

# Family Violence Amendment (Protecting People and Their Pets Bill) 2024

*Introduced by David O’Byrne MP*

## Second Reading

Honourable Speaker, I move that the Bill now be read a second time.

Family violence is one of the most serious and confronting issues in our society.

The statistics for the prevalence of family violence in Tasmania are horrifying. Over 32% of women in Tasmania have experienced violence, emotional abuse, or economic abuse by a cohabiting partner.

Family violence can take on many forms and can involve a range of conduct. These types of violence can have a serious impact on individuals, families and communities. It can inflict physical injury, psychological trauma and emotional suffering.

These effects can be long-lasting and can affect future generations.

It is imperative that Tasmania’s legislation recognises all forms of family violence so that Tasmania’s justice system, Police Officers, and first responders are empowered to recognise, respond to, intervene, and prevent family violence at every possible opportunity.

Causing injury to an animal, including a pet, can be an incredibly distressing and cruel form of family violence. Australian and international research on animal abuse in the context of family violence found the prevalence of animal abuse in these contexts is high, ranging between 12% and 89%.

The Australian Law Reform Commission’s landmark 2010 report *Family Violence – A National Legal Response* made a recommendation that injury to animals be included as a form of family violence in each state and territory’s relevant domestic and family violence legislation.

However, Tasmania is still the only jurisdiction where harm to animals is not explicitly recognised as a form of family violence. This Bill fully adopts this recommendation of the ALRC report and introduces the same approach as is used in Victoria and Queensland.

The Bill provides that conduct committed by a person resulting in harm to an animal, or conduct that involves making threats about potential harm to an animal, is a form of family violence if undertaken with the intent to coerce, intimidate or control a person’s spouse or partner. It achieves this through an amendment to section 7 of the *Family Violence Act 2004*, which includes the definition of *family violence* that is used throughout the Act and which is referenced in other Tasmanian legislation.

By explicitly recognising this common form of family violence in legislation, it is the intent of the Bill to empower Police Officers, support services, and Tasmania’s justice system to appropriately and rapidly recognise and respond to such conduct as a family violence matter.

For example, this Bill may provide clearer grounds for police officers to issue a Police Family Violence Order (PFVO) in instances where this type of family violence has occurred.

It is important to reiterate that this Bill simply adopts the approach used in several other jurisdictions. The scope of the definition of harm against animals and threats of harm against animals introduced by this Bill is very closely modelled off both Victoria's and Queensland's legislation.

I acknowledge that the Act as it currently stands includes damage to property as a form of family violence, with the definition of property under section 4 encompassing 'everything animate or inanimate that is capable of being owned'. Arguably, this means that harm to an animal – articulated as damage to property under the Act – is already captured as a form of family violence in Tasmania's legislation.

However, firstly, this does not recognise that threats of harm against a pet or another animal are often made by perpetrators of family violence to coerce, intimidate, or control a spouse or partner, regardless of whether such harm eventuates or not.

And secondly, it is not appropriate for harm against a dearly loved pet to be considered or referred to as damage to property in legislation. Pets and support animals are so much more than property to many people, often providing critical emotional support for people who are experiencing immense trauma and fear at the hands of a perpetrator of family violence.

I also acknowledge that harm against animals may fall within the broad scope of the offence under Section 9 of the Act, which is the offence for emotional abuse or intimidation. It is also the intent of this Bill to remove uncertainty in applying this offence to family violence conduct involving animal harm or threats thereof.

I want to acknowledge national not-for-profit organisation *Lucy's Project*, who have been a fierce advocate for better supports for people and animals experiencing family violence. Their tireless work in highlighting this issue and advocating for this particular reform in Tasmania should be recognised.

I also want to thank Engender Equality and in particular their CEO Alina Thomas for their support of this Bill and for the continual work they do raising awareness about family violence in Tasmania and supporting those affected by it.

Governments right across the country must do more to address family violence. I firmly believe whole-of-government reforms are needed in Tasmania to better prevent family violence and support those affected by it.

Although the change this Bill introduces is small compared to the level of change that is needed in Tasmania and across the country, it is nonetheless an important change to make.

In closing, I want to recognise and acknowledge family violence victim-survivors, advocates, and all those who support Tasmanians who are experiencing the impacts of family violence.

Honourable Speaker, I commend the Bill to the House.