



## **Submission to the NSW Department of Communities & Justice *Review into Animal Abuse and Domestic and Family Violence* (August 2020)**

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### **About Domestic Violence NSW**

Domestic Violence NSW Inc. (DVNSW) is the peak body for specialist domestic and family violence services across NSW, representing over 100 specialist domestic and family violence services providing a range of support to people experiencing violence. Our associate members include survivor advocates, homelessness peak bodies, non-government organisations, academics and other individuals. We are members of the NSW Women's Alliance and the Australian Women Against Violence Alliance.

DVNSW seeks to contribute to a world where everyone can live free from violence through our policy, advocacy, sector development and partnerships. We strive to learn from the expertise of Aboriginal and Torres Strait Islander women, women of immigrant and refugee backgrounds, women with disability and LGBTIQ people and the specialist organisations that work with them to inform our work.

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*Animals represent safety, warmth and unconditional love. - Talie*

## **Introduction**

Domestic Violence NSW (DVNSW) welcomes the opportunity to highlight the issues facing animals and people experiencing domestic and family violence (DFV) and to recommend law, policy and program responses to improve supports and remove barriers to safety. DVNSW recognises that DFV is a gender-based form of violence that disproportionately impacts women and LGBTIQ people. DVNSW refers to ‘animals and people experiencing domestic and family violence’, rather than ‘animal abuse in the context of DFV’ to recognise that animals are also victims-survivors of DFV in their own right. Wherever ‘victims-survivors’ and ‘perpetrators’ are referred to in this submission, this means victims-survivors and perpetrators of DFV. DVNSW acknowledges the link between animals and people experiencing DFV and sexual violence, and that perpetrators also use sexual violence as a form of DFV.

*Please be aware this submission contains some graphic descriptions of violence perpetrated against animals and humans that have been provided by victims-survivors and DFV and community workers.*

This submission draws on the knowledge of:

- Survivor advocates with lived expertise on animals and people experiencing DFV
- DVNSW members who are specialist DFV services and other organisations working with people experiencing, and perpetrating, DFV that responded to DVNSW surveys in July 2020
- DVNSW partners and other organisations working with animals and people experiencing DFV

## **Survivor Advocates**

We would like to thank Talie Star and Jayke Burgess who have generously shared their invaluable lived expertise and stories with us. Both have expressed a wish to be identified in this submission to the Department of Communities and Justice (DCJ), however permission should be sought prior to sharing Talie and Jayke’s stories beyond DCJ. Talie and Jayke are survivor advocates who were involved in the DVNSW Voices for Change program, for which funding ended in July 2020. Throughout the submission, input from Talie in response to the DCJ review and consultation paper are in green italics, and excerpts from the stories of the survivor advocates are highlighted in blue boxes.

## **DVNSW Survey on Animals and People Experiencing DFV**

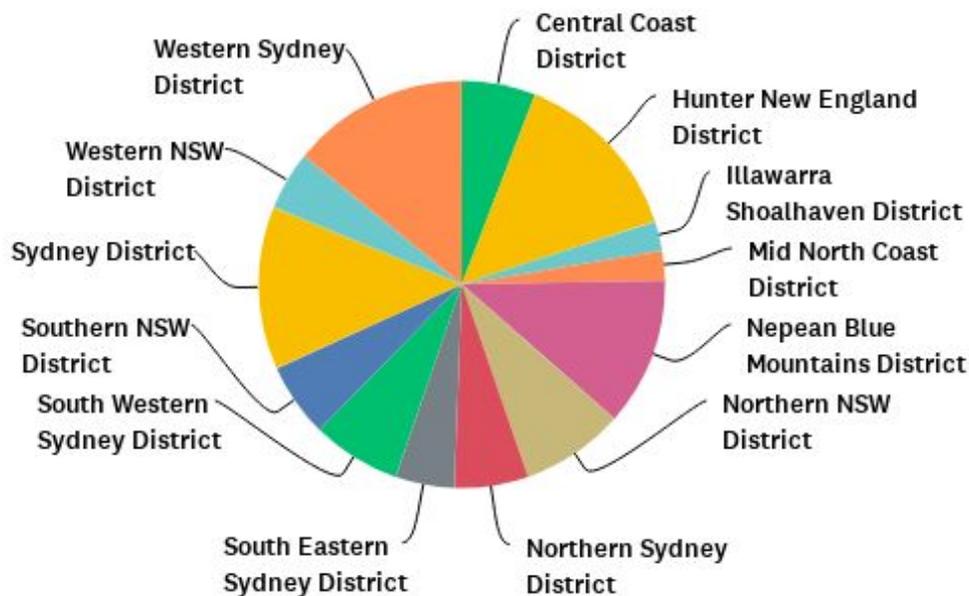
DVNSW would like to thank all the workers who responded to the DVNSW surveys, and acknowledge their dedication to supporting victims-survivors of DFV. In July 2020, DVNSW conducted two surveys on animals and people experiencing DFV to ascertain and draw on the knowledge of workers on this issue. The survey designed for DFV and community workers supporting victims-survivors received 100 responses. The survey designed for workers in Men’s Behaviour Change Programs (MBCPs) and Perpetrator Interventions received 7 responses, perhaps reflecting the smaller size of the sector. This submission refers to ‘n’ as the number of survey respondents, which varied slightly depending on the survey question as some respondents skipped certain questions.

Survey respondents work in organisations providing the following services (please note some organisations provide more than one type of service):

Types of services provided	Respondents (n=91)
Domestic and Family Violence Service	67
Homelessness Service	51
Women's Domestic Violence Court Advocacy Service	6
Women's Health Centre	3
Community Legal Centre	2
Men's Behaviour Change Program/ Perpetrator Interventions	7
Other (Indigenous Trauma and Recovery Support/ Case Management/ Early Intervention/ Family Support/ Mental Health Support/ Local Government)	29

Survey responses were received from workers in all Department of Communities and Justice Districts (DCJ) across metropolitan, rural and regional NSW except the Far East and Murrumbidgee Districts.

**DFV and community worker responses to 'Which Department of Communities and Justice District is your service based in?' Refer to: <https://www.facs.nsw.gov.au/resources/statistics/statistical-report/dcj-districts> (n=85)**



**Figure 1**

### **DVNSW Partners and other organisations**

DVNSW reached out to several partners and other organisations to inform this submission. We would like to thank the following people for their expert insights and support:

- No To Violence - Sarah Trieu, NSW Sector Project and Policy Officer and Elise Phillips, NSW Sector Development Manager
- Lucy's Project - Anna Ludvik, Founder and President
- RSPCA NSW - Sandra Ma, Community Programs Senior Manager
- Safe Pets Safe Families (South Australia) - Jennifer Howard, Founder and CEO
- Eastern Domestic Violence Service (Victoria) - Youna Kim, General Manager Innovation and Development
- Women's Legal Service NSW - Julie Howes, Solicitor and Liz Snell, Law Reform and Policy Coordinator
- Tenants' Union NSW - Jemima Mowbray, Policy and Campaigns Officer

DVNSW endorses the submissions of No To Violence and Lucy's Project.

This submission draws on insights and recommendations from the 2018 NSW Education Centre Against Violence Roundtable and the 2020 Animal Justice Party Roundtable focused on animals and people experiencing DFV that DVNSW attended and supported.

### **Intersectional feminist approach**

Intersectionality<sup>1</sup> helps to explain how intersecting forms of discrimination such as sexism, racism, ableism, heterosexism, cissexism and classism can lead to higher rates of DFV being perpetrated against Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with disability and LGBTIQ people. In addition, these groups face greater barriers to accessing support when experiencing DFV and perpetrators of DFV against them are less likely to be held accountable.

***“[I]ntersectionality refers to how systems of power and oppression co-construct each other to create complex and unique forms of systemic harm and injustice.”*** (Coles & Pasek 2020, p.1)

DVNSW takes an intersectional feminist approach to our work and this has informed this submission. The concepts of intersectionality and speciesism help explain the high risk to animals experiencing DFV, the lack of support available to them, and the lack of accountability for the DFV perpetrated against them. These factors significantly impact on the safety, wellbeing and dignity of human victims-survivors who are the family of the animals who face barriers to accessing the support and justice they and their animals need.

Speciesism increases the risk of animals experiencing DFV and can lead to DFV perpetrated against animals being condoned - minimised, excused or justified. Perpetrators use DFV against animals to exert power and control and to harm animals and people. Perpetrators of DFV against animals are rarely held accountable, due to inadequate recognition of this issue by the justice and DFV response systems. Yet the safety and lives of animal and human victims-survivors are inextricably connected.

Animals can hold a unique meaning for people who are marginalised and experience identity-related abuse, for example LGBTIQ people (Riggs et al., 2018). LGBTIQ people can depend more on their companion animals for emotional support due to isolation from their birth families (Taylor, Fraser & Riggs, 2019). There are few services in NSW that support LGBTIQ people experiencing DFV. The NSW Government’s announcement in July 2020 of \$200, 000 to be provided to ACON as part of the COVID-19 crisis response funding is the first time specific funding has been provided to support LGBTIQ experiencing DFV in NSW.

Animals can also play an essential role in assisting and providing support to people with disability (Howell, Bennett & Shiell, 2016). Perpetrators may restrict access to, or harm, the assistance animal as a way of exercising power and control over a person with disability. People with disability continue to face significant barriers to accessing DFV services, which have been highlighted consistently by disability advocacy groups and through People with Disability Australia’s *Building Access* project.

Victims-survivors with animals may delay leaving a perpetrator due to a fear or threat that their animals will be harmed, and due to a lack of services in NSW that support people with animals experiencing DFV. LGBTIQ people and people with disability with animals may face compounded systemic and service barriers to accessing the support they need when experiencing DFV. People in regional and rural areas

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<sup>1</sup> Intersectionality is a phrase first coined by the Black feminist and legal scholar Kimberlé Crenshaw.

face additional barriers to accessing services due to the limited number of DFV services and the higher likelihood of victim-survivors having larger animals. It is essential that barriers to access are taken into account when developing law, policy and program responses to people and animals experiencing DFV.

All animals and people who have experienced DFV deserve to be safe and to live free from violence.

## **DVNSW Recommendations**

*All approaches should be about empowering the person experiencing the violence and only where that is not possible to protect animals then something should be done to intervene. Removal from violence is important but remember the impact on attachment, [for] both the animals and the children/victims and have [removal] as a last resort. - Talie*

### **DVNSW Overarching Recommendation**

**Law, policy and program responses should improve access to a range of supports for animals and people experiencing DFV to ensure their safety and wellbeing and uphold their dignity. Priority should be given to responses that support animals and people experiencing DFV 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 victims-survivors.**

### **DVNSW Recommendation 1**

The CDPV Act should be amended as follows:

- Part 1, Section 3 (Definitions) to add a definition of ‘person’ which should include animals; and
- Part 2, Section 9(1)(a) (Objects of Act) to be: ‘ensure the safety and protection of all persons, including children and animals, who experience or witness domestic violence’; and
- Part 3, Section 11(1)(c) (Meaning of “domestic violence offence”) of the CDPV Act to be: ‘an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person or an animal to be intimidated or fearful (or both); and
- Part 3 to add a separate offence of using domestic and personal violence against animals; and
- Part 4, Section 16(2)(a) and Part 5, Section 19(2)(a) to be: ‘the person is a child or animal’; and
- Part 4, Section 17 and Part 5, Section 20 to add ‘or animal’ to all references to ‘and any child/ren’. (e.g. the court must consider the safety and protection of the protected person and any child or animal directly or indirectly affected by the conduct of the defendant’).

### **DVNSW Recommendation 2**

**Resources and education should be provided to community members, including people at risk of, or experiencing DFV and people with disability and LGBTIQ people who are peer advocates, about the rights and options for animals and people experiencing DFV. This should include a list of relevant support services and how an ADVO can provide protection for them and their animals.**

**Resources and education should be culturally safe, accessible and appropriate to Aboriginal and Torres Strait Islander people, people of immigrant and refugee backgrounds, people with disability, LGBTIQ people and children and young people. Specific resources should be made available in different styles, formats and languages.**

### DVNSW Recommendation 3

Resources and training should be provided to the following groups to build an understanding of the multiple forms of DFV perpetrated against animals and how this can be used as a form of DFV perpetrated against people:

- DFV and community workers, including from organisations working with people with disability and LGBTIQ people,
- Government and NGO workers across the housing, health, child protection and victims support sectors,
- Judicial officers and lawyers (including those working in DFV, family, criminal, child protection and disability law),
- Police officers (including Domestic Violence Liaison Officers and officers who respond to incidents of violence against animals), and
- Animal welfare agencies, veterinary professionals and animal management officers.

The resources and training should cover how an ADVO can protect animals and people (if and when amendments are made to improve the protection of animals under ADVOs as victims-survivors in their own right, or under the current law as ‘property’ of the protected person).

### DVNSW Recommendation 4

Update the Domestic Violence Safety Assessment Tool (DVSAT) to replace ‘family pet’ with ‘animal’ in the question ‘has your partner ever harmed or killed a family pet or threatened to do so?’ to reflect that perpetrators use DFV against farmed and assistance animals. NSW Police should notify animal welfare agencies when it identifies an animal has been harmed or killed including through use of the DVSAT, and animal welfare agencies should notify NSW Police when an animal has been harmed or killed where there is known or suspected DFV against people.

Resource and establish a system for NSW Police and animal welfare agencies to work collaboratively to ensure perpetrators of DFV and other violence against animals and people are held accountable for the harm caused, and to prevent further violence from being perpetrated. Throughout the process of any enforcement, investigations and reporting, NSW Police and animal welfare agencies should take a trauma-informed approach which centres the rights and interests of the animal and human victims-survivors and supports them to stay together and maintain their connection.

NSW Police, animal welfare agencies and DFV and other peak bodies should be brought together to discuss whether this system should be automatic and/or involve triaging and whether there may be any risks and potential adverse impacts due to lack of resourcing or capacity to respond to reports.

### DVNSW Recommendation 5

Animal welfare organisations, veterinarians and animal management officers should receive specialised training and resources to recognise, respond to, and refer animals and people experiencing DFV to support services. This training should recognise that perpetrators using DFV against animals and humans concurrently are more likely to use more severe DFV and to kill.

Animal welfare organisations, veterinarians and animal management officers should be cross-trained with law enforcement and social services to promote collaboration and a shared understanding of roles and responsibilities in responding to DFV. The training and resources should focus on how to provide support to animals and people experiencing DFV to improve their safety, and not primarily on reporting to authorities to comply with legal or professional obligations.

The Animal-3Rs training that has been developed by EDVOS and its preliminary evaluation should be considered when developing or implementing a similar program for animal welfare organisations, veterinarians and animal management officers across NSW.

#### DVNSW Recommendation 6

Fund and resource DFV and community organisations, including Men’s Behaviour Change and Perpetrator Interventions programs, to support animals and people experiencing DFV through:

- Additional specific funding to accommodate animals in the short and medium term, including to provide appropriate shelter and care for animals.
- Guidance on how to support people with animals experiencing violence tailored to their service model, including risk management.
- Training and education on how to recognise and respond to people with animals experiencing violence, including risk assessment, safety planning and referral pathways.
- Support to build networks and relationships with local RSPCA, animal shelter or veterinary clinics to secure boarding and healthcare for animals.
- Resources to increase victim-survivor and community awareness of animals experiencing DFV and how people with animals experiencing DFV can access support.

The development of any new initiatives, or expansion of existing initiatives, should be informed by the work of West Connect and DVSM, RSPCA NSW Community Domestic Violence Program, Paws and Recover, Lucy’s Project, EDVOS, Safe Pets Safe Families, and other relevant organisations.

#### DVNSW Recommendation 7

Fund and resource animal welfare agencies, animal shelters and veterinary professionals and DFV service providers, including MBCP/Perpetrator Interventions providers, to work collaboratively to improve the safety of animals and people experiencing DFV, including to provide boarding and healthcare for animals. Funding and resourcing should prioritise safe and appropriate accommodation solutions that would enable animals and people experiencing DFV to stay together, however boarding should be an option wherever this is not possible, with the aim of reuniting the animals and people who have experienced DFV at the earliest opportunity that it is safe to do so.

### DVNSW Recommendation 8

Expand the Staying Home Leaving Violence Program to ensure it is:

- Available across all NSW DCJ districts,
- Adequately funded to meet demand, and
- Accessible to all people with animals experiencing DFV, including LGBTIQ people, people with disability and people in rural, regional and outer metropolitan areas.

### DVNSW Recommendation 9

Amend the Residential Tenancies Act 2010 (NSW) to:

1. Allow victims-survivors to take over a tenancy after a final ADVO, without needing to make an application to the NSW Civil and Administrative Tribunal,
2. Allow tenants to live with animals, without any conditions except compliance with animal welfare laws, and
3. Prohibit landlords and real estate agents from asking prospective tenants about animals at any stage of the application.

### DVNSW Recommendation 10

NSW Housing policy should be amended to remove the clause stating that animals can be required to be removed if the animal ‘causes a nuisance or annoyance to neighbours’ and should require community housing providers to allow people with animals to live on their properties.

### DVNSW Recommendation 11

Per the DVNSW 2020 Economic Stimulus & Budget Submission):

- Construct 5000 social housing properties every year for the next 10 years,
- Increase the funding for the Specialist Homelessness Services Program by 20%, and
- Introduce Government backed home buying schemes.

### DVNSW Recommendation 12

Fund support and resourcing for DFV services in rural, regional and outer metropolitan areas to build local networks of animal support services, informed by the model provided by Lucy’s Project.

*All animals in DFV situations are at risk of direct or indirect abuse. - Talie*

*A woman threatened to leave a male partner so he killed her dog. - DFV worker*

## Scope and Prevalence

**Question 1: Based on the experiences of your organisation, how frequently is animal abuse in the context of DFV encountered? You may wish to include examples of types and frequent of animal abuse (including threats, patterns of behaviour and connections to other abusive behaviour).**

*I experienced both direct threats & indirect threats in the family violence I experienced to my animals.... some of them were acted out, and also threats to send them away. I also experienced violence on a daily basis in my marriage and as far as I remember there were no direct threats to the animals, it was more that they were experiencing domestic and family violence and therefore experiencing the threat of danger to them.*

*Animals in domestic and family violence are impacted because they are experiencing it in the home just like children. The abuse may not be directly at them but has a direct impact on their well-being and their ability to function. I think this definitely needs to be addressed in law and in practice. An animal or even the child does not have to be directly threatened to feel frightened or have fears for their safety. The presence of violence and experiencing violence is enough to get that message across that you have to tow the line or that things could turn at any moment. - Talie*

### 1.1. Scope and Prevalence

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 study found that the violence was “driven by the three motivations: control and intimidation, assertions of supremacy, and silencing of disclosures” (National Collective of Independent Women’s Refuges, 2018). The perpetrator will often target the animal with which the victim-survivor has the closest connection.

*“In my childhood threats against my animals was used to control and keep me quiet. Most of the violence against my animals came from my brother who threatened to kill my birds as a form of coercive control to make me do what he wanted and to keep the secret of his abuse. There were times I would wake up to my budgies being dead and the rhetoric was that my birds just dropped dead. On one occasion my older brother took my budgie out of the cage and snapped its neck. There were many occasions he would hold it really tight and threaten it. It was absolutely traumatising living with the threat and then when he finally did do it I did not have birds again for years.” - Talie*

Violence against animals is one of the three strongest risk factors for DFV lethality: access to weapons, suicide threats and threats to kill or mutilate the family pet (Arkow, 2014). It is also a strong indicator of child physical and sexual abuse. 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 DFV perpetrators who do not abuse animals.” (Coorey & Coorey-Ewings, 2018, p.8). Perpetrators who use domestic and family violence against animals, are five times more likely to physically or sexually abuse their partners and are also more likely to use stalking and emotional violence (Conroy, 2015).

*“When I married, the abuser’s anger would get so scary that the cats would be so frightened they would run around the house or hide in difficult places to find. They would often go and jump the very high fence to get out of the house. It changed who they were and they became very anxious cats. My cats and I lived with the constant threat of eruption and never knowing when it would end. They both developed numerous health issues living in that situation with him. They would often throw up. I saw their beautiful characters change completely and that was when I knew I had to leave. They were my litmus test to know that I couldn’t let them endure this anymore.”*

- Talie

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

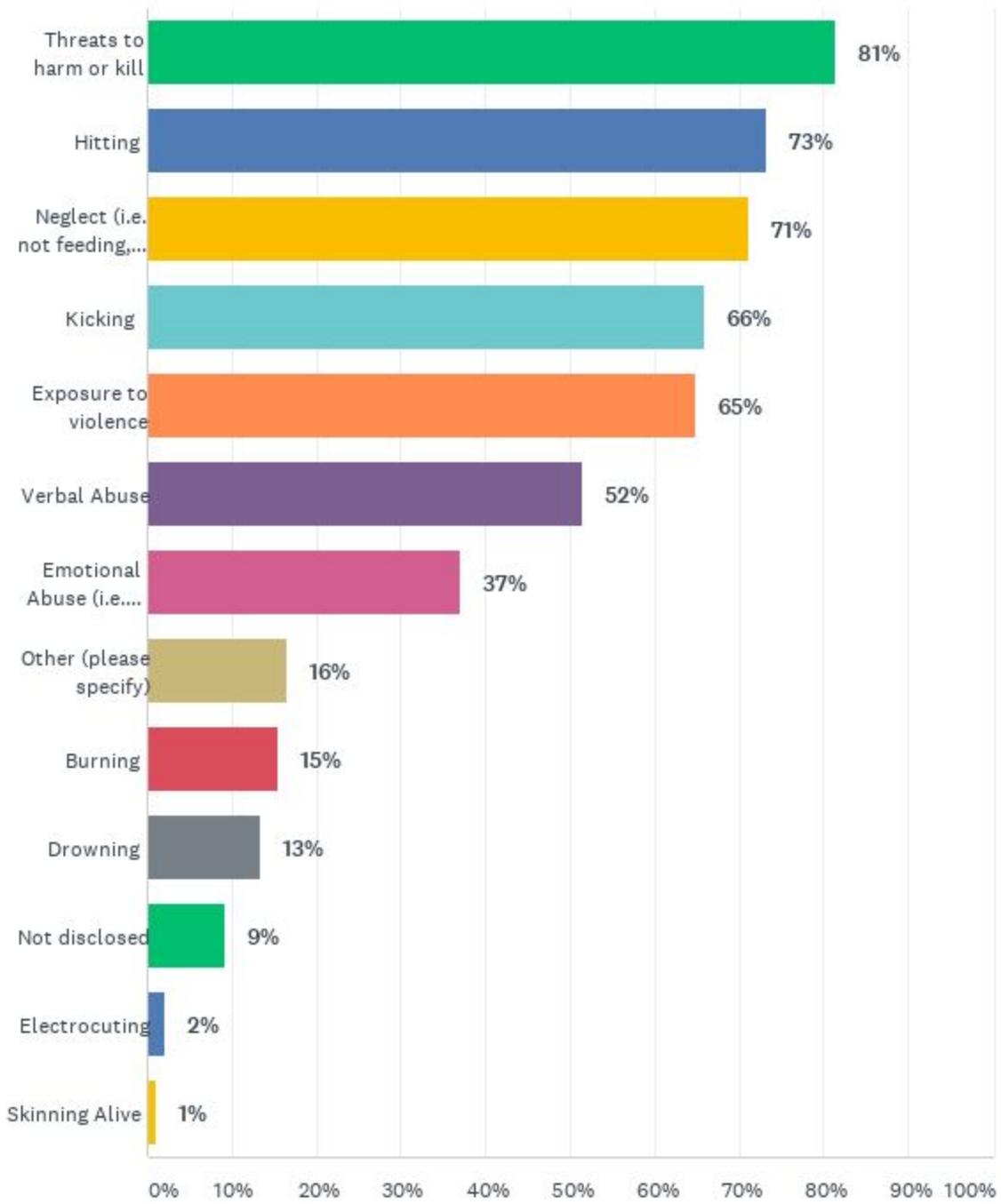
55% of respondents said victims-survivors have disclosed the perpetrator killed an animal or animals in the context of DFV (n=99).

81% of respondents said victims-survivors have disclosed the perpetrator threatened to harm or kill animals (n=97).

Victims-survivors disclosed many types of violence perpetrated against animals including hitting, neglect, kicking, exposure to violence, verbal abuse, emotional abuse, burning, drowning, electrocuting and skinning alive (n=97). Other types of violence included killing (9 mentions), strangulation (3 mentions), shooting (3 mentions), bludgeoning, poisoning, drugging, stealing, **[graphic violence warning]** “filming the [perpetrator]’s animal eating the victim’s pet then sending it to them via the phone”, “holding an animal over a balcony railing by the back legs”, “putting acid in a fish tank which housed a fish”, “holding small dog by the throat out of a high window”, “deliberately putting a rubber band around dogs muzzle so it couldn’t eat or drink or bark”, “snapping of neck” and “a woman threatened to leave a male partner so he killed her dog.” **[end warning]**

It should be taken into account that 5% of respondents working with victims-survivors ‘never’ ask about animals experiencing violence in conversations with clients about DFV, 17% ‘rarely’ ask, and 23% ask ‘sometimes’ (n=98). This may have increased the incidence of clients who experienced DFV not disclosing the violence perpetrated against animals to these workers.

**DFV and community worker responses to 'What types of violence perpetrated against animals have clients who experienced DFV disclosed to you?'**



**(n=97)  
Figure 2**

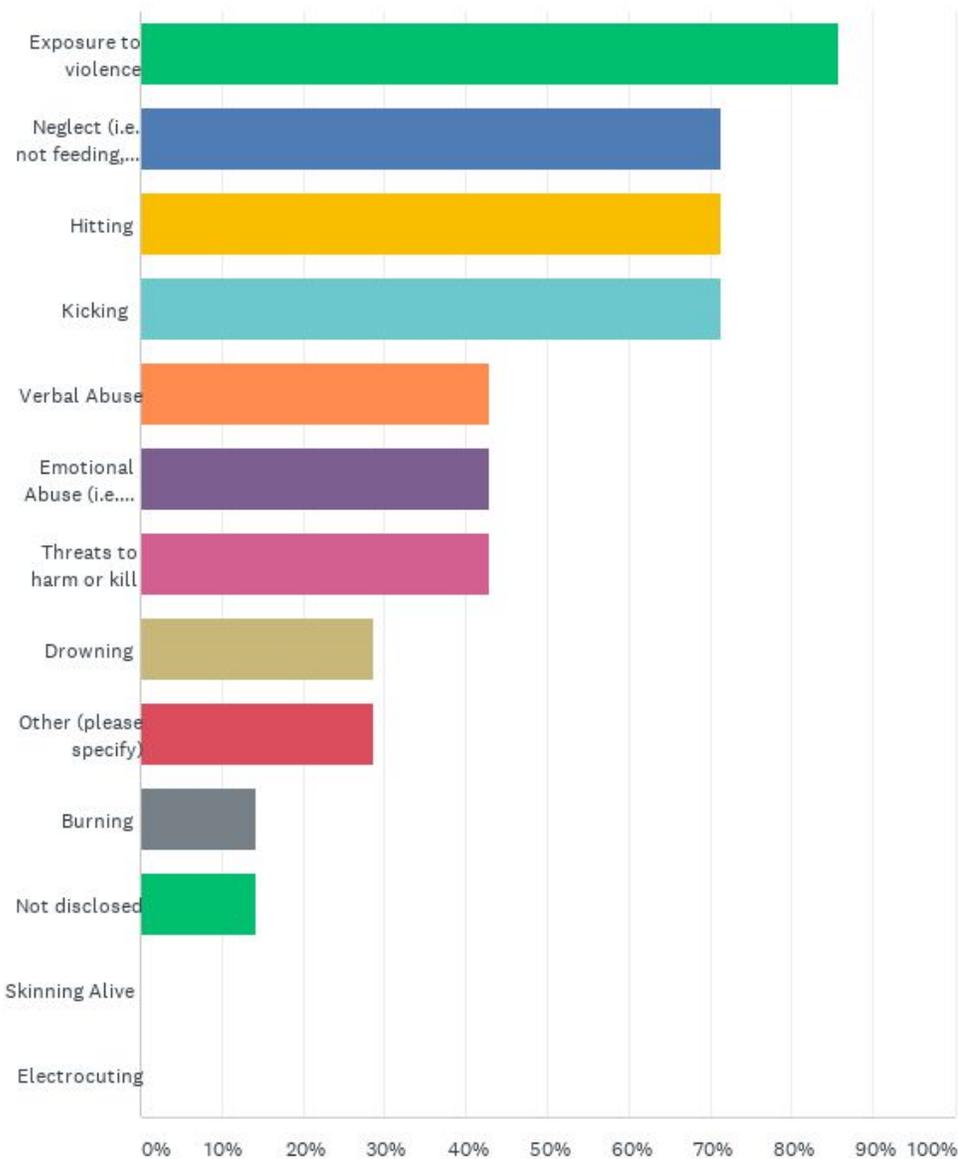
**Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

1 out of the 7 respondents said that perpetrators have disclosed that they killed an animal or animals in the context of DFV.

Perpetrators disclosed using many types of violence against animals including hitting, neglect, kicking, exposure to violence, verbal abuse, emotional abuse, threats to harm or kill, drowning, burning, as well as giving the animal(s) away.

It should be taken into account that 2 of the 7 respondents rarely ask about animals experiencing violence in conversations with perpetrators about DFV and 3 respondents ask sometimes. This may have increased the incidence of perpetrators not disclosing their use of violence against animals to these workers.

**MBCP/Perpetrator Interventions worker responses to 'What types of violence against animals have clients who have perpetrated DFV disclosed to you?'**



**(n=7)  
Figure 3**

The findings from the DVNSW surveys on animals and people experiencing DFV correlate with data collected in a New Zealand survey of victims-survivors. 55% of the victims-survivors stated that either a family member or their partner had threatened to kill one of their pets, animals and/or farm animals and one third of the victims-survivors reported a pet or animal had been injured or killed some time in their relationship (Roguski, 2012).

*The animal abuse can be much more subtle, non-direct threats... being forced to do things in a particular way to keep a roof over your head and the threat to give them away. In the case of livestock this is also a person's livelihood so it becomes about financial abuse as well. - Talie*

Perpetrators may use financial abuse as another way to exert power and control over victims-survivors, due to the costs of caring for animals and the difficulty of finding safe and affordable animal-friendly accommodation. Where the animals are used as a means of accessing income, violence perpetrated against animals and the threat to give them away can be a form of financial abuse in itself.

*[For people with disability] you are left at the mercy of someone else to look after your support or companion animal and the abuse in this way can happen by neglect, not buying food, changing litter etc as well as overt acts of abuse. - Talie*

Perpetrators may use violence against animals, including assistance animals, to cause specific harm to victims-survivors with disability. This additional dimension of harm must be taken into account in developing system and service responses to ensure that people with disability experiencing DFV can access the supports they and their animals require, including any assistance animals need to be safe.

Australia is a country with one of the highest numbers of people living with animals in the world: approximately 61% of households live with pets, adding up to 29 million pets in Australia. The 2019 'Pets in Australia' survey found that women (65%) and families with children are most likely to live with animals and that over 60% of people that live with animals considered their pet as a family member (Animal Medicines Australia, 2019, p.18). For many people their pets are important sources of emotional support and comfort: many relationships resemble those of parent and child, they talk to their pets and almost half share a bed with their pets (Animal Medicines Australia, 2019).

If one takes the high number of animals living in families into consideration, it is not surprising that in 70% of cases where DFV occurs in Australia, companion animals are present (Tong, cited in Coorey & Coorey-Ewans, 2018, p.3). Perpetrators will often concurrently use domestic and family violence against animals and people. Adult males are responsible for almost all acts of violence against animals, with 90% of animal abusers reported to be adult males (Tong, 2016). Research by Volant et al (2008) found that of the mothers experiencing DFV who were accessing support from a specialist DFV agency, over half (52.9%) reported pet abuse, compared to 0% in the non-DFV control group and nearly half (46%) of the victim-survivors reported threats of pet abuse. The study found that when there was a threat of harming the pet, women were five times more likely to experience DFV.

## 1.2. Impact of animals experiencing violence on people

*Hitting animals... traumatises children observing, victims of abuse and the animal themselves. - Talie*

*Some women have ended up sleeping rough as they don't want to leave their pets. - DFV worker*

Perpetrators may force victims-survivors including adults, children or animals to witness or participate in violence against animals, which is harmful and highly traumatising. Exposure to violence is a form of violence itself, for animals and for people. It is also worth noting that children can be harmed by DFV including animal abuse without directly witnessing it (Tiplady, Walsh & Phillips, 2015; Neilson, 2017)

### Findings from DVNSW Survey of DFV and community workers (July 2020)

Respondents have witnessed a range of impacts of animals experiencing DFV on clients, their children and other family members including:

- Trauma: hypervigilance, inability to sleep, nightmares, panic attacks and withdrawal,
- Psychological harm: post-traumatic stress disorder (PTSD), depression, anxiety,
- Emotional harm: fear, guilt, distress, grief and loss, shame, hopelessness, powerlessness,
- Physical harm: perpetrators may harm victims-survivors if they try to protect the animals,
- Victims-survivors may delay leaving the perpetrator due to fear of the animals being hurt or killed, particularly if there are large animals on rural properties,
- Financial costs of veterinary treatment and for animals who are injured by the perpetrator, and
- Particular impacts on children include: long term trauma, not wanting to disclose the violence for fear they will leave the pet, and perpetrating violence they have witnessed against animals

Respondents also noted the important role of animals in providing feelings of safety and love for victims-survivors, particularly for children and young people, and supporting client wellbeing by reducing feelings of isolation and preventing suicide and self harm.

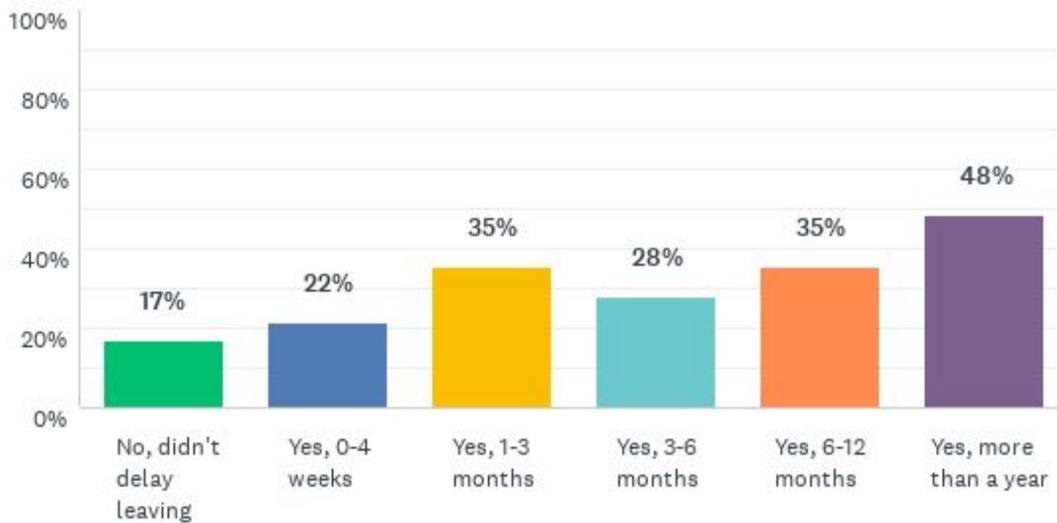
The DVNSW survey findings are supported by previous research. A New Zealand study found that close to half of the 362 participants had been made to watch their pet or another animal be harmed by their partner, or their children had been forced to watch (National Collective of Independent Women's Refuges, 2018, p. 17). Over 40 percent had also experienced a partner force them to give away or put down a pet or other animal. In an Australian study with victims-survivors, 29% reported their children had witnessed pet abuse and 19% reported their children were abusing pets (Volant et al, 2008). The study also found that children experiencing and perpetrating animal abuse are more likely to develop behavioral and psychological problems.

Children fear for the safety of the protective parent and of their animal(s) and may also intervene in violent incidents to prevent harm, which can put them at risk of further harm. Research has found that victims-survivors have a particularly strong bond with companion animals, to the extent that witnessing an animal being harmed has a similar psychological impact to being harmed themselves (Tiplady, Walsh & Phillips, 2015, p. 118). Victims-survivors feel a sense of mutual suffering with the animal(s) experiencing DFV, who often provide an enormous amount of emotional support to the victim-survivor and their children.

*“Animals were my lifeline when I was growing up. They were that soft place to be, that unconditional love. They were the ones I could talk to whenever I needed to and were a soft and loving place in a violent and dangerous family.” - Talie*

A connection with an animal can support the wellbeing, healing and recovery of victims-survivors. Living with animals has been shown to have a significant positive impact on people living with Post-Traumatic Stress Disorder (PTSD), by reducing feelings of loneliness, depression, worry and irritability and increasing feelings of calmness (Stern et al, 2013), positivity and self efficacy (Brooks et al, 2018). Victims-survivors of DFV have described, “the relationship with their pets as the only remaining positive relationship they have [...], and, in some instances, their sole remaining reason for living [...], further reinforcing the need for pets to be catered for during transitional periods of safety-seeking” (National Collective of Independent Women’s Refuges, 2018, p. 6) .

**DFV and community worker responses to ‘Have clients delayed leaving a perpetrator of DFV due to a fear or threat of an animal being harmed? (Can select multiple)’**

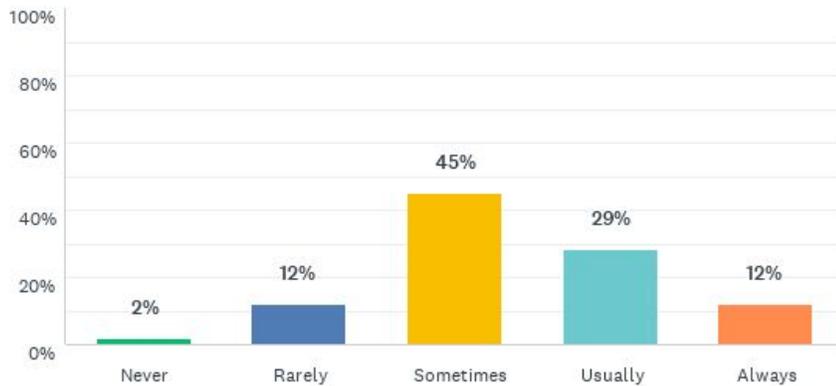


**(n=93)  
Figure 4**

**Finding from DVNSW Survey of DFV and community workers (July 2020)**

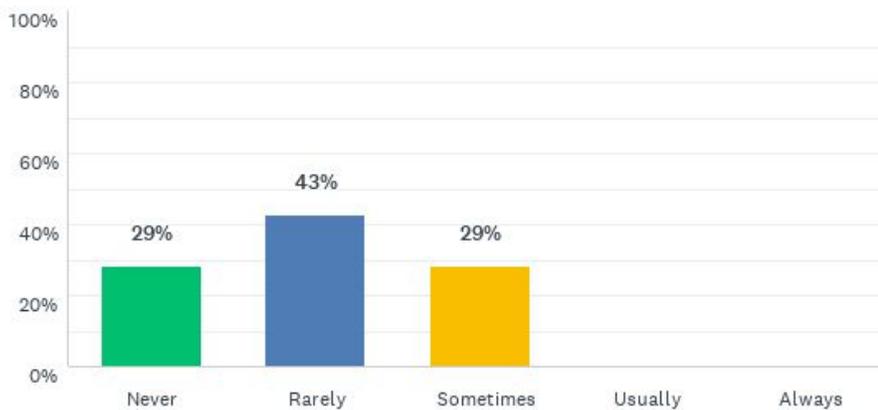
48% of respondents stated that clients have delayed leaving a perpetrator by more than a year due to fear or threat of an animal being harmed.

Research in Australia, the United States and New Zealand shows that victim-survivors may delay leaving a violent perpetrator for fear of leaving animals with the perpetrator. Volant et al (2008) conducted a study in Australia and found that 33% of women in crisis accommodation had delayed leaving their violent partner because of concern for their pet’s welfare. This number reflects international data, where a review of 12 studies found that between 18-48% of victims-survivors did not leave or delayed leaving for fear of leaving their companion animals with the perpetrator (Ascione, as cited in Coorey and Coorey-Ewings, 2018). This percentage increases when the animal has already experienced violence, research found that 68% of victims-survivors delayed leaving when this was the case (Carlisle-Frank, Frank & Nielsen 2004).



**DFV and community worker responses to 'Have clients experiencing DFV expressed concern for their animals or disclosed animals experiencing violence to you?'**

**(n=98)**



**MBCP/Perpetrator Interventions worker responses to 'Have clients expressed concern about harming animals or disclosed using violence against animals to you?'**

**(n=7)**

**Figure 5**

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

86% of respondents stated that victims-survivors have sometimes, usually or always expressed concern for their animals or disclosed animals experiencing violence to them.

**Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

There are limitations in comparing data from the two DVNSW surveys due to the small number of responses from MBCP/Perpetrator Interventions workers, however it appears that perpetrators may be less likely to disclose using violence against animals or may be less concerned about using violence against animals, compared to victims-survivors. This could also indicate a lack of acknowledgement of the perpetrator of the violence they are using or have used against the animals.

## **Law Reform: Explicit Recognition and Integrated Coverage**

*Animals as property is problematic because it doesn't take into account the emotional impact of the abuse or the abuse on them. There is nowhere that states the emotional injury to the animal. There is also the emotional attachment to and injury to the child or victim who potentially have their animal taken away or injured. - Talie*

### **Question 2: Does the existing law on DFV provide the appropriate recognition, coverage or protection for animal abuse in DFV contexts?**

Animals are sentient beings that experience suffering yet they are not recognised as victims-survivors of DFV in their own right. This leads to a failure to adequately protect animals experiencing DFV, which also enables perpetrators to cause further harm to the human victims-survivors who are the family of the animal(s). Currently in NSW, animals can only be protected by ADVOs as 'property' which must not be 'damaged'. Further, whilst Section 11 of the Crimes (Domestic and Personal Violence) (CDPV) Act 2007 allows for animal abuse to be treated as a domestic violence offence when an offence committed was 'intended to coerce or control the person against whom it is committed or to cause that person to be intimidated or fearful', DVNSW is not aware of how often this is charged and prosecuted.

Classifying animals as 'property' provides insufficient protection for animals and people experiencing DFV and can also create the potential for perpetrators to use systems abuse as another form of DFV. NSW law enables perpetrators to dispute ownership of the animal as 'property'. As it can be very difficult to prove sole ownership of an animal, protracted legal proceedings can be used as a form of violence against the victim-survivor (Kalafut, 2014, p.17). Animals and victim-survivors can be exposed to further violence when victim-survivors cannot sufficiently prove 'ownership' of the animal. Furthermore, when animals are considered 'property' this can create safety issues when the perpetrator uses 'micro-chipping' or registration of the animals with the local council as a way to trace and find victim-survivors and animals.

### **Question 3: Should the CDPV Act be amended to more explicitly acknowledge harm to animals as a ground for seeking an ADVO and/or as a mandatory prohibition included in an ADVO? Are changes needed to examples of potential orders, or to offences?**

Based on the knowledge that harm towards animals is not only a crime in its' own right, but one of the key lethality factors for humans, DVNSW considers that to improve the safety of animals and people experiencing DFV the CDPV Act should be amended to more explicitly acknowledge harm to animals as a ground for seeking an ADVO and as a mandatory prohibition included in an ADVO. Examples of potential ADVOs should be updated to reflect the amendments, to provide clarity and as an educational tool. Additional training will be required across police, judicial officers and the DFV sectors to aid implementation as noted in the following section.

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

81% of respondents (n=100) think that including animals as ‘protected persons’ on ADVOs would improve the safety of people with animals experiencing DFV. Only 3% did not think so, and 16% were not sure.

**Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

7 out of 7 respondents think that including animals as ‘protected persons’ on ADVOs would improve the safety of people with animals experiencing DFV. (n=7)

**DVNSW Recommendation 1**

The CDPV Act should be amended as follows:

- Part 1, Section 3 (Definitions) to add a definition of ‘person’ which should include animals; and
- Part 2, Section 9(1)(a) (Objects of Act) to be: ‘ensure the safety and protection of all persons, including children and animals, who experience or witness domestic violence’; and
- Part 3, Section 11(1)(c) (Meaning of “domestic violence offence”) of the CDPV Act to be: ‘an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person against whom it is committed or to cause that person or an animal to be intimidated or fearful (or both); and
- Part 3 to add a separate offence of using domestic and personal violence against animals; and
- Part 4, Section 16(2)(a) and Part 5, Section 19(2)(a) to be ‘the person is a child or animal’; and
- Part 4, Section 17 and Part 5, Section 20 to add ‘or animal’ to all references to ‘and any child/ren’. (e.g. the court must consider the safety and protection of the protected person and any child or animal directly or indirectly affected by the conduct of the defendant’).

Protective orders exist in various forms in different countries around the world. Protective orders generally will prohibit the perpetrator from, “injuring, threatening, or harming the animal in any way; requiring an abuser to stay a certain distance away from the animal; imposing penalties upon violation of these orders” (Taylor, 2011, p. 32). As of July 2020, 35 states in the US., as well as D.C. and Puerto Rico, have enacted legislation that include specific provisions for animals in DFV protection orders (Wisch 2020). California protects animals based on the understanding that, “perpetrators often abuse animals in order to intimidate, harass, or silence their victims”(Taylor, 2011, p. 2). Four US states (Colorado, Indiana, Nevada, and Tennessee) have explicitly included animals experiencing violence within the definition of domestic violence, and violence against animals can be grounds for obtaining a civil protection order. (Kalafut, 2014, p.21) To address a potential lack of understanding of judicial officers of the use of DFV against animals, “clear and specific statutory language naming animal abuse as a form of domestic violence would afford the greatest guarantee of protection.” (Kalafut, 2014, p. 23)

**Question 3A: Does the legislation need to recognise that the animal was harmed with a specific intention (e.g. an intention to coerce or control)?**

DVNSW considers that legislation should not require that the animal was harmed with a specific intention, such as to coerce or control, as this would create an additional evidentiary burden and could make it less likely to be charged and more difficult to be successfully prosecuted.

**Question 3B: How should different types of animals be recognised under such a framework (e.g. assistance animals, pets, livestock)?**

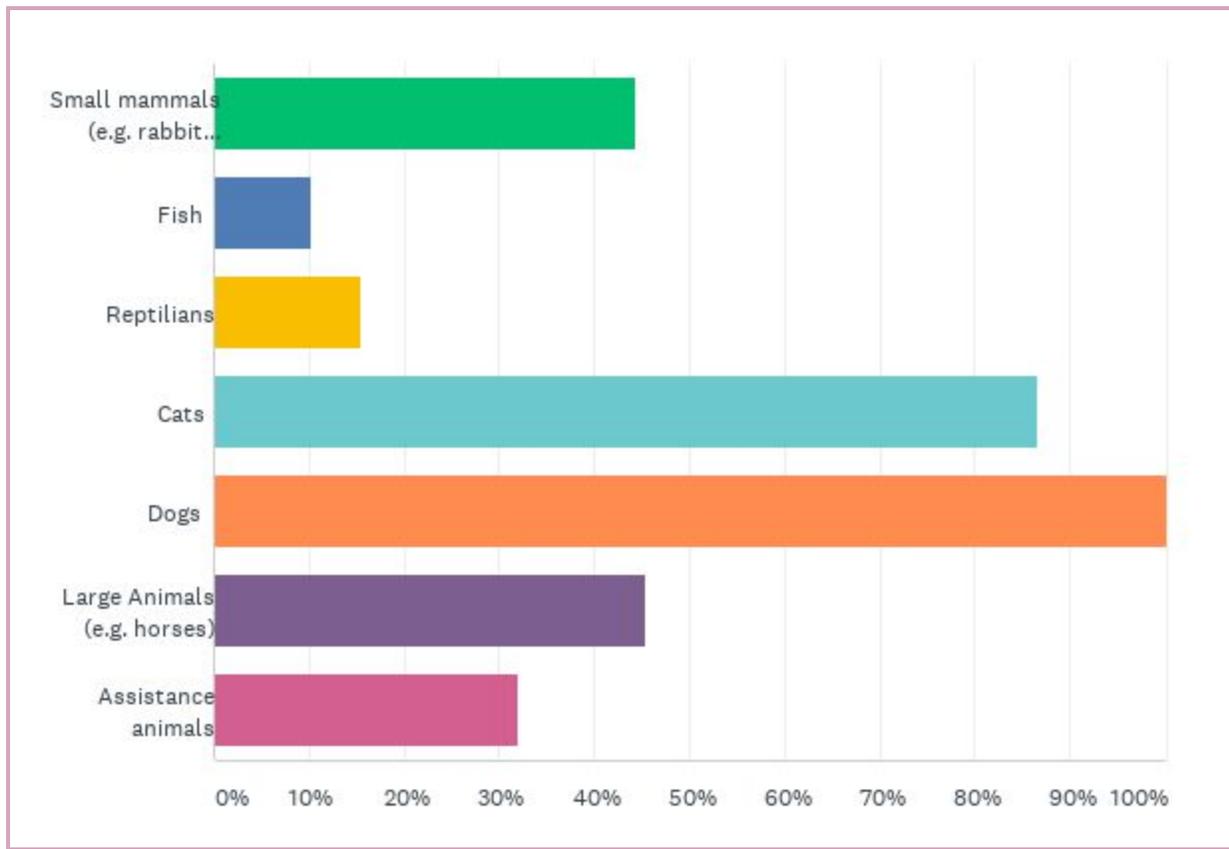
DVNSW considers that all animals should equally be able to be recognised as victims-survivors of DFV. Victims-survivors can be connected to a number of different animals. DFV workers have informed DVNSW that perpetrators will harm any and multiple kinds of animals, including assistance, companion and farmed animals, in order to exert power and control over the human and animal victims-survivors.

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

Respondents stated that their clients who have experienced DFV have been connected to a range of different animals including: dogs (98%), cats (84%), large animals e.g. horses (44%); small mammals (e.g. rabbits, guinea pigs) (43%), reptilians (15%), fish (10%), birds, chickens, pigs and wildlife. (n=99)

31% of respondents stated that their clients who have experienced DFV have been connected to assistance animals.

**DFV and community worker responses to 'What kinds of animals have your clients who have experienced DFV been connected to? (Can select multiple)'**



**(n=99)  
Figure 6**

Legal scholars making the case for the criminalisation of animal abuse as a form of domestic and family violence, have explained that, “while the likelihood of a strong emotional bond may vary depending on the animal, the actual suffering caused and the control gained thereby is not species dependent. An abuser may harm and control a victim based on the victim’s desire to not see the animal suffer, even in the absence of a particularly strong emotional relationship.” (Upadhy, 2013, p.1207)

If possible, the law should recognise the specific and different forms of harm that can be perpetrated against animal and human victims-survivors of DFV. For example, the use of DFV against assistance animals and the particular harm that this has on people with disability should be recognised.

**Question 4: Should the ADVO conditions include an optional explicit order in relation to the custody or care of animals?**

DVNSW considers that ADVO conditions should include an optional explicit order in relation to the custody or care of animals, in order to improve the safety of animals and people experiencing DFV. In recognition of how perpetrators often use ownership of animals as a way to perpetrate DFV, California amended its protective order conditions to give victims-survivors exclusive care, possession, or control of animals, and can make an order for the perpetrator to keep away from the animal (Taylor, 2011). A similar optional explicit order could be introduced in NSW.

**Question 5: Does awareness need to be raised amongst legal and DFV professionals, and amongst people at risk of or experiencing DFV that an ADVO covers and protects against animal abuse? How can current protections be better applied to address and manage animal abuse in DFV contexts?**

*There needs to be campaigns that highlight animal abuse or trauma that animals face in abusive situations. - Talie*

DVNSW survey findings demonstrate a great need for awareness to be raised amongst DFV workers of how an ADVO can cover and protect against DFV being perpetrated against animals. Given the low level of awareness among DFV workers who support victims-survivors to understand their rights and options, this also highlights a need to raise awareness amongst people at risk of, or experiencing, DFV.

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

More than half of respondents (53%) were 'not at all aware' or 'not so aware' of how an ADVO can protect animals as 'property' of the protected person. Around a quarter (24%) of the respondents were 'somewhat aware'. 15% were 'very aware' and only 8% respondents were 'highly aware' (8%). (n=100)

**Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

Four out of seven respondents were 'not at all aware' or 'not so aware' of how an ADVO can protect animals as 'property' of the protected person. Two respondents were 'somewhat aware' and one was 'very aware' of the issue. (n=7)

**DVNSW Recommendation 2**

Resources and education should be provided to community members, including people at risk of, or experiencing DFV and people with disability and LGBTIQ people who are peer advocates, about the rights and options for animals and people experiencing DFV. This should include a list of relevant support services and how an ADVO can provide protection for them and their animals.

Resources and education should be culturally safe, accessible and appropriate to Aboriginal and Torres Strait Islander people, people of immigrant and refugee backgrounds, people with disability, LGBTIQ people and children and young people. Specific resources should be made available in different styles, formats and languages.

**DVNSW Recommendation 3**

Resources and training should be provided to the following groups to build an understanding of the multiple forms of DFV perpetrated against animals and how this can be used as a form of DFV perpetrated against people:

- DFV and community workers, including from organisations working with people with disability and LGBTIQ people,
- Government and NGO workers across the housing, health, child protection and victims support sectors,
- Judicial officers and lawyers (including those working in DFV, family, criminal, child protection and disability law),
- Police officers (including Domestic Violence Liaison Officers and officers who respond to incidents of violence against animals), and
- Animal welfare agencies, veterinary professionals and animal management officers.

The resources and training should cover how an ADVO can protect animals and people (if and when amendments are made to improve the protection of animals under ADVOs as victims-survivors in their own right, or under the current law as 'property' of the protected person).

## **Enforcement, Investigations and Reporting**

*The seriousness of all forms of abuse needs to be taken into account. The prevalence of small acts leading to serious acts being able to be dealt with while they are “small”... There needs to be a register where complaints can be made so patterns of behaviour can be established for animal abuse/all victims of domestic and family violence.*

*My sense is that law-enforcement would see it as a small issue and therefore not realise that it is the stepping stone to serious abuse. It’s really important that if people are convicted of animal cruelty offences that they are disqualified from owning or caring for other animals. In some cases better education or understanding of poverty is required but in a lot of cases it is because of an act of violence.*

*There needs to be... cross reporting and collaborative information sharing. It’s vitally important that all people are trained in understanding domestic and family violence, trauma informed approaches and practices and also a person centred approach so that we do not disempower the victim.*

*Instead of the focus being on the perpetrator and his behaviour, [the focus] is constantly placed on the victims and what is consistently called into question is “why the victim didn’t do better”. We constantly let the perpetrators off and hold the victims accountable. Victim/survivors have so much pressure and responsibility on their shoulders to manage everything and the guilt that is associated with not being able to protect and provide for your animals can be crushing. Let’s take the focus off what the women are doing and put it back onto what the man/perpetrator did or failed to do!*

*I went without food to make sure my animals were looked after when I left. - Talie*

**Question 6: How effective are current approaches at detecting where animal abuse and DFV are both present? What could be improved to enhance the likelihood that the intersection of DFV and animal abuse is correctly detected and subsequently investigated and enforced?**

### **DVNSW Recommendation 4**

**Update the Domestic Violence Safety Assessment Tool (DVSAT) to replace ‘family pet’ with ‘animal’ in the question ‘has your partner ever harmed or killed a family pet or threatened to do so?’ to reflect that perpetrators use DFV against farmed and assistance animals. NSW Police should notify animal welfare agencies when it identifies an animal has been harmed or killed including through use of the DVSAT, and animal welfare agencies should notify NSW Police when an animal has been harmed or killed where there is known or suspected DFV against people.**

**Resource and establish a system for NSW Police and animal welfare agencies to work collaboratively to ensure perpetrators of DFV and other violence against animals and people are held accountable for the harm caused, and to prevent further violence from being perpetrated. Throughout the process of any enforcement, investigations and reporting, NSW Police and animal welfare agencies should take a trauma-informed approach which centres the rights and interests of**

**the animal and human victims-survivors and supports them to stay together and maintain their connection.**

**NSW Police, animal welfare agencies and DFV and other peak bodies should be brought together to discuss whether this system should be automatic and/or involve triaging and whether there may be any risks and potential adverse impacts due to lack of resourcing or capacity to respond to reports.**

DVNSW does not have sufficient knowledge or understanding of the current approaches for detecting where animal abuse and DFV are both present in terms of enforcement, investigations and reporting to adequately respond to the specific consultation questions 6A, 6B and 6C. However, as Talie has highlighted, we believe it is essential that all forms of DFV and other violence against animals and people should be taken seriously.

It may also help to improve the safety of victims-survivors to introduce cross-reporting between animal welfare agencies, NSW Police and child protection agencies. In 2009, New Zealand established a reporting protocol between a national child protection agency and a national animal welfare society. A current memorandum of understanding between SPCA and the Oranga Tamariki, the Ministry for Children, encourages cross-reporting of child and animal abuse between agencies to improve collaborative responses to DFV. The New Zealand Family Violence Risk Assessment and Management Framework also lists the ‘abuse of pets’ as a strong indicator of a victim being at “increased risk of serious harm or homicide from family violence” (New Zealand Government, 2017, p.30).

The London Child Protection Procedures currently state, “Professionals in all agencies should be aware that if serious animal abuse occurs within a household there may be an increased likelihood of family violence, and increased risk of abuse to children within the family such that it could constitute significant harm” (London Safeguarding Children Board, 2017). The Procedures stipulate that professionals should “be observant about the care and treatment of family pets whilst carrying out assessments; ensure that assessments consider the needs and the risk of harm to children and animals within the family; [and] ensure that safety planning with victims of domestic abuse considers the safety of children and animals within the family” (London Safeguarding Children Board, 2017). The Procedures also state that “professionals working with animals should receive training about recognition and referral processes to enable them to raise appropriate concerns about children” (London Safeguarding Children Board, 2017).

Prior to considering potentially encouraging cross-reporting, information sharing or collaboration between animal welfare agencies, NSW Police and child protection agencies, DVNSW urges the NSW Government to consult in a culturally safe and meaningful way with Aboriginal and Torres Strait Islander women with relevant expertise in DFV and child protection, including those in organisations as well as community groups such as Grandmothers against Removal NSW. DVNSW has an Aboriginal and Torres Strait Islander Steering Committee who may also be interested in being consulted. Numerous reports have highlighted the devastating and intergenerational impacts of child protection policies on Aboriginal and Torres Strait Islander people, including the 2019 report ‘Family is Culture: Independent Review of Aboriginal Children and Young People in Out-Of-Home-Care’.

**Question 7: Is there a role for animal welfare organisations and veterinarians in screening for DFV? If yes, what support is needed (e.g. increased resourcing, specialised training, cross-training with law enforcement and social services)? Would a scheme of cross-reporting between service providers and professions that deal with animal abuse and DFV be useful? Are there any existing barriers to reporting animal abuse more broadly by animal welfare organisations and veterinarians?**

*We need a multipronged approach to this issue. The more different avenues we can expand, fund and empower to support victims and their animals the better outcomes we are going to get. Ultimately everything we do to keep animals safe has a flow on effect to keep women and children and other victims of domestic and family violence safe and give the best chance for healing and recovery.*

*Cross training between police and all parties involved in DFV and animal abuse would be fundamentally important and would enable people to notice the signs of animal abuse. An additional question the police could ask [people experiencing DFV] is... 'How do your animals behave when the perpetrator is around?' The other issue around the laws that aren't covered is the "accidental" injury to animals. I.e. I lost my balance and kicked the cat by "accident" as I was falling.*

*Rather than mandatory reporting it could be a referral pathway to someone who could help them that maybe they could even access at the vet. They could be taken into another room and able to make the call there and then. Or it may be that they could be set up to have a "vet" who is actually a support worker visit the animal as a follow-up. - Talie*

### **7.1. Resourcing, specialised training and cross-training with law enforcement and social services**

Animal welfare organisations and veterinarians are an important point of contact for animals and people experiencing DFV and should play a role in recognising and responding to DFV by making referrals to support services. Animal welfare organisations and veterinarians should not be mandatory reporters to police or child protection authorities, as this could deter victims-survivors from seeking support for their animals, children and themselves, and could also lead to further harm. Mandatory reporting and forced interactions with the legal and child protection systems can be disempowering and traumatising and has disproportionate and specific impacts on Aboriginal and Torres Strait Islander people, people of immigrant and refugee backgrounds, people with disability and LGBTIQ people.

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

The majority of respondents (57%) stated that victims-survivors had 'sometimes', 'usually' or 'always' been in contact with veterinarians, the RSPCA or another animal welfare organisation while they and their animal(s) were experiencing DFV. Only 2% stated that victims-survivors had 'never' been in contact with them and 22% of respondents were 'not sure'. (n=99)

The percentage of respondents who were 'not sure' whether victims-survivors had been in contact with veterinarians, the RSPCA or another animal welfare organisation appears to correlate with the

22% of respondents who 'never' or 'rarely' ask about animals experiencing violence in conversations with clients about DFV. (n=98) This suggests the frequency of contact between victims-survivors with veterinarians, the RSPCA or another animal welfare organisation may be higher than what the survey responses indicate at face value.

Multiple studies show that veterinarians feel a high moral or legal responsibility to respond to animal abuse. Research in Australia (n=185) has found that 96% of veterinarians believed they had a moral responsibility to intervene when they suspected animal abuse. 60% of the veterinarians felt they have the necessary resources to offer help in prevention of recurrence of animal abuse and 68% stated they understood their legal rights and responsibilities if animal abuse is suspected (Gullone & Greene 2005, p.623). Similarly, nearly all veterinarians (97%) of a New Zealand study felt a high moral or legal obligation to respond to suspected animal abuse, but felt less comfortable doing so when suspecting DFV (Williams et al, 2008).

Veterinarians generally do not receive training on DFV, therefore awareness around DFV in cases of animal abuse varies greatly. In a US study involving 1000 small animal veterinarians, the overwhelming majority of the respondents recognised that a connection existed between animal abuse and child abuse (86%) as well as DFV (77%) (Sharpe & Wittum, 1999). However, Williams et al (2008) study of 383 veterinarians found that 63% knew of animals who had been abused but only 4% of the veterinarians knew of, and 12% suspected, a co-existence of DFV against humans. Gullone and Greene (2005, p.622), found that almost a quarter of Australian veterinarians reported known (5.9%) or suspected (17.8%) human abuse in cases of where animals were experiencing violence. In 92.3% of those cases, the veterinarians knew who the perpetrator of the abuse was.

A review of articles published between 1960 and 2016 on the connection between animals and people experiencing DFV found that between 43% and 86% of veterinarians had knowledge about the intersection of human and animal abuse, however most had not received training in intervention. (Monsalve, Ferreira, & Garcia, 2017) The majority of veterinarians in the New Zealand study was aware of the connection between animal abuse and DFV, however only 13% knew how to refer when violence against an adult or child was suspected. (Williams et al, 2008).

In the Australian study, 45% of veterinarians felt reporting all cases of suspected DFV was the appropriate response, compared to only 15% who felt reporting severe cases was appropriate. 25% felt it was appropriate to assist the human client. 19% of the veterinarians believed the appropriate response to suspected violence against humans was to do nothing. 30.8% of veterinarians said they were untrained in responding to DFV and felt unqualified to act (Gullone & Greene, 2005, p.622).

In studies undertaken in Australia and New Zealand (Newland 2018; Gullone & Green 2005), reasons provided by veterinarians for not referring cases where DFV was suspected included:

- Lack of training in recognition and identification,
- Lack of knowledge about appropriate actions or relevant services to contact,

- Lack of knowledge about ethical and legal responsibilities,
- Lack of available time to adequately discuss concerns,
- Concerns for patient confidentiality,
- Belief that family violence is a private matter,
- Fear of loss of business, and
- Distrust in the relevant authorities to handle the cases effectively.

In 2018, the University of Sydney partnered with NSW Police to train veterinary students on the links between humans and animals experiencing violence can help to raise awareness and build an understanding of appropriate and safe ways of responding. Eastern Domestic Violence Service (EDVOS) in Victoria has piloted a training program for veterinary professionals (veterinarians, veterinary nurses, veterinary students and animal management officers) on how to recognise, respond and refer potential victim-survivors of family violence. Preliminary evaluation findings of the EDVOS 'Animal-3Rs' training found that it positively impacted the confidence and capacity of veterinary professionals to recognise, respond and refer victims of family violence. Participants of the Animals-3Rs training were encouraged to work with their local family crisis centres in order to develop a standard protocol of response at their workplace, and to display flyers of DFV support services in waiting rooms and posters in the bathroom at the clinic. EDVOS has expanded the Animal-3Rs training state-wide and have been delivering it online since March 2020. Lucy's Project was involved in the development of the Animal-3Rs training with EDVOS and ran the first pilot at their 2018 conference, their focus team including the University of Melbourne and other partners worked collaboratively to build content.

#### **DVNSW Recommendation 5**

**Animal welfare organisations, veterinarians and animal management officers should receive specialised training and resources to recognise, respond to, and refer animals and people experiencing DFV to support services. This training should recognise that perpetrators using DFV against animals and humans concurrently are more likely to use more severe DFV and to kill.**

**Animal welfare organisations, veterinarians and animal management officers should be cross-trained with law enforcement and social services to promote collaboration and a shared understanding of roles and responsibilities in responding to DFV. The training and resources should focus on how to provide support to animals and people experiencing DFV to improve their safety, and not primarily on reporting to authorities to comply with legal or professional obligations.**

**The Animal-3Rs training that has been developed by EDVOS and its preliminary evaluation should be considered when developing or implementing a similar program for animal welfare organisations, veterinarians and animal management officers across NSW.**

## **7.2. Cross-reporting between service providers and professions**

At this point in time, DVNSW cautions against introducing a scheme of cross-reporting and information sharing between service providers and veterinary professionals that deal with animal abuse and DFV. This could potentially undermine the safety and confidentiality of animal and human victims-survivors, given the current low level of understanding of how to respond to DFV among veterinarians according to the research in Australia, NZ and the US. Instead, resourcing and specialised training of service providers and professionals to recognise, respond and refer animals and people experiencing DFV to support services should be prioritised. This training could incorporate consultation to seek their views on whether cross-reporting would be useful and appropriate. Prior to a cross-reporting scheme between service providers and professions being developed and introduced, DFV peak bodies and specialist DFV services should be consulted again.

DVNSW holds a different view in relation to cross-reporting between animal welfare agencies and NSW Police. DVNSW considers that cross-reporting between these agencies could help improve the safety of victims-survivors and the accountability of perpetrators. Measures should be taken to ensure the safety and confidentiality of animal and human victim-survivors, and training should be provided to support animal welfare and police officers to recognise and respond appropriately to victims-survivors, including by making referrals to support services. DVNSW has made a recommendation in relation to this in response to consultation question 6.

## **DFV and Animal Support Service Reform**

**Question 8: Are DFV services currently able to cater for the animals of their clients, either on-site or in partnership with other service providers? What are the barriers faced in providing/accessing such services? What can be done by government to support these services (e.g. funding, training and education, awareness raising)?**

### **8.1. Awareness and expanding knowledge**

#### **Finding from DVNSW Survey of DFV and community workers (July 2020)**

62% of respondents are 'highly aware' or 'very aware' of animals experiencing DFV, 30% are 'somewhat aware' and 8% are 'not so aware' or 'not at all aware'. (n=98)

84% of respondents are 'very' or 'highly' interested in learning more about animals experiencing DFV. (n=99)

#### **Finding from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

6 out of 7 respondents are 'highly aware' or 'very aware' of animals experiencing DFV and 1 respondent is 'not so aware'. (n=98)

5 out of 7 respondents working with perpetrators (n=7) are 'very' or 'highly' interested in learning more about animals experiencing DFV.

### **8.2. Referrals, risk assessment and safety planning**

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

43% of respondents said they did not know of services where they can refer clients with animals experiencing DFV. (n=100)

57% of respondents said they did and refer to the following services:

- RSPCA Community Domestic Violence Program (formerly Safe Beds for Pets)
- West Connect Domestic Violence Services
- Domestic Violence Service Management
- Dignity
- Paws and Recover
- WestCare Happy Pets
- Cat and Dogs Home
- Happy Paws
- Animal Welfare League
- Lucy's Project

- Local Animal Shelter
- Local Animal Rescue
- Local Veterinary Clinic

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

35% of respondents 'always' include animals experiencing violence in undertaking risk assessments and safety planning with DFV victims-survivors. The majority 'usually' or 'sometimes' include animals (38%), 11% 'rarely' included and 14% 'never' included animals.

#### **Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

2 out of 7 respondents 'always' include animals experiencing violence in undertaking risk assessments and safety planning with DFV perpetrators, whilst 5 out of 7 respondents 'never' or 'rarely' include animals.

### **8.3. Policies and guidelines for supporting animals and people experiencing DFV**

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

70% of respondents stated their organisation does not have a policy or guidelines for supporting clients with animals experiencing DFV.

Of the 30% of respondents who stated their organisation does have a policy or guidelines, this included:

- Providing crisis accommodation for families with pets
- Supporting clients to find animal friendly longer-term accommodation
- Seeking to secure a place for the animals through projects such as the RSPCA Community Domestic Violence Program
- Supporting their clients financially so they can pay for fostering for their animals
- Using private volunteers to safely foster the animals
- Contacting local veterinarians for emergency accommodation for the animals
- Some respondents who were unsure whether their organisation had a policy or guidelines
- One respondent stated that a pet policy was being developed
- One respondent stated that the guidelines stipulated that pets would not be accommodated

The high numbers of services without policies regarding animal abuse and DFV as well as the high proportion of workers who do not regularly assess risk or ask victim-survivors is extremely concerning. The DVNSW survey findings highlight the need for guidance to be provided to DFV service providers to develop appropriate policies and guidelines for supporting animals and people experiencing DFV that

reflect the risks to the safety of victims-survivors who cannot access support, and the importance to animal and human victims-survivors of maintaining a connection for their wellbeing and recovery.

## 8.2. Barriers to support for animals and people experiencing DFV

### Findings from DVNSW Survey of DFV and community workers (July 2020)

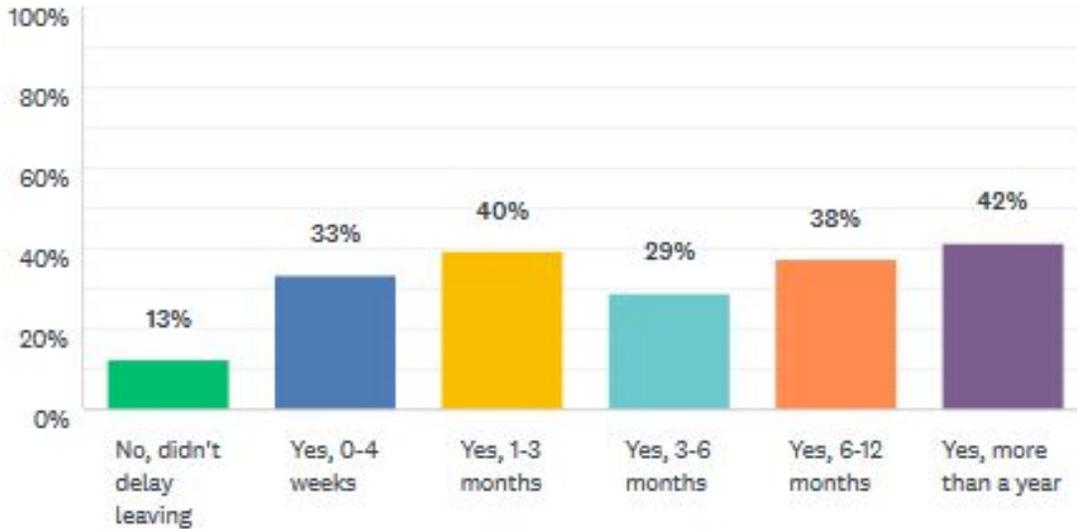
Barriers to accessing support for clients with animals experiencing DFV	Respondents (n=99)
Lack of animal friendly rental accommodation	93%
Lack of animal-friendly emergency and crisis accommodation	92%
Lack of animal-friendly transitional and long term accommodation	85%
Lack of funds to pay for interim solutions such as boarding for animals	89%
Fear of separation from the animals (for clients or their children)	85%
Logistical reasons (i.e. being unable to transport animals)	59%
Fear of animal abuse not being taken seriously	47%
Animal being registered in the perpetrator's name (microchip/ with council)	48%

DFV and community workers also explained that:

- Clients feared their pets would be euthanised, adopted out, or be further traumatised due to separation, if placed with a shelter.
- There is a lack of understanding from other people that companion animals can also be support animals, including for people with disability.
- For people with disability, there are additional barriers including not being believed and not having immediate access to a phone, transport and services or other support.
- Women in regional and rural areas face significant barriers when leaving because the farmed animals are also their livelihood.
- There may be no animal friendly outdoor or indoor spaces or the animals can be at risk from other clients or children in shared crisis accommodation.
- Some animal boarding facilities will not accept animals who have not been desexed or vaccinated, and there are costs for these veterinary procedures.

### 8.3. Victims-survivors delay leaving a perpetrator due to barriers to support

DFV and community worker responses to 'Have clients delayed leaving a perpetrator of DFV due to barriers to accessing support related to their animals? (Can select multiple)'



n = 96  
Figure 7

#### Findings from DVNSW Survey of DFV and community workers (July 2020)

42% of respondents said that victims-survivors had delayed leaving a perpetrator for more than a year due to barriers to accessing support related to their animals. 38% of respondents said that victims-survivors had delayed leaving a perpetrator by 6-12 months. Only 13% of respondents stated victims-survivors did not delay leaving a perpetrator due to barriers to accessing support related to their animals. (n=96)

RSPCA NSW has highlighted the transport of animals as an additional barrier to accessing safety. The challenge is especially great as victims-survivors often do not have access to private vehicles or are not able to drive. It is impracticable to transport animals experiencing DFV on public transport and even illegal in some cases (i.e. trains), leaving victim-survivors and animals in a precarious situation. The challenges to transporting animals prove to be even greater when the animal is a larger animal, such as a horse. As victim-survivors are often not able to immediately take the animal with them, they may want

to return to take care of, and retrieve, the animal. However, this poses a great risk to their safety, particularly as the period after separation can be the most dangerous.

#### **8.4. Accommodation for animals and people experiencing DFV**

*The [RSPCA and Dignity Refuges] pilot is an awesome idea and I think it needs to be extended to help refuges and other support services to set up the ability to cater for animals. This could be a start-up funding that helps people establish the ability to cater for animals.*

*[There need to be] purpose-built refuges or wings to refuges that are for people with disabilities who have support animals/companion animals. - Talie*

#### **Findings from DVNSW Survey of DFV and community workers (July 2020)**

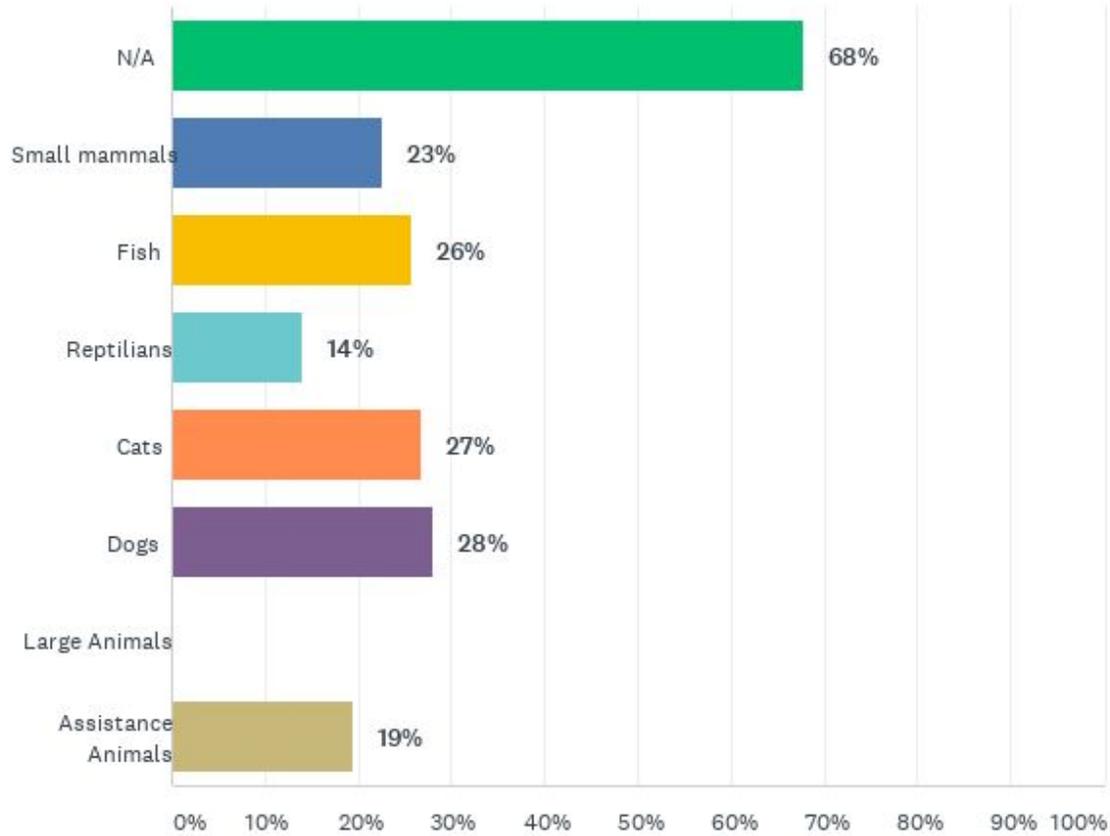
In response to the question ‘if you are an accommodation provider, can you accommodate people with animals experiencing DFV’: half of the respondents stated that they are not an accommodation provider. (n=98) Of the 54 respondents who work in organisations that provide accommodation, 17 stated they can accommodate people with animals:

- 4 respondents from transitional housing providers said this was on a case-by-case basis, especially when there was high risk involved,
- 4 respondents from transitional housing providers said there are some independent units where small animals could be accommodated,
- 4 respondents from crisis accommodation providers said they are able to accommodate families and their animals,
- 1 respondent from a crisis accommodation provider said they can occasionally accommodate families with animals,
- 1 respondent from a DFV service provider has a Pets Boarding Program and two DFV crisis units that can accommodate people with animals, and
- 2 respondents from DFV service providers were in the process of becoming animal-friendly.

Organisations were most often able to accommodate dogs, cats and fish, followed by small mammals and reptilians. 19% of all survey respondents were able to accommodate assistance animals. (n=93)

No organisation was able to accommodate larger animals. Yet 44% of survey respondents stated they had clients who had experienced DFV who were connected to large animals, such as horses. (n=99)

**DFV and community worker responses to 'If you can accommodate clients with animals, what kinds of animals can you accommodate? (Can select multiple)'**



n = 93

**Figure 8**

### 8.5. Funding, Training and Capacity Building

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

What would assist your organisation to support clients with animals experiencing DFV?	Respondents (n=97)
Additional specific funding to accommodate animals, including to provide appropriate shelter and care for animals	70%
Training on how to identify and respond to people with animals experiencing	61%

violence, including referral pathways and safety planning	
Guidance on how to support people with animals experiencing violence tailored to your service model, including risk management	56%
Support to build networks and relationships with local RSPCA/shelter/vets to secure boarding and healthcare for animals	81%
Resources to increase victim-survivor and community awareness of animals experiencing DFV and how people with animals experiencing DFV can access supports	73%

Respondents also stated that additional supports that would be helpful include:

- Additional pet-friendly short, medium and long term accommodation to reduce the risk of families being forced to resort to rough sleeping, long term camping or unsafe housing,
- Additional temporary accommodation for animals,
- Guidelines recommending the importance of people and pets remaining together to reduce trauma and for safety and companionship and specific allocation of accommodation spaces,
- Solutions for rural areas could include providing temporary paid animal carers and expansion of the Staying Home Leaving Violence program, and
- Financial assistance for people and animals experiencing DFV.

#### Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)

What would support your organisation in working with people who perpetrate violence against animals and people in the context of DFV?	Respondents (n=7)
Training and guidance on how to identify and respond to violence against animals, including risk management	5
Support to build networks and relationships with local RSPCA/shelter/vets to secure boarding and healthcare for animals	7
Resources to increase perpetrator understanding and community awareness of the use of violence against animals in the context of DFV	6

### 8.6. Examples of initiatives to support animals and people experiencing DFV

#### Animal-friendly refuges

West Connect provides support and crisis accommodation in the Blacktown and Blue Mountains areas for people and animals experiencing DFV, including cats, dogs, small animals and reptiles. Their refuge in Blacktown includes specially designed, separate areas for cats and dogs.

Domestic Violence Service Management (DVSM) provides support and crisis accommodation in Greater Western Sydney at their Refuge Outreach Action Response (ROAR) service for people and animals experiencing DFV, including cats, dogs and small animals.

### **RSPCA NSW**

RSPCA NSW has a Community Domestic Violence Program which aims to offer practical solutions for people with animals experiencing DFV by providing:

- Temporary foster accommodation and/or emergency pet boarding
- Financial assistance with veterinary treatment, impound fees and transport fees

Precautions are taken to try and ensure the safety of victims-survivors by ensuring animals are de-identified and kept in a secure location, away from the general public.

RSPCA NSW has also developed a program to provide guidance and support to DFV services, including crisis accommodation providers, to become more animal friendly.

### **Paws and Recover**

Paws and Recover is a volunteer run organisation that supports animals and people experiencing DFV, a health or housing crisis. It provides practical help including foster care, transporting animals to the vet and supporting people to care for their animals in times of crisis.

### **Lucy's Project**

Lucy's Project is a volunteer and member-based organisation whose work includes:

- Raising awareness of the link between animals and people experiencing DFV among the public and with government and NGOs addressing DFV, including by supporting research
- Supporting networks of services including DFV service providers, government and NGO agencies, police, animal rescue groups, housing, homelessness and mental health services, veterinarians, child support agencies, lawyers and universities
- Providing resources, tools and support to DFV organisations, including through organising bi-annual conferences and webinars to build understanding of the issues
- Providing guidance to DFV service providers and others to improve supports for animals and people experiencing DFV, including by providing referrals for further support

### **Eastern Domestic Violence Service (EDVOS) - Victoria**

EDVOS has a 'Pets in Peril' program run in partnership with animal welfare agencies, community agencies, veterinarians and volunteers to provide temporary shelter where needed. EDVOS can arrange temporary care of animals, usually for up to 28 days, via the animal welfare agencies. The program operates at a minimal cost or no cost to women, as EDVOS provides brokerage where needed. Often the women experiencing DFV or EDVOS specialist family violence advocates will take the pet to a local vet who is part of the program, for vaccinations and micro-chipping. The animal shelters involved are aware of the safety risks and never disclose the location or provide any details about the animal. However, due to the risk of tracking, the women are not allowed to visit their animals at the shelter and this can negatively impact on the women and their children and animals who have a strong attachment and connection.

EDVOS also seeks to improve the safety of animals and people experiencing DFV by:

- Undertaking an animal risk assessment and safety planning with all clients with animals and offering assistance with the range of needs identified through this process.

- Supporting a women’s refuge in their local area to become animal friendly to accommodate small animals.
- Asking about animals experiencing DFV in all partnership work around DFV, including interagency meetings with Police at imminent risk of serious harm and homicide.
- Training on the link between animals and people experiencing DFV, including to a leadership group of local Family Violence Units.
- Providing practical support to people with animals experiencing DFV including for animal ownership transfer, animal food, training and equipment.
- Training veterinary professionals to recognise, respond and refer animals and people experiencing DFV. The Animals-3R Program is outlined in response to question 7.

**Safe Pets Safe Families - South Australia**

Safe Pets Safe Families is a survivor led and volunteer run organisation that runs a number of initiatives to support animals and people experiencing DFV including:

- Safe Pets Foster Care Program to provide emergency retrieval of animals and a foster care service for up to 12 weeks for animals of people experiencing DFV. Volunteers transport the animals to and from foster care and look after the animals in their home.
- Paws and Pals Program which provides pop up veterinary clinics and outreach support in public parks, through a partnership with homelessness and DFV services. Volunteer veterinary professionals provide health checks, vaccinations and microchipping.
- Youth and Pets Program to promote responsible animal care for youth aged between 15 to 25 years old who are at risk, and to provide an early intervention animal assisted empathy program for children aged between 5 to 8 years old.
- Supporting DFV crisis accommodation providers to become animal friendly by providing training for staff on animal behaviour and welfare and providing supplies for animals.

**DVNSW Recommendation 6**

**Fund and resource DFV and community organisations, including Men’s Behaviour Change and Perpetrator Interventions programs, to support animals and people experiencing DFV through:**

- **Additional specific funding to accommodate animals in the short and medium term, including to provide appropriate shelter and care for animals,**
- **Guidance on how to support people with animals experiencing violence tailored to their service model, including risk management,**
- **Training and education on how to recognise and respond to people with animals experiencing violence, including risk assessment, safety planning and referral pathways,**
- **Support to build networks and relationships with local RSPCA, animal shelter or veterinary clinics to secure boarding and healthcare for animals, and**
- **Resources to increase victim-survivor and community awareness of animals experiencing DFV and how people with animals experiencing DFV can access support.**

**The development of any new initiatives, or expansion of existing initiatives, should be informed by the work of West Connect and DVSM, RSPCA NSW Community Domestic Violence Program, Paws and Recover, Lucy’s Project, EDVOS, Safe Pets Safe Families, and other relevant organisations.**

**Question 9: Are animal welfare services equipped to support animals at risk of abuse in DFV contexts (e.g. sheltering/fostering animals at risk)? Are there barriers to access for such services (e.g. waiting lists or lack of availability, costs for long term sheltering/fostering)? What can be done by government to support these services (e.g. funding, training and education, awareness raising)?**

*Animals experience great injury when they are separated from their primary attachment. I experienced my animals running away from the home they were given away to, to try and find us. They were found back at the home we had left. They suffered greatly being separated. - Talie*

DVNSW refers to the expert knowledge of RSPCA NSW in this section.

RSPCA NSW has highlighted that services that animal welfare organisations provide vary from region to region across NSW. There is an inconsistency in service delivery, as well as a lack of awareness or acknowledgement of the issue of animals experiencing violence in the context of DFV.

*"My son got a dog for his 12<sup>th</sup> birthday. He was a gentle, kind dog who loved my son and my son loved him. My daughter was 3 years old and he was gentle with her and patient with toddler hands. Our roof collapsed and we were living temporarily in my parents' house whilst this repair was taking place, and my ex-wife was meant to be going there daily to feed him as she was unemployed and I worked full time. At this time, I broke the relationship up permanently. I went to visit our dog two weeks after this arrangement was made for her to care for the dog, only to find a note from the RSPCA that said he had been removed due to starvation and cruelty. I contacted the RSPCA immediately to get the details and try to have our dog returned. The only way I could have him returned is if I paid a fee of approx. \$1200. My ex-wife was formally charged with animal cruelty. I initially took responsibility for these charges, as the agreement was that Auto (our dog's name) was registered in my name, but after being interviewed by the RSPCA officers, they told me that I was not responsible for someone else's actions, and she was charged and ultimately convicted of this offence. The abuse I received after she was charged including physical and emotional violence was extreme, as she stated it was my responsibility and my fault that she was charged. She forced me to write an affidavit to the court stating she would never hurt an animal, that it was my fault and saying what a good person she was. The judge yelled at me for writing this affidavit. At no point did the RSPCA or court consider the welfare or safety of myself or my children." - Jayke*

RSPCA NSW has limited ability to provide shelter to large numbers of animals at any given time and it is very hard to house animals for long periods of time. The average length of stay for the Community Domestic Violence Program in 2019-2020 for an animal was 47 days, which has welfare implications for the animal. During this time, victim-survivors seek to secure animal friendly long term accommodation. Animals who have experienced violence and trauma may require behavioural support and the assistance of experienced foster carers, which can further limit options. Depending on the arrangement, the cost of animal care (boarding, fostering, vet bills etc.) can be very high for the animal welfare organisation, as well as the victim-survivor.

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

89% of respondents stated that a barrier to accessing support for victims-survivors was ‘lack of funds to pay for interim solutions such as boarding for animals’. (n=99)

81% of respondents stated that they need ‘support to build networks and relationships with local RSPCA/shelter/vets to secure boarding and healthcare for animals’. (n=97)

**Findings from DVNSW Survey of MBCP/Perpetrator Interventions workers (July 2020)**

7 out of 7 respondents stated that they need ‘support to build networks and relationships with local RSPCA/shelter/vets to secure boarding and healthcare for animals’.

**DVNSW Recommendation 7**

**Fund and resource animal welfare agencies, animal shelters and veterinary professionals and DFV service providers, including MBCP/Perpetrator Interventions providers, to work collaboratively to improve the safety of animals and people experiencing DFV, including to provide boarding and healthcare for animals. Funding and resourcing should prioritise safe and appropriate accommodation solutions that would enable animals and people experiencing DFV to stay together, however boarding should be an option wherever this is not possible, with the aim of reuniting the animals and people who have experienced DFV at the earliest opportunity that it is safe to do so.**

**Question 10: What barriers exist to the provision of longer term accommodation for persons fleeing DFV who have animals? How can we ensure that persons experiencing DFV with their animals be supported to stay safe in their own home?**

*“We had agreed that my husband would help financially with the animals when we separated but he provided a tiny bit at the beginning and then nothing. I had to try and manage on my own with disabilities and very little income being homeless 3 times and moving multiple times all over Sydney. There was no place to assist with the cost of vet bills and there was no support that I could get. They were my reason to get up every day but there was absolutely no support to help me. People cruelly said to give up my cats (really would they just give up their children) but I really believed when everything was horrendous they kept me alive.*

*When they died I didn’t have the money to deal with their bodies or a home to bury them in so I had to keep them in cold storage while I tried to work out what I could do, to find a place to bury them and to find money to deal with their bodies. I was fortunate to have a vet who allowed me time to work all this out but many vets wouldn’t have done so.*

*The other incredibly difficult thing was to try and find accommodation that allowed me to have my pets with me that was safe and affordable. Due to the many living situations I had to endure due to DFV my cats were constantly in unsafe situations and needed many visits to the vets.”*

- Talie

### 10.1. Making homes safe for people and animals

*For [a] victim staying at home with her animals the perpetrator needs to be able to have no access to the property or if there is a yard, to the yard. They need to be sealed off well. Though it is very difficult in terms of animals getting over fences etc as in cats. There needs to be proper security and cameras so as to ascertain whether there is a breach of an ADVO. - Talie*

Victims-survivors should have the option to remain in their own home safely so they can stay connected to their support system of family and friends, and the school and community where they live. Staying Home Leaving Violence (SHLV) in NSW supports victims-survivors to remain safely in their home but despite positive evaluations, SHLV is not available statewide which means people experiencing DFV in some areas of NSW cannot access it.

There is a specific additional need for people with animals experiencing DFV to be able to access SHLV, due to the risk of animals being harmed or killed as a way of further perpetrating violence against the human victims-survivors after separation. Furthermore, it is important that people with animals experiencing DFV can access SHLV so that they can stay in their homes if they would like to, given the significant barriers to finding accommodation that is animal-friendly.

*“My daughter and my new partner and I had rabbits, and they disappeared in the night. I presumed they had run away, though it was strange as they had an open cage but in a VERY large space to roam free and had never got out of this space before. I had a friend staying over the night they disappeared and he didn’t tell me for approx. 2 months that he had seen my ex-wife come during the night and kill them and take their bodies away. My friend was so distraught by what he had seen, he was traumatized and couldn’t bear to tell me what had occurred.*

*My son, now an adult, got himself a dog, and he was a puppy. The only people home at my ex-wife’s house was my ex and my pre-teen daughter, my daughter heard the dog screaming, and when she ran outside she found my ex-wife holding the dog with his leg in her hands and his leg had been broken.*

*Another dog has been removed from her [ex-wife’s] custody by her family due to lack of care and maltreatment and they currently have another dog to replace this one.”*

- Jayke

**DVNSW Recommendation 8**

**Expand the Staying Home Leaving Violence Program to ensure it is:**

- Available across all NSW DCJ districts,
- Adequately funded to meet demand, and
- Accessible to all people with animals experiencing DFV, including LGBTIQ people, people with disability and people in rural, regional and outer metropolitan areas.

**10.2. Making renting accessible to people with animals**

*The residential tenancies act needs to be amended nationwide to allow pets to be in properties. This will create more places that can be rented by people escaping domestic and family violence with the animals. This also will affect the mental health and well-being of people being able to have the animals freely in the property with them. - Talie*

DVNSW draws on the expertise of the Tenants’ Union NSW in this section.

The Tenants’ Union NSW has said that, “people will hold back from leaving a situation [of violence by the perpetrator] or they will delay because they are having trouble finding accommodation [for themselves and their animals] or it re-traumatizes people who have to give up animals to leave a situation of violence.” In order to improve the safety of animals and people experiencing DFV, changes need to be made to the *Residential Tenancies Act 2010 (NSW)* to make rental accommodation animal-friendly.

Residential tenancy laws should be changed to make it easier for people with animals experiencing DFV to access rental accommodation. While the *Residential Tenancies Act 2010 (NSW)* does not prohibit people with animals from renting, it makes no reference to animals. In practice, this means that owners can add a ‘no pets or animals’ condition into a tenancy agreement. This is often the case, as property owners will generally try to forbid renters from living with animals on their property.

In March 2020, changes were made to the NSW standard form residential tenancy agreement to remove the default clause prohibiting pets and to replace it with an additional term which allows animals under certain conditions. This is a positive step in the right direction, however more is needed to make renting more accessible to people with animals, including victims-survivors of DFV. In Victoria, reforms introduced by the *Residential Tenancies Amendment Act 2018* put the onus on the landlord to prove the reasonableness of their refusal to live with an animal. A landlord can only refuse a pet request if the Victorian Civil and Administrative Tribunal (VCAT) orders that it is reasonable to do so.<sup>2</sup> Though this is a positive development, DVNSW agrees with the Tenants’ Union NSW that people should always be allowed to live with animals, unless there are genuine concerns for the welfare of the animal that would be supported by animal welfare law. This would ensure people with animals experiencing DFV can more easily access rental accommodation, which would support them to leave a violent perpetrator.

<sup>2</sup> <https://www.consumer.vic.gov.au/housing/renting/applying-for-a-rental-property-or-room/pets-and-renting>

Reforms should also be made to the application process. People living with animals are a key group who report experiences of discrimination during the applications process to the Tenants' Union. People with disability with assistance animals also experience this discrimination - even though it is illegal - as it can be difficult to prove. To prevent all forms of discrimination against people with animals experiencing DFV, landlords and real estate agents should be prohibited from asking about whether people live or will live with animals, to improve victims-survivors' safety and access to rental accommodation.

Cost is another significant barrier to accessing rental accommodation for people with animals experiencing DFV. The NSW Government Rent Choice (Start Safely) product is positive, however more changes are needed to improve the accessibility of rental accommodation for victims-survivors. Rent assistance has failed to keep pace with the increases in rent, leaving the private rental market largely unaffordable and out of reach for many people who have experienced DFV. Findings from the Australian Housing and Urban Research Institute in December 2019 highlights an acute and increasing national shortage of private rental dwellings for low income households. Whilst the private rental market should be made more accessible to people with animals experiencing DFV, this can only be part of the solution.

#### **DVNSW Recommendation 9**

**Amend the Residential Tenancies Act 2010 (NSW) to:**

- 1. Allow victims-survivors to take over a tenancy after a final ADVO, without needing to make an application to the NSW Civil and Administrative Tribunal,**
- 2. Allow tenants to live with animals, without any conditions except compliance with animal welfare laws, and**
- 3. Prohibit landlords and real estate agents from asking prospective tenants about animals at any stage of the application.**

### **10.3. Making housing affordable for people with animals**

*The coercive abuse that I faced on a daily basis in both my family of origin and marriage left me in constant fear for my animals. This was replicated in my experience of homelessness where I was at the mercy of whoever would give me a bed and whatever conditions I found myself in. - Talie*

RSPCA NSW has stated that the main reason why animals remain in boarding or foster care for long periods of time is due to animals not being allowed in public and private housing.

NSW Housing policy currently allows tenants in a Department of Communities and Justice Housing or Aboriginal Housing to have pets. However it also states, "If an animal belonging to a DCJ Housing tenant causes a nuisance or annoyance to neighbours, or is not suitable for the property, DCJ Housing will ask the tenant to remove it within 48 hours. Failure to remove the pet when asked to do so is a breach of the tenancy agreement, and may result in action being taken through the NSW Civil and Administrative

Tribunal.” DVNSW is unsure of whether the policy of allowing pets is adhered to, and how often people are asked to remove their pets, though RSPCA NSW’s statement suggests that public housing is not accessible to people with animals in practice. DVNSW is also aware that many community housing providers do not allow people to live with animals on their properties.

In addition to the barriers to accessing social and community housing, there is an overall lack of availability of social and affordable housing. Whilst SHS providers are able to move women seeking assistance into temporary, crisis and sometimes transitional housing, very few move into stable, long-term, appropriate accommodation due to a lack of affordable housing. Analysis of SHS data for 2018-19 research conducted by the Australian Institute of Health and Welfare (AIHW) illustrates this problem (AIHW, 2019). In NSW, 5.4% of persons experiencing DFV had no shelter or were living in improvised dwellings, 14% were ‘couch surfing’ and 20% remained in short-term accommodation at the end of a SHS support period (AHURI, 2009).

The challenges in accessing housing are further exacerbated for people with animals experiencing DFV. While there are some options for victims-survivors to stay safely in their homes (through the Staying Home Leaving Violence program) and short term assistance to access private rental (through Rent Choice Start Safely program), there is a lack of long-term, safe and affordable housing. Private rental subsidies are inadequate for achieving long term housing outcomes for many people experiencing homelessness due to lack of affordable housing supply, competition, and inadequate income support (DVNSW, 2020b).

Increasing the availability of social and affordable housing by constructing new buildings or purchasing existing developments that have been impacted by the COVID-19 economic downturn would help ensure people with animals experiencing DFV can access long-term housing.

**DVNSW Recommendation 10**

**NSW Housing policy should be amended to remove the clause stating that animals can be required to be removed if the animal ‘causes a nuisance or annoyance to neighbours’ and should require community housing providers to allow people with animals to live on their properties.**

**DVNSW Recommendation 11**

**Per the DVNSW 2020 Economic Stimulus & Budget Submission<sup>3</sup>:**

- **Construct 5000 social housing properties every year for the next 10 years,**
- **Increase the funding for the Specialist Homelessness Services Program by 20%, and**
- **Introduce Government backed home buying schemes.**

<sup>3</sup><https://www.dvnsw.org.au/wp-content/uploads/2020/07/DNSW-Calls-for-More-Social-and-Affordable-Housing-in-NSW-FINAL.docx.pdf>

**Question 11: Are there specific considerations or barriers that need to be examined for individuals in rural and regional NSW?**

People and animals experiencing DFV in rural, regional and outer metropolitan areas have additional specific needs which need to be addressed. Whilst women are more likely to experience DFV in rural and regional areas, they are less likely to seek support (Campo & Tayton, 2015). This can be attributed to a number of factors, such as a lack of specialist DFV services, isolation, social norms and values which promote a value of self-reliance and community connectedness. DFV member services, such as The Women’s Cottage in the Hawkesbury and DV Service Management in Walgett, have explained that people living in outer metropolitan areas face similar challenges to rural and regional communities, including people with animals experiencing DFV.

**Findings from DVNSW Survey of DFV and community workers (July 2020)**

No organisation was able to accommodate larger animals. Yet 44% of survey respondents stated they had clients who had experienced DFV who were connected to large animals, such as horses. (n=99)

The DVNSW surveys of 107 DFV and community workers working with victims-survivors and perpetrators found that of the few refuges and transitional housing projects which were able to accommodate people and animals experiencing violence, none cater for larger animals which people experiencing DFV are much more likely to be connected to in rural and regional areas. DVNSW has spoken to member services in rural and regional NSW, RSPCA NSW, Lucy’s Project and Safe Pets Safe Families (South Australia) who reported that they are often required to create informal networks with farms and veterinarians to find safe solutions for people and animals experiencing DFV.

Lucy’s Project has emphasised the need to support existing service providers, including local DFV services and local animal shelters, in each rural and regional area to work collaboratively to support people and animals experiencing violence. Lucy’s Project offers training and support for DFV services seeking to build local networks of animal support services, including vets, kennels and catteries, specialist large animal handlers, transport companies, agistment facilities, trainers, farriers, groomers, animal refuges, pet foster care networks, out of state supports for relocating victims, and more.

The barriers that people with animals experiencing DFV face to accessing temporary, crisis, medium and long term housing are exacerbated in rural and regional areas. The search for safe housing is further complicated if the victim-survivor lives with larger animals and needs to find a suitable property. In rural areas, the economic situation of women is often highly complex, with money often being invested in assets such as the farm or properties, which provide the family’s income (Campo & Tayton 2015). For some victims-survivors, leaving the farm shared with the perpetrator would mean losing a source of income gained through the farmed animals.

RSPCA and Lucy’s Project highlighted that communities in rural and regional NSW are smaller, often tight-knit communities, making it harder for victim-survivors to find a safe place where they will not be found by the perpetrator. In the experience of Safe Pets for Safe Families (based in South Australia),

victim-survivors with farm animals often need to stay in a DFV shelter for several months to try to move animals once they have found a suitable rural property, if that is possible. The social structure of rural and regional areas complicates moving animals to a suitable property, as information travels fast. There are often more complex requirements for transporting large animals (i.e. floating/trucking for horses and other large animals), which require specialist knowledge needed for larger animal handling. These methods of transportation are also expensive, placing a further financial burden on the victim-survivor.

A significant safety concern is the easier access to firearms, as DVNSW member services and RSPCA NSW have pointed out. Rates of gun ownership are higher in rural and regional areas and, “victims of domestic and family violence describe living with constant fear and feelings of powerlessness knowing that their abuser has a gun” (Campo & Tayton, 2015). Access to weapons by a perpetrator increases the risk of animals and people experiencing DFV being killed. Urgent reforms are needed to ensure that people with animals in rural, regional and outer metropolitan areas can access the support they need to be safe.

DVNSW reiterates our recommendation made earlier in this submission:

**DVNSW Recommendation 8**

**Expand the Staying Home Leaving Violence Program to ensure it is:**

- **Available across all NSW DCJ districts,**
- **Adequately funded to meet demand, and**
- **Accessible to all people with animals experiencing DFV, including LGBTIQ people, people with disability and people in rural, regional and outer metropolitan areas.**

**DVNSW Recommendation 12**

**Fund support and resourcing for DFV services in rural, regional and outer metropolitan areas to build local networks of animal support services, informed by the model provided by Lucy’s Project.**

### Impact of the COVID-19 crisis on animals and people experiencing DFV

The urgent need to act on the recommendations in this submission is demonstrated by the DVNSW survey findings relating to the impact of the COVID-19 crisis on victims-survivors and perpetrators.

#### Findings from DVNSW Survey of DFV and community workers (July 2020)

How has the COVID-19 crisis impacted your clients with animals experiencing DFV?	Respondents (n=96)
Increased sexual, domestic or family violence against the clients	39%
Increased sexual, domestic or family violence against the animals	16%
Increased complexity of client needs	64%
Decreased access to income, food and essentials	38%
Decreased access to community supports	52%
Decreased referral pathways for clients	41%
Decreased access to veterinary services and boarding	30%
None of the above	10%

#### Findings from DVNSW Survey of MBCP and Perpetrator Interventions workers (July 2020)

How has the COVID-19 crisis impacted on your clients?	Respondents (n=7)
Increased use of sexual, domestic or family violence against people	3
Increased use of sexual, domestic or family violence against animals	0
Increased complexity of client needs	7
Decreased access to income, food and essentials	3
Decreased access to community supports	6
Decreased referral pathways for clients	6
None of the above	0

## **Appendix - Stories of survivor advocates**

*Written by Jayke Burgess*

### **Animal Abuse and Domestic Violence:**

Throughout my ten year relationship that was marked by significant domestic violence, my children and I had a number of pets. The animals in my relationship experienced the effects of domestic violence in a way that perhaps, it could be argued, my children and myself did not experience in such an extreme way.

I think the easiest way to share this part of the journey is through individual animals, as each one was dear to my children and I.

### **During the relationship:**

1. Our guinea pig was drowned in a bucket of water as we were giving him too much attention. She said it was my fault and I should've paid her more attention.
2. My son had a rabbit when he was approx. 8 yrs old, we loved this rabbit, we called him Houdini because he always found ways out of the cage when we were not home, one day I had picked up my son from school and on our return my ex-wife asked us to come out to the rabbit's cage, she picked up the rabbit and said he was dead and showed how a long handled dessert spoon fell out of the rabbit. She told us the rabbit had swallowed the spoon and choked on it. It was not until much later that I found out that this was not possible, he was a dwarf rabbit and could not have swallowed this spoon. My son and I were devastated.
3. I had a dog who was from two injured dog's my son and I found, he was born in my home, and when the parent dogs left and he was 3 days old, my son and I hand raised him. From about the time of one year old he would react with aggression whenever he was startled by a human. Before this time, prior to my living with my ex-wife again (after previously leaving due to abuse), he was not in any way aggressive and he was particularly reactive to her. At the time, I did not understand this behavior, it is only with hindsight and knowledge of her other animal abuse that this behavior is clearer; that he was being physically abused by her.
4. I had a dog called Capt'n Ahab, he was a three-legged rescue, he and I were best friends from the moment I saw him, My ex-wife felt I was giving him more love than her, and was getting too much of my and my son's attention, so she drowned him in the family pool. She told me I deserved this, and so did Capt'n Ahab, because he was a distraction and I was being selfish.

### **At the time of leaving the relationship:**

My son got a dog for his 12<sup>th</sup> birthday. He was a gentle, kind dog who loved my son and my son loved him. My daughter was 3 years old and he was gentle with her and patient with toddler hands. Our roof collapsed and we were living temporarily in my parents' house whilst this repair was taking place, and my ex-wife was meant to be going there daily to feed him as she was unemployed and I worked full time. At this time, I broke the relationship up permanently. I went to visit our dog two weeks after this arrangement was made for her to care for the dog, only to find a note from the RSPCA that said he had been removed due to starvation and cruelty. I

contacted the RSPCA immediately to get the details and try to have our dog returned. The only way I could have him returned is if I paid a fee of approx. \$1200. My ex-wife was formally charged with animal cruelty. I initially took responsibility for these charges, as the agreement was that Auto (our dog's name) was registered in my name, but after being interviewed by the RSPCA officers, they told me that I was not responsible for someone else's actions, and she was charged and ultimately convicted of this offence. The abuse I received after she was charged including physically and emotional violence was extreme, as she stated it was my responsibility and my fault that she was charged. She forced me to write an affidavit to the court stating she would never hurt an animal, that it was my fault and saying what a good person she was. The judge yelled at me for writing this affidavit. At no point did the RSPCA or court consider the welfare or safety of myself or my children.

**Since leaving the relationship:**

6. My daughter and my new partner and I had rabbits, and they disappeared in the night. I presumed they had run away, though it was strange as they had an open cage but in a VERY large space to roam free and had never got out of this space before. I had a friend staying over the night they disappeared and he didn't tell me for approx. 2 months that he had seen my ex-wife come during the night and kill them and take their bodies away. My friend was so distraught by what he had seen, he was traumatized and couldn't bear to tell me what had occurred.
7. My son, now an adult, got himself a dog, and he was a puppy. The only people home at my ex-wife's house was my ex and my pre-teen daughter, my daughter heard the dog screaming, and when she ran outside she found my ex-wife holding the dog with his leg in her hands and his leg had been broken.
8. Another dog has been removed from her custody by her family due to lack of care and maltreatment and they currently have another dog to replace this one.

***Please ask DVNSW for permission before sharing beyond your organisation.***

*Written by Talie Star*

**Family Violence and Animal Abuse:**

In my childhood threats against my animals was used to control and keep me quiet. Most of the violence against my animals came from my brother who threatened to kill my birds as a form of coercive control to make me do what he wanted and to keep the secret of his abuse. There were times I would wake up to my budgies being dead and the rhetoric was that my birds just dropped dead. On one occasion my older brother took my budgie out of the cage and snapped its neck. There were many occasions he would hold it really tight and threaten it. It was absolutely traumatising living with the threat and then when he finally did do it I did not have birds again for years.

Animals were my lifeline when I was growing up. They were that soft place to be that unconditional love. They were the ones I could talk to whenever I needed to and were a soft and loving place in a violent and dangerous family.

There was a time when my cat was not well when I was a child and my brother picked it up and instead of leaving it, he dropped it on its backside and it never came back again. I remember looking for it for ages and being devastated by its loss. My father too would threaten to get rid of the animals and he would squeeze their faces so hard I was so scared for them or that they would scratch him and then he would hurt them worse. When we had to move states, he never told us we weren't going back he just gave my cat and dog away and I never saw them again. I felt devastated and when I heard they had gone looking for us I carried guilt for years that I had let them down even though I was a kid.

**Domestic Violence and Animal Abuse:**

When I married, the abuser's anger would get so scary that the cats would be so frightened they would run around the house or hide in difficult places to find. They would often go and jump the very high fence to get out of the house. It changed who they were and they became very anxious cats. My cats and I lived with the constant threat of eruption and never knowing when it would end. They both developed numerous health issues living in that situation with him. They would often throw up. I saw their beautiful characters change completely and that was when I knew I had to leave. They were my litmus test to know that I couldn't let them endure this anymore.

When we first got one of our cats it was because my husband wanted a kitten and he was going to look after it, I had said with my disabilities I couldn't manage to look after another cat. He then promptly checked himself into a hospital for "anxiety and depression" leaving me with no arrangements and no way to care for the cats on my own for 6 weeks. He had also paid all the bills and had all the codes etc. to access money so I had no money to be able to do anything.

**Homelessness, financial abuse and vets:**

We had agreed that my husband would help financially with the animals when we separated but he provided a tiny bit at the beginning and then nothing. I had to try and manage on my own with disabilities and very little income being homeless 3 times and moving multiple times all over Sydney.

There was no place to assist with the cost of vet bills and there was no support that I could get. They were my reason to get up every day but there was absolutely no support to help me. People cruelly said to give up my cats (really would they just give up their children) but I really believed when everything was horrendous they kept me alive.

When they died I didn't have the money to deal with their bodies or a home to bury them in so I had to keep them in cold storage while I tried to work out what I could do, to find a place to bury them and to find money to deal with their bodies. I was fortunate to have a vet who allowed me time to work all this out but many vets wouldn't have done so.

The other incredibly difficult thing was to try and find accommodation that allowed me to have my pets with me that was safe and affordable. Due to the many living situations I had to endure due to DFV my cats were constantly in unsafe situations and needed many visits to the vets.

**Pets are what keeps us going. What we need is:**

- **Free or discounted veterinary help**
- **Training for vets to be trauma informed**
- **Reporting responsibilities for vets when they see DFV**
- **Short, Medium and Long-term accommodation for people escaping DFV with pets**
- **The pets are what keeps us going**

***Please ask DVNSW for permission before sharing beyond your organisation.***

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