



**Submission:
Family Violence Reforms Bill 2021**

October 2021

1. Overview

A woman's decision to leave a violent and abusive relationship is a complex process. She first needs to consider the personal risks and the risks to her children. Paradoxically, taking that step towards safety is also the time of greatest danger of homicide, sexual assault and increased violence.

Companion animals and service animals are also a part of the lives of many families. This means they are an important part of the decision-making process when women consider leaving a violent situation.

Seventy per cent of women fleeing domestic violence also report pet abuse. This is in fact another reason why many victims delay leaving. They fear the animal who has provided love and support when they need it most will be neglected, or they won't be fed or cared for. Worse, they are worried their animals will be harmed – or even killed.

And these fears are real.

Violence towards companion animals is a strong indicator that people will also be violent towards the humans in their life. Animal abuse often is linked to the severity of domestic violence; and individuals who commit pet abuse are more likely to inflict physical and mental violence on other family members.

Current laws exist to prevent animal cruelty. However, they often do not recognise or protect animals in relation to domestic and family violence.

Many jurisdictions are recognising these facts and changing legislation to include animals in family violence laws.

More than two-thirds of US states have already enacted legislation that includes provisions for companion animals in domestic violence protection orders.

Last year, NSW laws were amended to include harm, or threats of harm, to an animal in the definition of intimidation. This means perpetrators can also be charged with domestic violence offences when animals are used to coerce the victim. The changes mean that protection of animals will also be made standard in domestic violence orders.

The Victorian Parliament is currently considering a motion which proposes that animals should be recognised as victims of family violence, which would result in similar provisions to those now in place in NSW.

Sadly, despite all this evidence, Tasmania is falling behind. These proposed reforms offer an opportunity for our government to follow step and adopt changes in legislation that recognise animal abuse as a form of family violence.

These measures would be an important step towards improving support and so the safety of victim-survivors when animals are also caught up in family violence. When domestic violence victims know their pet will be safe, it allows them to take care of themselves and their children. And the safety of vulnerable Tasmanians should be of paramount importance to all of us.

2. Links between domestic violence and animal abuse

Numerous studies have confirmed that in households with companion animals experiencing domestic violence and abuse, there is also a high probability of animal abuse. For example, echoing international research (e.g. Ascione 1997) a study in Victoria reported that 53% of women entering a refuge to escape domestic violence and abuse reported that their companion animals had been harmed (Volant et al 2008).

Links between animal abuse and domestic violence and abuse are complex. Becker and French (2004) in a review of relevant evidence detail four main themes apparent from existing research:

- animal abuse as part of a continuum of abuse within the family
- animal abuse perpetrated by children who show later aggressive and deviant behaviour
- animal abuse as an indicator of the existence of child abuse
- the therapeutic potential of animals in child development and within post abuse work.

Animal abuse can involve hitting and/or kicking causing injury or death or severe neglect leading to starvation. Many abused animals are not provided with appropriate veterinary care thus leading to ongoing suffering. An Australian survey showed that dogs were the most commonly owned pet among those reporting links between domestic violence and abuse, and animal abuse (85% of respondents). The dogs in question received more abuse in multi-pet households, with an individual animal often being targeted for more frequent and/or severe abuse (Tiplady et al. 2012).

In some households affected by domestic violence where animal abuse also occurs, not only does this lead to animal suffering but can also impact significantly on family members, particularly children, who in some instances may be forced to witness and/or participate in acts of animal cruelty. This can have a profound effect on children and may lead to some of these children continuing a cycle of animal abuse. Fortunately, some programs have been established to help children overcome the trauma that these experiences cause but more needs to be done. However, it is still often difficult for those leaving violent situations to keep their animals with them.

As a result, individuals and families will often delay fleeing a violent situation due to concerns regarding the safety of their companion animal, with one study reporting that 35% of women delayed seeking refuge for this reason (Fawcett et al. 2002). This is because most refuges or crisis accommodation are unable to house animals.

Various organisations, including the RSPCA, have established programs to assist families with companion animals by providing pet care when an individual or family need to escape quickly. However, some women are either not aware that some animal welfare agencies provide emergency accommodation or would not utilise this service if it was available (Tiplady et al. 2012).

Keeping the whole family together, including the pet, during this critical time is paramount with some refuges able to accommodate companion animals under certain conditions but this needs to be greatly expanded. Children in particular, often rely on their pet to provide stability, security and companionship.

The other issue facing families affected by domestic violence who may have a pet in foster care or other accommodation is the difficulty in accessing rental properties where companion animals are allowed. Being forced to relinquish a pet for this reason after experiencing significant family abuse is extremely traumatic.

Animal welfare and domestic violence service agencies in several states are working together to resolve the significant issues that affect families with companion animals who are impacted by domestic violence to support both people and animals. However, as yet, there is no evidence of this happening in Tasmania.

3. Comments on the Bill

The Serial Family Violence Perpetrator Declaration

The RSPCA strongly supports the introduction of the Serial Family Violence Perpetrator Declaration, as outlined in the discussion paper. However, we believe that the proposed considerations for issuing a declaration are not broad enough.

In 2004, legislation was introduced in Tasmania establishing two new offences criminalising economic abuse and emotional abuse in the context of family violence.

The economic abuse offence requires proof beyond reasonable doubt that the perpetrator intended to cause their spouse or partner mental harm, apprehension or fear by engaging in a course of conduct that includes one or more of the following actions:

- coercing control or relinquishment of assets or income
- disposing of jointly owned property; or preventing participation in decisions about household expenditure or joint property
- preventing access to joint finances
- withholding or threatening to withhold necessary financial support to the spouse or partner or an affected child.

The emotional abuse offence requires proof beyond reasonable doubt that the perpetrator:

- engaged in a course of conduct; and
- knew or ought to have known that the effect of that conduct is likely to unreasonably control, intimidate or cause mental harm, apprehension or fear to the perpetrator's spouse or partner.

Both offences are summary offences punishable by a maximum penalty of 40 penalty units or two years imprisonment. A prosecution must be commenced within 12 months after the day on which the last act that constitutes part of the alleged course of conduct occurred. Neither offence requires the prosecution to prove any actual detriment suffered by the partner or spouse.

Whilst neither offence recognises threat or actual harm to companion animals as evidence of abuse, the definition of emotional abuse is far less prescriptive than that for economic abuse offence.

It should go without saying that actual harm (or even threats to harm) a companion animal would constitute conduct that is 'is likely to unreasonably control, intimidate or cause mental harm, apprehension or fear to the perpetrator's spouse or partner'.

However, these offences have not often been prosecuted. By the end of 2017 - 12 years post commencement - only 73 charges had been finalised, resulting in 40 convictions, 2 dismissals and the rest withdrawn for various reasons.

Explanations offered for the low number of prosecutions include:

- resistance from the legal profession
- difficulties obtaining evidence (specifically relating to the time limitation for prosecution; but also generally because this abuse is often undocumented and it occurs within a private setting with no independent witnesses, creating a barrier to corroboration)
- a lack of community awareness
- deficiencies in the training and resources that were provided to police.

This situation highlights the inherent difficulty faced by victims of domestic violence in having threats to their loved companion animals given appropriate recognition.

The draft Bill provides an opportunity to address this failing.

The draft Bill provides for the following issues to be taken into consideration in issuing a Serial Family Violence Perpetrator Declaration:

- the perpetrator has been convicted of at least two indictable family violence offences committed on separate days
- the perpetrator has been convicted three family violence offences committed on separate days if they are summary offences or a combination thereof
- the perpetrator has pled guilty to, or been found guilty of, a crime of persistent family violence under section 170A of the Criminal Code.

The RSPCA believes that the definition of a family violence offence should explicitly include causing or threatening harm to animals.

Alternatively, causing or threatening harm to animals should be included as a fourth standard condition in consideration by the court in determining the terms of a Serial Family Violence Perpetrator Declaration.

While there are existing animal cruelty laws, they are clearly deficient in addressing circumstances in which companion animals are used to intimidate and coerce intimate partners in domestic violence situations.

Perpetrators of animal cruelty can only be prosecuted for egregious breaches of the Animal Welfare Act 1993. There is no provision to recognise the psychological harm done to victims of abuse through minor breaches of the Act, or through threats to harm their loved animals.

This reform would mean that actual harm, or threats to harm, companion animals committed in the context of a domestic relationship with intent to coerce or control the victim, or cause intimidation or fear, would be given appropriate recognition.

Mandated behavioural change program participation

Education is the key to creating lasting behavioural change.

A key focus of RSPCA activities is to help young people develop responsible and caring behaviour toward animals. This will prevent animal cruelty and neglect in the long-term.

That's why the RSPCA has developed a series of resources aimed at educating young people about animal welfare.

The RSPCA AWARE program (Animal Wellbeing: Awareness, Responsibility and Education) provides free resources for educators, students and parents. These resources help young people develop knowledge, skills and understandings around improving the welfare of all animals, be they companions, farmed or wild animals.

Education programs like AWARE should be made available through schools for all children, with a particular focus on children who have been exposed to animal cruelty, domestic or other interpersonal violence.

Specific programs also need to be developed and mandated for perpetrators of domestic violence which involve abuse or threats of abuse to companion animals.

Miscellaneous family and sexual violence reforms

The RSPCA strongly supports the reforms outlined in the discussion paper. However, once again, we believe that they don't go far enough.

Definitions

As well as the changes outlined, the definitions of family violence and harassment need to be expanded to recognise actual abuse (or even threats of abuse) of animals as a form of family violence.

Property

Section 54 of the Criminal Code needs to be removed, as proposed in the discussion paper.

However, companion animals also need to be recognised as family members in the eyes of the law, rather than being considered as simply property. Damage to a pet is far more serious than damage to goods and chattels.

Often, women feel like they have to stay in violent relationships because their pet is registered to the male in the family. Currently, if a companion animal is registered to the violent partner as the owner, a woman can be charged with theft for taking the animal with her, even when her partner is threatening the animal. In these circumstances, ownership of the pet should automatically move to the person trying to flee that situation.

Privacy

Other concerns arise with the security of information stored with respect to microchips. The registered owner of an animal can trace the animal and locate a woman who is in hiding if she does not put a notice on the microchip database not to disclose her address. Some organisations (including veterinary clinics) are now bringing this to the attention of women using their services.

However, this information should be explicitly covered in legislation to recognise the potentially serious consequences of breaches of the victim's privacy.

Training

As outlined in this submission, studies have found a significant association between physical and severe psychological intimate partner violence perpetration and a history of animal abuse, as well as an association between pet abuse and controlling behaviours in violent relationships.

Moreover, over the past decade, more and more studies have confirmed a significant association between animal maltreatment and more frequent and severe forms of intimate partner violence. These studies included asking women who sought shelter for domestic violence about their experiences, as well as checking court records of men who had been convicted of domestic violence.

There is now clear evidence that seriousness of animal maltreatment is linked to the level of danger to which a domestic violence victim is exposed. This makes it imperative that both animal protection service/humane law enforcement and human service/law enforcement agencies receive information and training about this connection.

Other issues

As well as the issues outlined in the discussion paper, changes also need to be made in other areas of legislation.

Currently, women leaving violent situations have few options to take their animals with them.

However, victims have few options to escape these environments because very few refuges allow animals. Women with disabilities who have service or therapeutic animals are at a distinct disadvantage when trying to leave and find suitable accommodation.

Changes will be needed to short stay and emergency accommodation regulations to allow people to escape fraught situations with their companion animals. This is a particular issue in rural communities where it is difficult for victims of domestic violence to move away from an abusive situation, and to become 'invisible' to their abuser.

Bringing an animal into a refuge or emergency accommodation can be disruptive for other residents, especially if they have a fear of animals or allergies. Keeping animals with women and children is therefore not always the best option in a crisis. Dedicated animal shelters allowing for up to two months of care need to be made available.

In some regions, there are limited networks of animal shelters and veterinarians that have developed these resources to shelter dogs and cats for short periods. Beyond household companion animals, there is also a great need for support for large animals such as horses and goats, particularly in rural communities.

Unsurprisingly, the need for financial support is an imperative if these issues are to be addressed.

In 2020, the NSW government invested \$500,000 in a one-off grants program for animal shelters and refuges to support companion animals when victims flee violent homes.

We need a similar program in Tasmania to enable refuges to become pet-friendly and to enhance the capacity of animal welfare services to provide temporary foster care for animals so victims of domestic violence can leave abusive situations without worrying their pet will be harmed.

4. RSPCA Policy: Human and Animal Welfare

- The RSPCA supports and encourages integrated, cross-agency collaboration to develop strategies for responding effectively to such issues and ensuring the necessary services are available to adequately cater for the welfare needs of both vulnerable people and animals.
- The RSPCA recognises the empirical link between animal cruelty, child abuse, and domestic and interpersonal violence including its physical, psychological, and economic dimensions, and that cruelty to animals is a strong marker for other forms of violence.
- The RSPCA supports and encourages cross-agency collaboration to raise awareness of this link, to identify and investigate cases involving both animal cruelty and interpersonal violence, and to promote early intervention strategies.
- The RSPCA supports the development of systems for cross-reporting between the RSPCA, the veterinary profession, the police and relevant community service agencies.
- The RSPCA believes veterinarians, community service workers and other frontline staff should be trained and supported to identify and report suspected cases of animal cruelty.
- Where resources allow, the RSPCA aims to protect the welfare of animals at risk through domestic and interpersonal violence by providing appropriate emergency care and support and by working with key agencies to empower them to create more opportunities for companion animals to be accommodated at refuge centres and other emergency housing facilities.
- The RSPCA believes that relevant state and territory legislation should allow for the inclusion of companion animals in violence intervention/restraining orders.
- The RSPCA supports education programs that promote empathy and the humane treatment of animals for children who have been exposed to animal cruelty, domestic or other interpersonal violence.

5. References

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6. About RSPCA Tasmania

Who we are

The Royal Society for the Prevention of Cruelty to Animals Tasmania (RSPCA) is a not-for-profit non-government organisation. We've been working to improve the lives of animals in this state since 1878.

The RSPCA is the only Tasmanian organisation named in animal welfare legislation and we enjoy the continued support of all levels of government.

The community respects our knowledge of animal welfare, which is grounded in science and based on experience. In the 143 years since the RSPCA was established in the state, we have helped hundreds of thousands of animals in need in all kinds of situations: in homes, backyards, on farms, in the wild, and at sporting arenas.

As a charity, we strive to maintain an open-door policy, so no abandoned, neglected, injured or surrendered animal is turned away or forgotten. Along with cats and dogs, the RSPCA provides assistance to a wide range of other animals, including horses, rabbits, guinea pigs, birds, goats and sheep.

During the past three years, RSPCA Tasmania has:

- Investigated over 25,000 reports of animal cruelty;
- Provided care for more than 6,670 animals; and
- Delivered information to thousands of people on animal welfare, responsible animal care and pet ownership through school, community and online education.

Our role is to act as a conduit for the community's concerns about animal welfare, to ensure those concerns are heard by our state's decision makers. So our advocacy activities are a vitally important part of our work.

Animals play a central role in the lives of many people. Most Tasmanians, whether they live in suburbia, rural properties, or in regional towns, say animal welfare is important or extremely important to them.

Clearly, the majority of Tasmanians expect improved animal welfare outcomes should be a high priority for the state government.

With an ultimate goal of improving animal welfare outcomes, we acknowledge the crucial role of humans in keeping our animals safe.

So we not only serve animals in need, but also owners and carers who require guidance and support through education and assistance in relation to domestic violence, aged care, homelessness, mental health, and more.

What we do

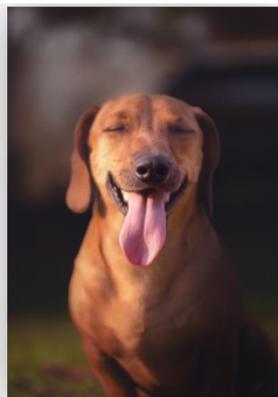
To prevent cruelty to animals by ensuring the enforcement of animal welfare laws.



Through advocacy, to promote the amendment or creation of new animal welfare legislation as necessary.



To develop and promote modern policies using scientific knowledge.



To educate the community with regard to the humane caring for animals humanely.



To engage with relevant stakeholders that enable the improvement of animal welfare.



To sustain an intelligent public opinion in regards to animal welfare.

How we work

- Our Animal Care Centre (ACC) at Devonport is dedicated to caring for, rehabilitating and rehoming animals.
- Our Adoption and Retail Centres (ARCs) in Latrobe, Launceston, and Hobart are our bases in the community. Animals are surrendered and rehomed through these centres; owners can access advice and supplies for their companion animals; and our ARC teams assist with local microchipping and education activities in their communities.
- Our Inspectorate operates under delegated powers from the state government to investigate and prosecute instances of alleged animal cruelty. Inspectors are co-located with DPIPW in Hobart, Launceston, and Devonport, and operate across the state. This team is supported by a call centre equipped to handle reports.
- Our team of dedicated volunteers assists across all our activities. They serve on our board; they care for animals in our ACC and ARCs; they organise fundraising events; and they support us in many other activities. We could not do what we do without these wonderful people.
- Our corporate office is located in Launceston. Supporting our frontline teams, a group of dedicated professionals work across many areas – including fundraising and marketing, policy and advocacy, volunteer organisation, project delivery and – last but not least – our administration team who answer the phones and keep the lights on.



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Corporate Office: Level 4, Queen Victoria Tower, 7 High Street, East Launceston 7250

Devonport Animal Care Centre: 108 Tarleton Road, Spreyton, 7310

Latrobe Adoption & Retail Centre: 3/135 Gilbert Street, Latrobe 7307

Launceston Adoption & Retail Centre: 3/207 Invermay Road, 7248

Hobart Adoption & Retail Centre: 55-57 Albert Road, Moonah, 7009

Animal Cruelty Hotline: 1300 139 947; reportit@rspcatas.org.au

