

Strata Schemes Statutory Review  
Policy and Strategy  
Better Regulation Division  
Department of Customer Service  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150



Wednesday 7 April 2021

To Whom It May Concern

**Re: Pets in strata**

Domestic Violence NSW (DVNSW) thanks the NSW Government for the opportunity to provide a submission to the consultation on the future of strata in NSW, including pets in strata. Please accept this letter as DVNSW's submission, with our explicit permission for this submission to be made available publicly.

DVNSW is the peak body for specialist domestic and family violence services in NSW, providing a representative and advocacy function for over 80 specialist domestic and family violence services across NSW, and the women, families and communities they support.

**Position**

**DVNSW strongly supports not allowing owner's corporations to ban pets from a strata scheme. This is one small step toward increasing access to long-term housing for people with animals, and ensuring animals and people experiencing domestic and family violence have access to safe housing options.**

One in four women and one in six men in Australia are victim/survivors of domestic and family violence (ABS, 2017). Safe and secure housing has been identified as an essential part of establishing safety and reducing risk of harm for people experiencing violence. With Australia's rates of high pet ownership, access to housing with a pet is a key barrier for victim/survivors seeking safe housing.

DVNSW has been working with the NSW Government on funding to allow animals to be accommodated in refuges or animal shelters as well as in social housing. On 28 March 2021, the Attorney General and Minister for the Prevention of Domestic Violence Mark Speakman announced that domestic violence victim-survivors and their companion animals would have greater protections from abuse under new laws. The protection of animals is now a standard Apprehended Domestic Violence Order (ADVO) condition after reforms passed Parliament in November.

Perpetrators often use animals to coerce or control victims, threatening to hurt or kill pets to keep them in a relationship or as punishment for leaving. This cruelty and manipulation can leave victims terrified of the consequences for their beloved animals and can therefore delay

alternatively, prevent them from leaving a violent situation.

Amendments to the *Crimes (Domestic and Personal Violence) Act 2007* will: change the definition of 'intimidation' to indicate explicitly that harm to, or harm threatened to, animals is a form of intimidation. (Intimidation is an existing criminal offence with a maximum penalty of five years' imprisonment); and prohibit harm to animals as a standard condition in all ADVOs and Apprehended Personal Violence Orders.

In addition, the NSW Government has invested \$500,000 in the Pets and Animal Welfare Support (PAWS) Grants Program to enable 19 women's refuges and animal welfare organisations across NSW to better support companion animals and victims escaping domestic violence.

DVNSW would like to ensure that owner's corporations do not become a barrier to access to long-term housing for people with animals, preventing animals and people experiencing domestic and family violence from accessing safe housing options in the private rental market.

### *Animals and people experiencing domestic and family violence – how their safety and wellbeing are interconnected*

In Australia, approximately 61% of households live with animals. The 2019 'Pets in Australia' survey found that women and families with children are most likely to live with animals and that over 60% of people that live with animals considered their animal to be a family member (Animal Medicines Australia, 2019, p.18). For many people their animals are important sources of emotional support and comfort: many relationships resemble those of parent and child, they talk to their animals and almost half share a bed with their animals (Animal Medicines Australia, 2019).

Women experiencing domestic and family violence are the highest growing group of people experiencing homelessness, with 3 out of 4 people accessing homelessness services for domestic violence identifying as women (Australian Institute of Health and Welfare, 2018). Domestic and family violence does not discriminate and impacts on people from all walks of life, including those in social housing, renters and owners, making it integral that safe housing is available to victim/survivors wherever they may need to access it.

If one takes the high number of animals living in families into consideration, it is not surprising that in 70% of domestic and family violence cases in Australia, companion animals are present (Tong, cited in Coorey & Coorey-Ewings, 2018, p.3). Perpetrators will often concurrently use domestic and family violence against animals and people.

Australian research by Volant et al (2008) found that of the mothers experiencing domestic and family violence who were accessing support from a specialist domestic and family violence agency, over half (53%) reported animal abuse and nearly half (46%) of the victim-survivors reported threats of animal abuse.

Perpetrators use violence towards animals as a form of control and power over partners and family members during the relationship and after separation. A New Zealand survey of over 900 victim-survivors found that the violence was driven by: "control and intimidation, assertions of supremacy, and silencing of disclosures" (National Collective of Independent Women's Refuges, 2018, p. 22).

Violence against animals is one of the three strongest risk factors for domestic and family violence lethality: access to weapons, suicide threats and threats to kill or mutilate the family pet (Arkow, 2014). Perpetrators who abuse animals use controlling behaviours and forms of violence towards their partners that are, “significantly more dangerous, of greater severity and more varied in nature compared with those domestic and family violence perpetrators who do not abuse animals.” (Coorey & Coorey-Ewings, 2018, p.8). Perpetrators of domestic and family violence against animals are five times more likely to physically or sexually abuse their partners and are more likely to use stalking and emotional violence (Conroy, 2015).

*Recommendation: Increasing access to long-term housing for people with animals*

In 2020, DVNSW released its findings from a survey of the domestic violence sector which found 42% of workers stated victims they supported had delayed leaving a perpetrator for more than a year due to barriers in accessing support related to their animals. This is due to **a lack of animal-friendly** emergency, crisis, medium and **long-term housing** and the victim’s lack of funds to pay for boarding for animals.

The DVNSW survey was conducted in July 2020 with 100 domestic and family violence workers across NSW. It found 55% of workers have supported victims who disclosed a perpetrator killed an animal or multiple animals.

Perpetrators use many types of domestic and family violence against animals, including hitting, kicking, burning, drowning, strangulation, neglect and verbal and emotional abuse. Perpetrators use this violence to control victims and prevent them from leaving. 85% of workers also stated that victims fear separation from the animals, and some workers noted animals can prevent suicide and self-harm.

Animals and people experiencing violence should be supported to stay together wherever possible, because this helps everyone to heal and recover and separation can be re-traumatising.

DVNSW is calling for more supports for animals and people experiencing domestic and family violence to ensure their safety and wellbeing, and options for people in rural and regional areas with larger animals like horses.

Government and the domestic violence and animal welfare sectors need to work together to understand the violence perpetrated against animals and people and how to improve their safety. Renting and **housing needs to be accessible to people with animals experiencing violence so they can leave a violent perpetrator without facing homelessness.**

*Response to the discussion paper questions*

DVNSW provides the following responses to the questions on pets and assistance animal by-laws as outlined in the *Statutory Review of the NSW Strata Schemes, Laws Strata Schemes Development Act 2015 Strata Schemes Management Act 2015, Discussion Paper, November 2020.*

**Pets and assistance animal by-laws**

**87. Under the law, a by-law cannot ban assistance animals e.g. guide dogs. Are any changes needed to the way the laws govern assistance animals?**

No.

**88. Should owners corporations be allowed to request proof that an animal is an assistance animal?**

No. If a person is utilising it for assistance, it is unlikely that they will be lying about the animals' identity as an assistance animal. Requirements to prove evidence will create further barriers to access for people with a disability.

**90. The NSW Court of Appeal found in 2020, that a by-law imposing a blanket ban on pets was oppressive and therefore invalid under the laws. Should the law allow owners corporations to completely ban pets from a strata scheme? Please tell us why.**

No.

In NSW, legislation and policy responses should improve access to a range of supports for animals and people to access safe housing, including those experiencing domestic and family violence to ensure their safety and wellbeing and uphold their dignity. Priority should be given to supporting animals and people experiencing domestic and family violence to stay together and maintain their connection where possible, in recognition of how this relationship can support healing and recovery and how separation can be re-traumatising for animal and human victim-survivors.

If there are any changes proposed to this legislation, DVNSW suggests a caveat is made for people experiencing domestic and family violence, to allow easier access to safe housing.

We welcome the Strata Schemes Statutory Review, and urge the NSW Government to ensure the broadest range of **long-term housing and accommodation options are available to people with animals experiencing violence so they can leave a violent perpetrator without facing homelessness.**

We are relying on the NSW Government to **not allow owners corporations to completely ban pets from a strata scheme** as part of its broader commitment to improving domestic and family violence laws and policies, and as one step to ensuring people with animals are safe at home.

Yours sincerely



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