

By Cath Devine

Based on June 2025 Amendments



Introduction

- In June 2025, the Family Law Act 1975 was amended to include provisions about companion animals.
- Recognises the unique status of pets compared to property.
- Links to family violence and property settlement reforms.

What is a Companion Animal?



Kept for companionship by parties to a relationship.

Excludes:

- Assistance animals (Disability Discrimination Act 1992)
- Business or agricultural animals
- Laboratory animals

Court Considerations

s79(7)/ s90SM(7) Circumstances of acquisition

Ownership or possession

Care and maintenance contributions

Family violence and animal cruelty history

Attachment by parties or children

Future ability to care for animal

Other relevant circumstances

What orders can be made? S79(6)/s90SM(6)

- One party retains ownership
- Animal transferred to third party (with consent of third party)
- Animal sold

"Shared custody" orders have been refused in past cases: Davenport & Davenport (No.2) [2020] FCCA 2766 and Castaneda & Castaneda [2023] FedCFamC1F 1017



Downey & Beale [2017] FCCA 316

- Wife sought transfer of dog.
- Husband had paid purchase price but Wife paid expenses.
- Husband registered dog 8 months postseparation.
- Court declared Wife owner, registration transferred.





Grunseth & Wighton [2022] FedCFamC1A 132

- Two dogs: Roxy (spoodle) and Patricia.
- Wife had possession of both dogs, Roxy registered to her.
- Husband claimed Roxy was for his minor daughter.
- Trial judge ordered Roxy to be transferred to the Husband.

On appeal:

- Full Court found daughter had no legal/equitable interest.
- Wife had paid for and maintained Roxy.
- Wife retained Roxy.

The new amendments may have supported the transfer to the Husband's daughter.

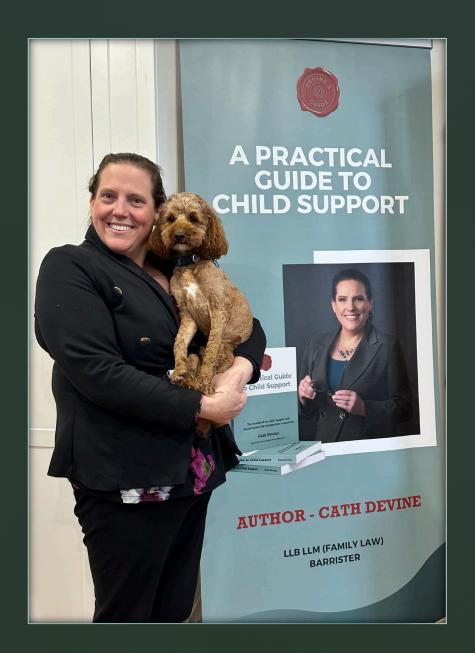
Implications of Reforms

- Companion

 animals recognised
 as unique from
 property.
- Stronger protection in cases involving family violence.
- Greater focus on welfare and attachment.
- Courts limited to specific ownership, transfer, or sale orders.



Sydney is a companion animal.



Poppy is not a companion animal.



Would the new laws apply to Baa the Ram?

Vu Ho has been battling a Melbourne council for the right to keep Baa in his suburban backyard.



Vu Ho with Baa the sheep at their home in Springvale. JASON SOUTH