

TASMANIA

FAMILY VIOLENCE AMENDMENT BILL 2024

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FAMILY VIOLENCE AMENDMENT BILL 2024

(Brought in by Kristie Johnston, MP)

A BILL FOR

An Act to amend the *Family Violence Act 2004*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Family Violence Amendment Act 2024*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Family Violence Act 2004** is referred to as the Principal Act.

4. Section 20 amended (Variation, extension and revocation of FVO)

Section 20 of the Principal Act is amended as follows:

*No. 67 of 2004

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- (a) by omitting from subsection (3) “subsection (2)” and substituting “subsection (2), in respect of the variation or revocation of an FVO,”;
- (b) by inserting the following subsection after subsection (3):
 - (3A) For the avoidance of doubt, an application referred to in subsection (1) for the extension of an FVO does not require a change in the relevant circumstances since the order was made or last varied.

5. Section 34 substituted

Section 34 of the Principal Act is repealed and the following section is substituted:

34. Costs

- (1) Subject to subsection (2), each party to proceedings under this Act is to bear its own costs incurred in connection with the proceedings.
- (2) Despite subsection (1), the court hearing an application under this Act may order that a party (the *liable party*) pay all, or a specified part, of the costs of another party to the proceedings if the court is satisfied that it is fair to do so, after taking into account each of the following:

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- (a) whether the liable party has made the application, objected to the application, or withdrawn the application –
 - (i) for the purpose of controlling or intimidating, or causing mental harm to, or apprehension or fear in, another party to the application; or
 - (ii) for a purpose, or in a manner, that is malicious, frivolous, vexatious or in bad faith; or
 - (iii) in a manner that has an unreasonable impact on another party to the application;
 - (b) whether the liable party has been responsible for prolonging unreasonably the time taken to complete the proceedings;
 - (c) whether exceptional circumstances exist;
 - (d) whether the order for costs falls within the objects of this Act.
- (3) An order may not be made under subsection (2) against a police officer

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who is a party to proceedings by virtue of being such an officer.

- (4) Before making an order under subsection (2), the court is to give the liable party a reasonable opportunity to be heard.
- (5) For the purposes of making an order under this section, the court may fix an appropriate scale of costs.

6. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.