

# Companion Animals under the *Family Law Act* 1975



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 post-separation.
- 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