

Senate Legal and Constitutional Affairs Legislation Committee
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4 October 2024

RE: Family Law Amendment Bill 2024

Dear Committee Members,

Thank you for the opportunity to make a submission on the *Family Law Amendment Bill 2024*.

The Commonwealth Attorney-General has proposed amendments to the *Family Law Act 1975* which would enable courts to consider any family violence perpetrated against a party and any history of actual or threatened cruelty or abuse by a party towards the companion animal when making an order in relation to the companion animal. This would be a positive development; however, we think there is an opportunity to further enhance the safety of people and animals subjected to violence.

The *National Risk Assessment Principles for Domestic and Family Violence* recognise that "cruelty and harm directed to pets and other animals can indicate risk of future or more severe violence and are often used as a control tactic by perpetrators". A recent paper by the Australian Institute of Family Studies similarly found that "perpetrators may threaten, harm or kill family animals with an intention to control victim-survivors, cause emotional distress and/or control animals" (AIFS, 2024).

As much as it is important to ensure the safety of people and animals, it is essential to support them to heal from violence. The human-animal relationship promotes physical and mental health and can support recovery after a crisis (Oosthuizen et al., 2023). For children who have experienced violence, animals can provide a sense of safety and support them to heal (Jegatheesan et al., 2020). When children are separated from their animals, they can experience grief, anxiety, and fear (AIFS, 2024).

We are writing to request that the Committee recommend amendments to the bill to ensure that family law courts are required to prioritise the safety of people and animals subjected to domestic and family violence when making any orders in relation to a companion animal.

Recommendation 1

Amend proposed new subsection 79(7) to ensure that in considering what order should be made with respect to a companion animal, the court must regard the safety of the parties, any child, and the companion animal as the **paramount** consideration.

Recommendation 2

Amend proposed new subsection 79(7) to make the following **primary** considerations:

- any family violence to which one party has subjected or exposed the other party and any child of a party or any other child in the household;
- any existing Apprehended Violence Order or Family Violence Order in relation to the parties or companion animal;
- any history of actual or threatened cruelty or abuse by a party towards the companion animal or any other animal;
- any attachment by a party, or a child of a party, or any other child in the household, to the companion animal

Amend proposed new subsection 79(7) to make the following **secondary** considerations:

- the extent to which each party cared for the companion animal;
- the circumstances in which the companion animal was acquired;
- who has ownership or possession of the companion animal;
- the demonstrated ability of each party to care for and maintain the companion animal in the future, without support or involvement from the other party;
- any other fact or circumstance which, in the opinion of the court, the justice of the case requires to be taken into account.

Recommendation 3

Amend proposed new subsection 79(7) to remove 'and paid for the maintenance of' so that the court is not required to consider payment for the maintenance of a companion animal.

Alternatively, amend proposed new subsection 79(7) to add 'unless a party was prevented from contributing financially due to circumstances such as economic and financial abuse'.

Perpetrators of domestic and family violence will often use economic and financial abuse which can include controlling access to bank accounts and money for the payment of food and veterinary care for a companion animal.

Recommendation 4

Amend proposed new subsection 79(6) so that the court may order "that the companion animal be surrendered to a family member, friend or charity, or that the companion animal be placed in the care of a registered animal welfare charity" instead of "that the companion animal be sold."

A 2022 national survey of Australians asked people what options they would consider if they could not look after their pets anymore. 59% would give them to a family member, 40% would give them to a friend, 20% would give them to a charity, 15% would send them to a shelter, and only 8% would sell them (Animal Medicines Australia, 2022).

We greatly appreciate your consideration of our recommendations to ensure that family law courts prioritise the safety of people and animals experiencing domestic and family violence.

We would be happy to provide any further information to assist the Committee and can be contacted via the details below.

Yours sincerely,

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About Lucy's Project

[Lucy's Project](#) is a national charity that aims to improve the safety and wellbeing of people and animals impacted by domestic, family, and sexual violence. Lucy's Project collaborates and builds partnerships across sectors, advocates for policy, program and legislative changes, undertakes and promotes research, and delivers education for services and workers.

Lucy's Project believes the following:

1. People and animals have a right to be safe from violence.
2. The safety of people and animals is interconnected.
3. People and animals should be supported to heal and recover together.

These principles are incorporated into our vision: Safe families, Paws and all.

About Companion Animal Network Australia

[Companion Animal Network Australia](#) (CANA) is Australia's peak body for companion animals. We represent the companion animal welfare work of our member agencies.

Through national campaigns, partnerships and initiatives, CANA advocates for the human-animal bond and responsible pet ownership. With the help of our members, industry partners and the public, we compile real data to share and inform.

We lobby government and industry to drive positive change for companion animals and the people who care for them.

We help our members achieve the highest possible standards and facilitate their collaboration in activities that identify and communicate best welfare practice.

Adoptions and fostering are the core of what our members do. Our network has found homes for millions of animals that have been surrendered and neglected but we always have thousands more awaiting adoption.

About PetRescue

[PetRescue](#) is a leading national animal welfare charity dedicated to finding loving homes for pets in need. Since 2004, PetRescue has supported over 2,000 rescue organisations across the nation, helping to connect 891,433 homeless pets with families through its innovative platform, [PetRescue.com.au](https://www.petrescue.com.au), Australia's most popular and successful pet adoption website.

Last year alone, PetRescue connected nearly 70,000 homeless pets with loving adopters, prevented homelessness for thousands more, and continued in its unwavering support for the rescue and companion pet community. PetRescue is committed to its vision of a future where every pet is safe, respected, and loved.

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