

## Damaging property - Other Bench Books

### QLD

**Supreme Court of Queensland, *Equal Treatment Bench Book* (2nd ed, 2016).**

‘There is growing social recognition that a wide range of behaviours may constitute domestic violence. This is reflected in the Domestic and Family Violence Protection Act 2012 (Qld), which now provides that domestic violence includes the following acts...damaging a person’s property or threatening to do so’ (s 8) (pp29-30).

### Vic

**Judicial College of Victoria, *Family Violence Bench Book* (2014).**

5.2.1 – Emotional or psychological abuse: this section lists destroying property as a form of psychological abuse.

### WA

**Department of Justice (WA), *Equal Justice Bench Book* (2nd edition September 2017).**

Note: Chapter 13 Family and Domestic Violence is currently under review. Until revision is completed, the [first edition chapter 13](#) applies. The following text is based on the first edition chapter.

This Bench Book notes the following statistics in relation to damaging property: ‘When the controlling behaviour involved their partners damaging or destroying property, women reported levels of violence at a significantly higher rate than the average for current intimate partner violence rates in general (23% compared with 3%)’ [13.1.1.1].

### Canada

**Neilson, Linda C, *Domestic Violence Electronic Bench Book* (National Judicial Institute, 2017).**

This bench book recognises property damage as a behaviour of domestic violence throughout the book (e.g. Section 4.2). It notes that damaging property may occur as an interconnected form of abuse with other behaviours: ‘[e]motional abuse ... financial abuse and physical/sexual violence are interconnected phenomena. A pattern of emotional or financial abuse, associated with intimidation, domination and control, often escalates into physical or sexual violence’ (Section 9.3.1.2).

In considering responses to domestic violence, the bench book specifically discusses orders relating to personal property, explaining that: '[a]ttention to details such as immediate possession of specific items of personal property may be insignificant in terms of absolute value yet can make an enormous difference to family members with limited resources who are attempting to leave violent relationships. Attention to such details can make the difference between putting an end to intimidation, harassment and abuse, and allowing it to continue' (Section 9.3.5). For instance, orders should consider including provisions to prevent damage to: vehicles; identity papers, visas, passports and immigration documents; diaries; aids for disability (e.g. wheelchairs); and children's toys, clothing and pets (Section 9.3.5.2).