



lucy's project

Safe Families - Paws and All

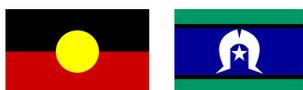
Submission into Changes to Keeping Pets in Rental Homes in NSW

December 2022

Acknowledgement of Country

Lucy's Project would like to acknowledge the Traditional Custodians of the lands across Australia on which we operate. We pay our respects to Elders past and present, and acknowledge First Nations communities' continuing connection to land and water. Always Was, Always Will Be Aboriginal Land.

We also acknowledge that First Nations women and children experience family violence at much higher rates and in different ways to non-Indigenous women and children due to the ongoing effects of colonisation. We support an Aboriginal-led, trauma-informed response to family violence crises in Australia.



About Lucy's Project

Lucy's Project is a national harm prevention charity that is focussed on addressing domestic and family violence (DFV) in Australia. We seek to facilitate women and children's safety by reducing barriers to services and creating collaborative practices between human and animal services. Our work is in what we call the three A's:

- **Advocacy** – amplifying the voices of people experiencing DFV where an animal is involved in the nexus of abuse.
- **Awareness** – Improving knowledge of animal abuse as a risk factor for human safety within the DFV sector, animal service sector, government, and among the general public to increase focus and provisions for establishing pathways to safety for victim-survivors with animals.
- **Action** – Maintain a network of support through working directly with organisations to upskill, build capacity, and provide resources to remove systemic roadblocks to safety. This includes concurrent crises safety planning – where DFV occurs during a natural disaster/pandemic/other social disruption and an animal is present.

Lucy's Project is based in Lismore, New South Wales, and run by a team of volunteers. This includes our experienced board members who have expertise in animal abuse in the context of DFV.

Lucy's Project recognises that animal abuse in domestic and family violence situations is common, traumatising, and a risk factor for the most severe kinds of abuse. It is also a crime in and of itself. Including animals in our domestic and family violence conversations and practice saves human and nonhuman lives.

We advocate for human and animal victim-survivors because we know that when an animal is at risk of abuse, there is a human at risk of abuse.

1. Introduction

Lucy's Project welcomes the opportunity to provide feedback to the NSW Government surrounding pets in rental properties. In the nine years that Lucy's Project has been operating, facilitating an increase in animal-friendly accommodation has been a key priority towards our organisation's goal of removing barriers to safety for domestic and family violence (DFV) victim-survivors with animals.

Domestic and family violence victim-survivors with animals have few options when leaving a violent situation with their companion animals. In many cases, victim-survivors are forced to stay in the abusive situation, where they remain at severe risk, due to an inability to access housing that can accommodate their pets. DFV peak bodies across NSW, including Lucy's Project, have called for state-wide legislation changes that would increase the supply of long-term animal-friendly accommodation to support victim-survivors in their long-term recovery. This submission details the key issues surrounding the intersection of DFV and animal abuse, with housing being a primary concern and barrier to safety for victim-survivors with animals.

Lucy's Project strongly recommends that the NSW Government implement legislative reform that would default to the right of tenants in rental properties to keep animals as companions. In keeping with the Victorian, ACT, and NT models, tenants should hold this right by default with landlords having the ability to contest on reasonable grounds¹ via application to the Tribunal.

2. Background

"Animal abuse doesn't happen in a safe home. It's not trivial and it's an indicator of at-risk people and children."

– Anna Ludvik, Lucy's Project Founder/Executive Director

Domestic and family violence is a common and pervasive issue in Australia. Approximately one in four Australian women have experienced physical and/or emotional abuse by a current or former intimate partner (ABS, 2016), and, on average, one woman every week is killed by a current or former partner (ANROWS, 2018). Australia also has high rates of animal ownership, with over two-thirds (69%) of Australian homes having at least one companion animal (AMA, 2021). This means that in households where DFV is occurring, there is a high likelihood that an animal is present.

The presence of an animal in a DFV situation can have impacts both on the kinds of abuse being experienced in the home, as well as help-seeking behaviours and access to supports. For many people, leaving an animal behind to an uncertain fate is inconceivable. Victim-survivors often report that they delayed leaving a violent home, or returned to a violent home, because there was nowhere safe to

[1] Please see section 4 for a definition of 'reasonable grounds'.

care for the animal (Ascione et al., 2007; Carlisle-Frank et al., 2004). As Taylor & Fraser (2019) explain, the loving relationship that victim-survivors share with an animal can provide them with 'the will to live, eat, sleep and keep caring for others, and in the process, maintain the will to rebuild their lives.' An animal is often the only comfort, defender, or friend a victim-survivor has.

For many victim-survivors, talking about the abuse and disclosing what has been going on can be difficult. Often, the only insight we may have that there is abuse occurring in a home is when veterinary practitioners notice signs of animal abuse, or when children report family pets being killed or harmed (The Link Coalition). For this reason, Lucy's Project works closely with vets to help support both the animals and people who may be in need of protection, and for whom the vet may be the only person able to link victim-survivors with domestic violence support services.

Lucy's Project also focuses on how animal abuse affects children in DFV situations. For many children experiencing domestic and family violence, the family pet can be one of their primary means of comfort and support. Animals can be a source of security for a child in a turbulent home (Taylor & Fraser, 2019). For children, escaping crisis with the family pet can ensure continuity in their source of comfort, security, and enjoyment of life during a time of great uncertainty, fear and change. To protect children from domestic violence, we must also protect the animals so central to their sense of wellbeing.

Lucy's Project recognises that animal abuse in domestic and family violence situations is common, traumatising, and a risk factor for the most severe kinds of abuse. It is also a crime in and of itself. Including animals in our domestic and family violence conversations and practice saves human and nonhuman lives.

When animals are at risk, people are at risk. The below research shows that:

- There is a strong link between violence towards animals and violence towards humans. People who abuse animals are more likely to physically or sexually abuse other people (Conroy, 2015; Bright et al., 2018; Degue & Dilillo, 2009).
- Threats to kill or mutilate the family pet is ranked as a high risk factor for severe abuse and lethality in a domestic and family violence situation (Arkow, 2014; Barrett et al., 2017; Campbell et al., 2018).
- Animal abuse is a high risk factor for child abuse (Coorey & Coorey-Ewings, 2018).
- Up to 48% of victim-survivors with companion animals delay leaving a violent situation out of fear for their animals' safety (Ascione et al., 2007; Carlisle-Frank et al., 2004).
- Perpetrators use threats or actual harm towards animals after the victim-survivor has left as a way to further intimidate, traumatise, and ultimately coerce the victim-survivor into returning to the relationship (Arkow, 2014).

3. Should NSW residential tenancy laws on keeping pets in rental properties be changed? Why or why not?

Animal-friendly rental accommodation is few and far between in New South Wales. There is often a large number of people competing for a small number of properties. For DFV victim-survivors who are also, oftentimes, constricted financially, accessing one of these rentals can be near impossible. Victim-survivors with companion animals require an increase in animal-friendly accommodation throughout the state to facilitate their ability to leave a violent situation. Although we do not yet have data on the impacts the recent tenancy legislation changes in Victoria have had on DFV victim-survivors with animals, there does exist a wealth of research demonstrating the importance of accessible animal-friendly accommodation. We can understand the potential impacts of rental legislation changes through looking at what choices victim-survivors with animals have when attempting to access DFV supports. Without an automatic right to keep animals in rental properties, the options for victim-survivors are as follows:

3.1. Staying with friends/family

Perpetrators of domestic abuse will often isolate victims from friends, family, and social supports as a way to establish and maintain control over the victim. Consequently, by the time victim-survivors leave a violent situation, staying with friends/family may not be an option. It is also a short-term solution to a housing issue that requires interventions in the long-term.

3.2. Staying at an animal-friendly refuge/crisis accommodation

Staying at an animal-friendly refuge is similarly unattainable for the majority of victim-survivors due to the limited number of vacancies. Pet-friendly refuges are even less accessible in rural, regional, and remote areas where victim-survivors are facing significant gaps in crisis accommodation and services. Up to 50% of DFV victim-survivors leave a violent situation with their animal/s and yet the vast majority of victim-survivors with animals are turned away from refuges because the refuge is unable to cater to animals. One refuge worker in NSW spoke of their experience turning away clients from their service, stating –

"We have multiple clients who call seeking vacancies at our pet friendly refuge. When told we are full, they advise they will continue sleeping in their car as they can't go into TA [temporary accommodation] with pets and won't give them up" (WSNSW, 2020).

Evidently, crisis accommodation is not a viable option for the vast majority of victim-survivors with animals. And, again, this option does not address the shortage of long-term housing that would prevent victim-survivors from having to return to the violent situation.

3.3. Rough sleeping/homelessness

DFV is the leading cause of homelessness in Australia (AHRC). For people with animals, securing housing can be an even greater obstacle to overcome. As the Council to Homeless Persons write, 'with pet owners ineligible for crisis housing (and rooming houses), and pet-friendly rentals so restricted, many pet owners are forced directly into rough sleeping immediately upon losing their housing' (CHP, 2017). Solutions that address a scarcity in animal-friendly housing would contribute to a decrease in homelessness and housing insecurity for both DFV victim-survivors as well as people experiencing homelessness for reasons unrelated to family violence.

3.4. Leaving the companion animal in the violent situation

For many people experiencing domestic and family violence/abuse, a companion animal can be crucial to their emotional wellbeing. As one study reported, the relationship between an animal and the victim-survivor can give victim-survivors a central support system, which can serve a protective function against depression and suicidality (Fitzgerald, 2007). An animal is often the only comfort, defender, or friend a victim-survivor has, particularly if the victim-survivor has been isolated from their family and friends. Leaving a companion animal in a violent situation is therefore not only traumatising, but also dangerous. Research shows that perpetrators continue to use threats or actual harm towards animals after the victim-survivor has left as a way to further intimidate, traumatise, and ultimately coerce the victim-survivor into returning to the relationship (Arkow, 2014). It is for this reason that many victim-survivors choose to stay in a violent situation rather than leave without their companion animal.

3.5. Surrender the companion animal

As has already been mentioned, victim-survivors have strong bonds with their companion animals, particularly if they have been their primary system of support through crisis. Having to surrender a beloved companion animal can result in compounding trauma, further inhibiting recovery. Jennifer Howard, Founder of Safe Pets Safe Families – a service for animal owners in crisis – has spoken openly about what it feels like to have companion animals end up at the pound due to a lack of animal-friendly DFVA accommodation –

“My dogs were there for me through everything... I've gotten over the physical injuries, but not the trauma of losing my dogs... It would give confidence to people leaving if they knew they could take their animals with them”

Although Jennifer did not surrender her animals of her own volition – it happened as a result of her having to leave them with the perpetrator – her experience demonstrates the trauma of being separated from an animal when there are no supports available.

3.6. Stay in the violent situation with the companion animal

An alarming number of victim-survivors are forced to stay in the violent situation because they are unable to access animal-friendly accommodation. Research consistently shows that up to 68% of victim-survivors with companion animals delay leaving a violent situation out of fear for their animals' safety (Ascione et al., 2007; Ascione, 1997; Carlisle-Frank et al., 2004). With animal abuse being in the top three risk factors for lethality in a domestic and family violence situation (Arkow, 2014), any delay in leaving the situation presents the very real likelihood of an escalation in abuse and may even end in domestic homicide. As demonstrated by the above, without accessible animal-friendly accommodation, victim-survivors remain at risk, or are forced to choose between their own safety and the safety of their animal/s. Access to long-term animal-friendly accommodation would have significant impact on expanding a victim-survivor's options and independence, facilitating safety and recovery.

3.7. Support for rental legislation changes from DFV peak bodies in NSW

Rental legislation changes such as the ones implemented in Victoria have been called for throughout New South Wales' domestic and family violence/abuse sector. A lack of animal-friendly housing is recognised sector-wide as a key barrier to safety, and representative bodies for frontline workers, including Lucy's Project, have drawn focus to this issue.

Domestic Violence New South Wales (DVNSW) – a peak body for specialist domestic and family violence services – has consistently cited a lack of animal-friendly accommodation in NSW as one of the key barriers to safety for victim-survivors. In their 2020 report into animals and people experiencing domestic and family violence, DVNSW found that 93% of frontline workers surveyed said that the biggest barrier to support for clients with animals was a lack of animal-friendly rental accommodation (DVNSW, 2020). In their recent submission into the draft National Plan to End Family, Domestic and Sexual Violence in Australia, DVNSW subsequently recommended that governments '[i]ntroduce legislative changes to enable people with animals experiencing domestic and family violence to maintain and access rental accommodation and social and community housing' (DVNSW, 2022). DVNSW has specifically cited rental changes in Victoria that permit tenants to keep pets as changes that should be emulated in New South Wales, with increased provisions that prohibit landlords and real estate agents from asking prospective tenants about animals at any stage of the rental application (DVNSW, 2020).

Women's Safety NSW has similarly called for changes to rental laws that would allow for increased animal-friendly accommodation to cater to DFVA victim-survivors with animals. In a 2020 report into animals and domestic violence, 96.15% of frontline workers surveyed identified a lack of animal-friendly rental properties as one of the most prominent barriers their clients faced when accessing long-term accommodation (WSNSW, 2020). The Report recommends that the NSW Government should 'follow Victoria's example and enact

amendments to the RTA to allow tenants to have animals in their care and ensure landlords cannot unreasonably refuse pets. The burden should be placed on the landlord to obtain approval to refuse a pet' (WSNSW, 2020). As it stands, the current lack of both long-term and crisis accommodation often results in victim-survivors staying in the violent situation, or animals being harmed when left behind (WSNSW, 2020).

Lucy's Project is acutely aware of the great need for long-term housing options for victim-survivors and their animals. It is evident from our own experience working alongside NSW-based domestic and family violence frontline services, as well as through the experiences of other peak organisations, that frontline services across New South Wales see a lack of animal-friendly accommodation as a key inhibitor to their ability to locate safe accommodation for their clients. Legislation that would increase the number of animal-friendly rental properties would remove this barrier to safety for victim-survivors and their animals. Lucy's Project strongly recommends changes to legislation in NSW that would grant tenants in rental properties a right to house pets.

4. Would you support a model where a landlord can only refuse permission to keep a pet if they obtain a Tribunal order allowing them to do so? This is similar to the model that applies in Victoria, the ACT and NT.

Lucy's Project strongly recommends that the NSW Government implement legislation changes that would allow tenants in rental properties an automatic right to keep animals. In keeping with the Victorian, ACT, and NT models, tenants should hold this right by default with landlords having the ability to contest on reasonable grounds via application to the Tribunal. Reasonable grounds should only include where a human or animal's welfare is at risk and not where there is risk of damage to property. For example, if there are concerns surrounding neglect of existing animals on the premises where an additional animal may also be subject to such conditions. Other 'reasonable grounds' may include in situations of communal living or house sharing where other tenants have allergies, significant fears, or cultural/religious objections to co-living with an animal, or where the animal has been deemed dangerous and a risk to others.

5. Would you support a model where the landlord can only refuse permission to keep a pet on specified grounds, and the tenant can go to the Tribunal to challenge a refusal based on those grounds? This is similar to the model that applies in Queensland.

Currently, animal-friendly rental properties are few and far between in NSW. This is due to property owners being reluctant to allow their tenants to keep animals in the property. We believe that if property owners are given the opportunity to refuse permission, they will take it.

The above model of placing the onus on the tenant to attend the Tribunal to challenge a refusal is high-risk for tenants, particularly those who are also DFV victim-survivors. People who are escaping DFV situations are often not in a position to spend the time and energy required to organise and attend a tribunal. They may be experiencing stress, trauma, physical and mental health issues, financial insecurity, legal proceedings, and more. An automatic right to keep an animal in a rental property is the only way to ensure that DFV victim-survivors are not deterred from leaving the violent situation in the first instance out of an inability to access animal-friendly accommodation.

6. Is there another model for regulating the keeping of pets in tenancies that you would prefer?

Lucy's Project believes the NT, Victorian, and ACT models provide a strong framework for laws surrounding pets in rental properties. However, we also believe, in keeping with DVNSW's recommendation, that real estate agents and property owners should be prevented from asking about animals at any stage of the application. We believe that disclosure of animals on rental application forms will bias agents and landlords, and those without animals will be favoured during the application process. We strongly recommend that legislation changes include restrictions on disclosing the existence of animals prior to being granted a lease on a property.

Furthermore, we believe that the availability of animal-friendly accommodation should extend beyond private rentals and into public and social housing and crisis accommodation. There is a drastic shortage of animal-friendly accommodation of all types for people experiencing housing insecurity, homelessness, poverty and disadvantage, and DFV. Lucy's Project welcomes upcoming Core and Cluster projects which will provide increased animal-friendly accommodation for DFV victim-survivors and people experiencing homelessness. However, many of these projects are some years away, while the need for animal-friendly housing is immediate.

A large part of the work we do at Lucy's Project is facilitating collaboration and building referral pathways between DFV services and animal services to find solutions for victim-survivors who are unable to access animal-friendly crisis accommodation. In addition to providing immediate provisions to DFV services to build capacity to house animals, we strongly recommend funding services such as ours to ensure there are multiple models to support DFV victim-survivors and their animals. This is particularly important during the ongoing rental crisis and shortage of crisis accommodation broadly and animal-friendly accommodation specifically.

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