81

[www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

### Tenants Union of Victoria

☎ 03 9416 2577

[www.tuv.org.au](http://www.tuv.org.au)

### Victorian Civil and Administrative Tribunal (VCAT)

☎ 03 9628 9800

☎ 1800 133 055 (country callers only)

[www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

### Victoria Legal Aid

☎ 03 9269 0120

☎ 1800 677 402 (country callers only)

[www.vla.vic.gov.au](http://www.vla.vic.gov.au)

### Men's Referral Service

☎ 1800 065 973

[www.mrs.org.au](http://www.mrs.org.au)

*Because this publication avoids the use of legal language, information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.*