

# Family Violence Amendment Bill 2024

Introduced by Kristie Johnston MP

## Clause Notes

- Clause 1      **Short title**  
Specifies the name of the name of the Act.
- Clause 2      **Commencement**  
Specifies that the Act commences on the day on which this it receives Royal Assent.
- Clause 3      **Principal Act**  
Specifies that the Act being amended by the Bill is the *Family Violence Act 2004*.
- Clause 4      **Section 20 amended (Variation, extension and revocation of a Family Violence Order)**  
This clause amends Section 20 to allow a court to extend a Family Violence Order without requiring a change of circumstances since the order was made or varied.
- Subclause (a): amends the Act to remove ‘extensions’ from the provision that a court can grant variations or revocations of a FVO if there has been a substantial change in circumstances since the order was made or last changed.
- Subclause (b) clarifies that an extension of an FVO does not require a change in relevant circumstances since the order was made or changed.
- Clause 5      **Section 34 substituted (Costs)**  
This clause clarifies the awarding of costs under Family Violence Order proceedings.
- Subclause 1: states there is an assumption each party will bear its own costs, except for circumstances outlined in Subclause 2.

Subclause 2: outlines the circumstances in which a court hearing an application under the Act may order a party to pay all or part of another party's costs, if the court considers each of the following:

- i. Whether the liable party has made, objected to or withdrawn the application
  - a. to control, intimidate, cause harm or fear to another party to the application;
- ii. for a malicious, vexatious, frivolous or bad faith purpose;
- iii. in a way that has an unreasonable impact on the other party (this is based on an existing provision in Tasmania Section 45 of the *Magistrates Court (Administrative Appeals Division) Act 2001*;
- iv. whether the liable party is unreasonably prolonging proceedings;
- v. whether exceptional circumstances exist.

Subclause 3: Clarifies subsection (2) does not apply to a police officer who is party to proceedings by virtue of being a police officer (that is, by in the course of their duty).

Subclause 4: States the court is to give the liable party reasonable opportunity to reply to an order under subsection (2).

Subclause 5: Allows the court to set costs as deemed appropriate.

## Clause 6 **Repeal of Act**

This standard self-repeal clause provides that the amendment Act automatically repeals on the first anniversary of the date of the commencement. This only occurs after the amendments have been incorporated into the Principal Act and does not 'undo' the amendments made under this Bill.