

Family violence reforms to protect pets – effective from June 2025

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Unfortunately, many family law cases in Australia also include family violence. Given this, there have been changes to the law in Victoria and on a national level in an effort to better protect victim survivors, their children and their pets.

In August 2024, the Australian Attorney General announced amendments to the *Family Law Act*, which included reference to pets of victim survivors in a family violence scenario:

"*We know that pets are too often used and abused in cycles of family violence. The Bill would also allow the court to consider a range of factors, including family violence, when determining ownership of pets in settlements*"

These reforms came into effect in June 2025.

These reforms might possibly change the way pets are dealt with in all family property disputes. They will likely provide for the Court to consider the issue of pet ownership where there is also family violence in a property settlement case. The Court will need to consider what orders relating to a pet might ensure better protection of the victim survivor and their pet.

This means there will hopefully be greater recognition of pets by the Courts as being more than mere "chattels", which is what animals are categorised as in a family property dispute. This is a positive step, not just for family violence cases but all cases where there is a dispute over ownership. It takes into consideration the needs of a pet, rather than just considering, for example, who is the legal/registered owner or who has the pet (like other "chattels") in their possession.

To read more about how pets are currently treated in family property cases, we recommend you read our previous article, "Who gets the dog? Pets in family law - property or parenting?"

The definition of “family violence” in Victoria regarding pets

In Victoria, the definition of “family violence” is found in Section 5 of the *Family Violence Protection Act (VIC) 2008* (**the FVP Act**) under “Meaning of Family Violence”. It includes examples, for instance, at 2(e):

*“**causing or threatening to cause the death of, or injury to, an animal, whether or not the animal** belongs to the family member to whom the behaviour directed so as to control, dominate or coerce the family member”*

The FVP Act also sets out how a party to a relationship can apply for the protection of an “Intervention Order” because of family violence taking place. As this is State-based legislation, it means that when applying for the protection of an Intervention Order, a party should apply at their local Magistrate’s Court or Neighbourhood Justice Centre in Victoria.

Pursuant to the FVP Act, if there was a threat, injury or death of an animal to “*control, dominate or coerce*” that party, then this would be considered a form of family violence, and they could seek the protection of an Order.

The aggrieved party to the relationship might also wish to report the incident to Victoria Police, who might then make an application for an Intervention Order on their behalf if they believe family violence has occurred and is likely to continue in the future.

In the event an Intervention Order was then made by the Magistrates’ Court and threats or harm to a pet then occurred, this may be deemed a “breach” of the Order as “family violence” has been committed - which can have criminal implications.

You can read more about Intervention Orders in our earlier article, “Applying for Family Violence Intervention Orders”.

The definition of “family violence” in the *Family Law Act* regarding pets

In anticipation of the reforms (coming into effect in June 2025), the definition of “family violence” in the *Family Law Act (Cth) 1975* also includes reference to the harm of animals. At Section 4AB, the definition of “family violence” includes examples of family violence at 2(f), including:

“intentionally causing death or injury to an animal”.

This means that where harm to a pet occurs in a relationship where family law proceedings are initiated or are before the Federal Circuit and Family Court of Australia, the Court is likely to find that family violence has been committed. Under the new legislation from June 2025, the issue of ownership of that pet might then be considered by the Court and orders might then be made to better protect the victim of family violence and their pet.

The effect of changes to family violence laws related to pets

While laws on a State and national level have been enacted to protect victims of family violence and their children, the indirect effect is that family pets caught up in family law proceedings, particularly family violence, are also better protected from harm.

Unfortunately, a significant number of intentional animal cruelty cases in Victoria are committed by parties to a relationship (aimed at physically and/or psychologically harming or controlling the other party), and therefore, these laws and future reforms will hopefully reduce these situations.

Future reforms to Intervention Orders could include providing for specific conditions on an Order regarding the family pet or even listing the pet as an “Affected Family Member”, which would mean Victoria Police have greater powers to protect the victim survivor and their pet.

Seeking refuge with your pet after family violence

There are refuge organisations in Victoria, for example, Pets in Crisis, which allow victim survivors to take their pets with them when escaping the family home due to family violence. These organisations are very important, given statistically, some victims of family violence choose to stay at the family home and be at risk if the alternative means leaving their pet.

While it is important to be aware of the law regarding family violence and pets, it is also extremely important that individuals contact Victoria Police at first instance if they ever feel unsafe or worried for themselves and/or their pets. The RSPCA can also be contacted in the event a pet is currently not with the victim survivor and they are worried for their safety.

Get help from a family lawyer

We will be closely monitoring the impact of the reforms when they come into effect from June 2025 and will provide updated information on our website where needed.

If you have any queries about family violence (including violence related to pets) or any other issues related to your family law matter, please speak with one of our family lawyers. We offer a first free consultation, so it costs you nothing to find out where you stand.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.