



TASMANIA

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## **FAMILY VIOLENCE AMENDMENT ACT 2025**

**No. 5 of 2025**

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**FAMILY VIOLENCE AMENDMENT ACT 2025**

**No. 5 of 2025**

**An Act to amend the *Family Violence Act 2004***

**[Royal Assent 16 April 2025]**

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 2025*.

**2. Commencement**

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

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**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:

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Section 34 of the Principal Act is repealed and the following section is substituted:

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\*No. 67 of 2004

### 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:
  - (a) whether the liable party has made the application, objected to the application, or withdrawn the application –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;
  - (b) whether the liable party has been responsible for prolonging

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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  
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.

*[Second reading presentation speech made in:–  
House of Assembly on 27 November 2024  
Legislative Council on 13 March 2025]*