I certify that this is a copy of the authorised version of this Act as at 20 November 2026, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026.

K Woodward
Chief Parliamentary Counsel
Dated 24 November 2026

TASMANIA

FAMILY VIOLENCE ACT 2004

No. 67 of 2004

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Objects of Act
4. Interpretation
5. Meaning of "court"
6. Act to prevail

PART 2 – FAMILY VIOLENCE OFFENCES

7. Family violence
8. Economic abuse
9. Emotional abuse or intimidation
9A. Limitation period for offences under section 8 or 9
10. Power of police to enter certain premises

11. Arrest and detention
12. Bail
13. Sentencing factors
13A. Recording of family violence offences and serial family violence perpetrators
13B. Effect of failure to submit evidence
13C. Limited liability of affected person for instigating, &c., breach of protection order

PART 3 – POLICE FAMILY VIOLENCE ORDERS

14. Police family violence orders

PART 4 – FAMILY VIOLENCE ORDERS

15. Application for FVO
16. Family violence orders
17. Issue of replacement residential tenancy agreement
18. Matters to be considered in making FVO
19. Period of FVO
20. Variation, extension and revocation of FVO
21. Issue of warrants in respect of application
22. FVO by consent
23. Court may make interim order
24. Alternative orders
25. When order takes effect
25A. Powers of court to remand in custody, admit to bail, &c.
26. Application for registration of external family violence order
27. Registration of external family violence order
28. Effect of registration of external family violence order
29. Variation, &c., of registered external family violence order

PART 4A – DECLARATION OF SERIAL FAMILY VIOLENCE PERPETRATOR

29A. Court or judge may declare offender to be serial family violence perpetrator

29B. Duration of declaration
29C. Making of orders if declaration
29D. Review of declaration of serial family violence perpetrator
29E. Review of Part 4A

PART 5 – MISCELLANEOUS

30. Forms of FVO, PFVO and applications
31. Procedure in relation to hearing and determining applications
32. Restriction of publication of names of parties, &c.
33. Orders subject to Family Court order
34. Costs
35. Contravention of FVO or PFVO
36. Power to make orders at hearing of complaint for offence
37. Information sharing
38. Informing of concern about family violence
39. Protection from liability for voluntary or mandatory information
[39A. *Repealed*]
40. Regulations
41. Administration
42. Transitional provisions
43. Review of Act
44. . . . . .

SCHEDULE 1 – . . . . . .



FAMILY VIOLENCE ACT 2004

No. 67 of 2004

An Act to provide for an integrated criminal justice response to family violence which promotes the safety of people affected by family violence

[Royal Assent 17 December 2004]

Be it enacted by His 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Family Violence Act 2004*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Objects of Act

In the administration of this Act, the safety, psychological wellbeing and interests of people affected by family violence are the paramount considerations.

4. Interpretation

In this Act, unless the contrary intention appears –

affected child means a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence;

affected person means a person against whom family violence is directed;

Chief Clerk of Petty Sessions means the person holding office as the Chief Clerk of Petty Sessions under section 16 of the *Justices Act 1959*;

Director, MPES means the Director, Monetary Penalties Enforcement Services appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;

Director of Corrective Services means the Director of Corrective Services appointed under section 5 of the *Corrections Act 1997*;

DPP means the Director of Public Prosecutions;

economic abuse means an offence in accordance with section 8;

emotional abuse or intimidation means an offence in accordance with section 9;

external family violence order means an order made by a court of New Zealand which has been made to prevent family violence;

Family Court order means an order made under Part 7 of the *Family Law Act 1975* of the Commonwealth;

family relationship means a marriage or a significant relationship within the meaning of the *Relationships Act 2003*, and includes a relationship in which one or both of the parties is between the ages of 16 and 18 and would, but for that fact, be a significant relationship within the meaning of that Act;

family violence means family violence as defined in section 7;

family violence offence means any offence the commission of which constitutes family violence;

FVO means a family violence order made under section 16;

harassing means doing any one or more of the following actions in respect of a particular person:

(a) following the person;

(b) keeping the person under surveillance;

(c) loitering outside the residence or workplace of the person;

(d) loitering outside a place that the person frequents;

(e) entering or interfering with the property of the person;

(f) sending offensive material to the person or leaving offensive material where it is likely to be found by, given to or brought to the attention of the person;

(g) publishing or transmitting offensive material by electronic or any other means in such a way that the offensive material is likely to be found by, or brought to the attention of, the person;

(h) using the internet or any other form of electronic communication in a way that could reasonably be expected to cause the person to be apprehensive or fearful;

(i) contacting the person by postal, telephonic, electronic or any other means of communication;

(j) making unwelcome contact, directly or indirectly, with the person;

interim FVO means an interim FVO made under section 23;

PFVO means a police family violence order made under section 14;

premises includes any, or any part of any, of the following (whether a public place or private property):

(a) an area of land;

(b) a building or structure (whether movable or immovable), including a residence;

(c) a vehicle, vessel or aircraft;

(d) a caravan or trailer;

property includes everything animate or inanimate that is capable of being owned;

rehabilitation program means a structured treatment program designed to reduce the likelihood of a person committing family violence;

rehabilitation program assessment means an assessment of the suitability of a person to take part in a rehabilitation program;

relevant Family Court order means, in relation to an FVO or a PFVO, a Family Court order relating to access between –

(a) the person for whose benefit the FVO or PFVO is sought or made or the person against whom the FVO or PFVO is sought or made; and

(b) a child who is a member of the family of either of those persons;

residential premises means residential premises within the meaning of the *Residential Tenancy Act 1997*;

residential tenancy agreement means a residential tenancy agreement within the meaning of the *Residential Tenancy Act 1997*;

risk screening means an assessment carried out by a police officer of the likelihood of the repetition or escalation of family violence;

safety audit means an audit carried out by a police officer of the physical and other measures immediately available to enhance the safety of an affected person or affected child and includes the preparation of a plan to implement those measures;

serial family violence declaration, in relation to an offender, means a declaration under section 29A that is in force in relation to that offender;

serial family violence perpetrator means an offender in respect of whom a declaration under section 29A is in force;

spouse or partner of a person means another person with whom the person is, or has been, in a family relationship.

5. Meaning of "court"

(1) Subject to subsection (2), "**court**" means a court of summary jurisdiction within the meaning of the *Justices Act 1959*.

(2) A court when constituted by one or more justices may only exercise the jurisdiction prescribed by rules of court made under section 144 of the *Justices Act 1959*.

6. Act to prevail

Where there is an inconsistency between this Act and another Act, this Act prevails to the extent of that inconsistency.

PART 2 – FAMILY VIOLENCE OFFENCES

7. Family violence

(1) In this Act –

family violence means –

(a) any of the following types of conduct committed by a person, directly or indirectly, against that person's spouse or partner:

(i) assault, including (but not limited to) sexual assault, indecent assault and aggravated assault;

(ii) threats, coercion, intimidation or verbal abuse;

(iii) abduction;

(iv) stalking and bullying within the meaning of section 192 of the *Criminal Code*;

(v) rape;

(vi) wounding or bodily harm, including grievous bodily harm and committing an unlawful act intended to cause bodily harm;

(vii) penetrative sexual abuse of a child, a young person or a person with a mental impairment;

(viii) any other conduct that causes personal injury;

(ix) attempting or threatening to commit conduct referred to in subparagraph (i), (ii), (iii) (iv), (v), (vi), (vii) or (viii); or

(b) any of the following:

(i) economic abuse;

(ii) emotional abuse or intimidation;

(iii) contravening an external family violence order, an interim FVO, an FVO or a PFVO; or

(c) any damage caused by a person, directly or indirectly, to any property –

(i) jointly owned by that person and his or her spouse or partner; or

(ii) owned by that person's spouse or partner; or

(iii) owned by an affected child; or

(d) any conduct committed by a person that causes the death or neglect of, or injury to, an animal that, directly or indirectly –

(i) intimidates, coerces or controls the person's spouse or partner; or

(ii) causes mental harm to, or apprehension or fear in, the person's spouse or partner; or

(e) any threats made by a person regarding the potential death or neglect of, or injury to, an animal that, directly or indirectly –

(i) intimidates, coerces or controls the person's spouse or partner; or

(ii) causes mental harm to, or apprehension or fear in, the person's spouse or partner; or

(f) any conduct referred to in paragraph (d) or threats referred to in paragraph (e) by a person that the person knows, or reasonably ought to know, is likely to, directly or indirectly –

(i) intimidate, coerce or control the person's spouse or partner; or

(ii) cause mental harm to, or apprehension or fear in, the person's spouse or partner.

(2) For the purposes of subsection (1)(d), (e) or (f), it is irrelevant whether the animal referred to in the relevant paragraph –

(a) is owned by a person referred to in the paragraph or another person; or

(b) is domesticated or not.

8. Economic abuse

A person must not, with intent to unreasonably control or intimidate his or her spouse or partner or cause his or her spouse or partner mental harm, apprehension or fear, pursue a course of conduct made up of one or more of the following actions:

(a) coercing his or her spouse or partner to relinquish control over assets or income;

(b) disposing of property owned –

(i) jointly by the person and his or her spouse or partner; or

(ii) by his or her spouse or partner; or

(iii) by an affected child –

without the consent of the spouse or partner or affected child;

(c) preventing his or her spouse or partner from participating in decisions over household expenditure or the disposition of joint property;

(d) preventing his or her spouse or partner from accessing joint financial assets for the purposes of meeting normal household expenses;

(e) withholding, or threatening to withhold, the financial support reasonably necessary for the maintenance of his or her spouse or partner or an affected child.

Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years.

9. Emotional abuse or intimidation

(1) A person must not pursue a course of conduct that he or she knows, or ought to know, is likely to have the effect of unreasonably controlling or intimidating, or causing mental harm, apprehension or fear in, his or her spouse or partner.

Penalty: Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years.

(2) In this section –

a course of conduct includes limiting the freedom of movement of a person's spouse or partner by means of threats or intimidation.

9A. Limitation period for offences under section 8 or 9

A complaint for an offence against section 8 or 9 must be made against a person within 12 months from the day on which the action, or the last action, that made up the course of conduct to which the matter of complaint relates, occurred.

10. Power of police to enter certain premises

(1) A police officer may, without warrant, and using such force as is necessary, enter and remain on premises for such period as he or she considers reasonably necessary to prevent family violence –

(a) at the request of a person who apparently resides on the premises; or

(b) if the officer reasonably suspects that family violence is being, has been or is likely to be committed on those premises.

(2) A police officer who enters premises under subsection (1) may –

(a) arrest, without warrant, any person on those premises to facilitate the issue of a

PFVO, or the making of an application for an FVO, in respect of that person; and

(ab) orally direct any person on the premises to remain on the premises in the company of the police officer, or another police officer stated in the direction, for as long as is reasonably necessary to conduct a search under subsection (3) in respect of that person; and

(b) remain on those premises in order to conduct a risk screening, safety audit or forensic examination with such assistance as is necessary and reasonable in the circumstances.

(2A) If a person is directed to remain on premises under subsection (2)(ab), a police officer may use such force as is reasonably necessary to detain the person and conduct a search under subsection (3).

(3) A police officer who enters premises under subsection (1) may, without warrant –

(a) search any person on those premises whom the officer reasonably suspects of having in his or her possession any object which the police officer reasonably suspects has been used, or may be used, to commit a family violence offence or has been created in the commission of a family violence offence; and

(b) search those premises for the presence of any such object; and

(c) seize and retain any such object.

(4) If a police officer reasonably suspects that a person has committed family violence and in so acting has used or created an object, the officer may, without warrant and using such force as is necessary –

(a) enter any premises on which the officer reasonably suspects that the object may be found; and

(b) search those premises for the object; and

(c) search any person who the officer reasonably suspects has possession of the object; and

(d) seize and retain the object; and

(e) arrest, without warrant, any person on those premises to facilitate the issue of a PFVO, or the making of an application for an FVO, in respect of that person.

(5) Where a police officer reasonably suspects that –

(a) a person has committed, or is likely to commit, family violence; and

(b) the person is in possession or control of a firearm –

the police officer may enter premises, without warrant and using such force as is reasonably

necessary in the circumstances, in order to search for and seize the firearm.

(6) On an application made by a police officer or by any person who claims to be the owner of an object seized and detained under subsection (2A), (3), (4) or (5), a court may order that the object –

(a) be forfeited to the Crown; or

(b) be destroyed; or

(c) be returned to the owner; or

(d) be otherwise disposed of in such manner as the court thinks fit.

(7) If a police officer reasonably suspects that a person has committed family violence, the officer, without warrant and using such force as is reasonably necessary in the circumstances, may –

(a) enter any premises on which the officer reasonably suspects the person may be found; and

(b) search those premises for the person; and

(c) arrest the person.

(7A) For the purpose of exercising his or her powers under this section, a police officer may authorise any other person, including another police officer, to assist the police officer as is necessary in the circumstances.

(7B) A person authorised under subsection (7A) to assist a police officer may use such force as is reasonably necessary in the circumstances to so assist.

(7C) A person must comply with a direction given to the person by a police officer under subsection (2)(ab).

Penalty: Fine not exceeding 80 penalty units.

(8) In this section –

object means any matter, material or thing and includes firearms.

11. Arrest and detention

(1) Where a police officer reasonably suspects that a person has committed family violence, the officer may arrest that person without a warrant.

(2) Subject to subsection (4), a person taken into custody under this section or section 10 must be brought before a court as soon as practicable after being taken into custody unless released unconditionally or under section 34 of the *Justices Act 1959*.

(3) Subject to subsection (4) of this section, section 4 of the *Criminal Law Detention and Interrogation Act 1995* applies to a person taken into custody under subsection (1).

(4) A police officer may detain a person taken into custody under subsection (1) for a period

reasonably required to do any or all of the following:

(a) determine the charge or charges which should be laid in relation to the family violence;

(b) carry out a risk screening or safety audit;

(c) implement the measures identified by a safety audit where it is practical to do so;

(d) make and serve a PFVO or an application for an FVO.

(5) In deciding whether to arrest a person under subsection (1), the police officer is to give priority to the safety, wellbeing and interests of any affected person or affected child.

(6) A police officer may detain a person for a period reasonably required to enable the police officer to determine the status of a *non-local DVO*, as defined in the *Domestic Violence Orders (National Recognition) Act 2016*.

12. Bail

(1) A person charged with a family violence offence is not to be granted bail unless a judge, court or police officer is satisfied that release of the person on bail would not be likely to adversely affect the safety, wellbeing and interests of an affected person or affected child.

(2) Without limiting the matters to be taken into account in considering whether or not to grant

bail to a person, a judge, court or police officer must have regard to the following:

(a) any available risk screening or rehabilitation program assessment;

(b) the person's demeanour;

(c) . . . . . .

(d) the availability of suitable accommodation for the person and any affected person or affected child;

(e) any other matter the judge, court or police officer considers relevant.

(3) Section 34 of the *Justices Act 1959* does not apply to a person charged with an offence under section 35 of this Act.

13. Sentencing factors

When determining the sentence for a family violence offence, a court or a judge –

(a) is to consider any of the following to be an aggravating factor:

(i) the fact that the offender knew, or was reckless as to whether, a child was present or on the premises at the time of the offence;

(ii) the fact that the offender knew, or was reckless as to whether, the affected person was pregnant;

(iii) the fact that the offender is a serial family violence perpetrator; and

(b) must take into account the results of any rehabilitation program assessment undertaken in respect of the offender and placed before the court or judge.

13A. Recording of family violence offences and serial family violence perpetrators

(1) If a person pleads guilty to an offence, or is found guilty of an offence, and the court or judge is satisfied that the offence was a family violence offence, the court or judge is to direct that the offence be recorded on the person's criminal record as a family violence offence.

(1A) If a person is declared to be a serial family violence perpetrator, the court or judge that declares the person to be a serial family violence perpetrator is to direct that the declaration be recorded on the person's criminal record.

(2) A court or judge that directs a recording to be made under this section may, on application or on its, his or her own motion, direct that the record be corrected if the court or judge considers that there is an error in the record.

(3) A record, or a correction of a record, under this section is to be made in the manner, and within the time, determined by the court or judge.

(4) In this section –

criminal record means a record, containing information about the outcome of criminal proceedings, kept by –

(a) a court of this State; or

(b) a Government department or State authority within the meaning of the *State Service Act 2000*; or

(c) a council.

13B. Effect of failure to submit evidence

(1) If –

(a) a person is charged with a family violence offence (the ***first charge***) in a court of summary jurisdiction but is acquitted because the prosecution has informed the court that it will not be offering any evidence in support of the charge; and

(b) the person is charged with another family violence offence (the ***second charge***), whether in a court of summary jurisdiction or on indictment –

that acquittal does not prevent the admission, in a hearing on the second charge, of first charge evidence as evidence of the relationship between the person and another person, tendency evidence or coincidence evidence.

(2) In this section –

coincidence evidence has the same meaning as in the *Evidence Act 2001*;

first charge evidence means evidence that could have been offered by the prosecution in a hearing on the first charge;

tendency evidence has the same meaning as in the *Evidence Act 2001*.

13C. Limited liability of affected person for instigating, &c., breach of protection order

(1) Despite section 73 of the *Justices Act 1959*, an affected person named in an external family violence order, an interim FVO, an FVO, a PFVO or a DVO who –

(a) does any act or makes any omission for the purpose of enabling or aiding a prescribed person to commit a relevant family violence offence in relation to that external family violence order, interim FVO, FVO, PFVO or DVO; or

(b) abets a prescribed person in committing a relevant family violence offence in

relation to that external family violence order, interim FVO, FVO, PFVO or DVO; or

(c) instigates a prescribed person to commit a relevant family violence offence in relation to that external family violence order, interim FVO, FVO, PFVO or DVO –

may only be taken to be guilty, found guilty or convicted, in accordance with that section, of that relevant family violence offence if the affected person knew, or ought to have known, that his or her conduct in so enabling, aiding, abetting or instigating the commission of that relevant family violence offence by the prescribed person could reasonably be expected to place an affected child named in the order in a position of risk.

(2) In this section –

DVO has the same meaning as in the *Domestic Violence Orders (National Recognition) Act 2016*;

position of risk means a position where –

(a) the affected child named in the external family violence order, interim FVO, FVO, PFVO or DVO referred to in subsection (1) might witness family violence; or

(b) the safety, psychological wellbeing or interests of such an

affected child might be affected by family violence;

prescribed person means the person against whom the external family violence order, interim FVO, FVO, PFVO or DVO referred to in subsection (1) is made;

relevant family violence offence means an offence consisting of the contravention of the external family violence order, interim FVO, FVO, PFVO or DVO referred to in subsection (1).

PART 3 – POLICE FAMILY VIOLENCE ORDERS

14. Police family violence orders

(1) Subject to section 14(2) of the *Domestic Violence Orders (National Recognition) Act 2016*, a police officer of the rank of sergeant or above, or authorised by the Commissioner of Police, may make a PFVO and issue it to a person if the officer is satisfied that the person has committed, or is likely to commit, a family violence offence.

(2) The PFVO must be served on the person to whom it is issued and a copy sent to the Chief Clerk of Petty Sessions.

(3) A PFVO may require the person to whom it is issued to do any or all of the following:

(a) vacate any premises, whether or not that person has a legal or equitable interest in the premises;

(b) not enter any premises or only enter premises on certain conditions, whether or not that person has a legal or equitable interest in the premises;

(c) surrender any firearm or other weapon;

(d) refrain from harassing, threatening, verbally abusing or assaulting an affected person, affected child or other person named in the order;

(e) not approach, within a specified distance, an affected person, an affected child, other person named in the order or certain premises;

(f) refrain from contacting an affected person, affected child or other person named in the order directly or indirectly or otherwise than under specified conditions;

(g) refrain from engaging in any other conduct specified in the order that constitutes, or may constitute, family violence.

(4) The affected person is to inform the issuing officer of any relevant Family Court order.

(5) The terms of a PFVO are to take account of any relevant Family Court order of which the issuing officer is aware.

(6) Unless sooner revoked, varied or extended, a PFVO operates from the date of service for such period, not exceeding 12 months, as may be specified in the PFVO.

(7) A police officer of the rank of inspector or above may vary a PFVO where –

(a) the affected person and the person against whom it is made consent to the variation; and

(b) the variation will not adversely affect the safety and interests of the affected person or any affected child.

(8) A PFVO is revoked by the issue and service of an FVO or interim FVO in respect of the same parties.

(9) Subject to subsection (10), a court may vary, extend or revoke a PFVO on the application of a police officer, an affected person, the person to whom it is issued or any other person to whom leave is granted, at any time during its operation.

(9A) If an application is made under subsection (9) to vary, extend or revoke a PFVO under this section, the court may make an interim FVO as set out in section 23.

(10) Where a person has applied to have a PFVO varied or revoked and the application has been dismissed, any subsequent application under subsection (9) may only be made with the leave of the court.

(11) The court is not to grant leave under subsection (10) unless satisfied that there has been a substantial change in the relevant circumstances since the order was made.

(12) In determining an application under subsection (9), a court may make any order which may be made under Part 4.

(13) A PFVO which has been varied or extended by a court is taken to be an FVO.

(14) A variation, extension or revocation of a PFVO takes effect from the date of service.

(15) A PFVO –

(a) suspends, for the period during which the order is in force, any licence or other permit relating to the possession of a firearm by the person to whom the order is issued; and

(b) prohibits the person from applying for, or being granted or issued, any such licence or other permit during that period.

PART 4 – FAMILY VIOLENCE ORDERS

15. Application for FVO

(1) An application for an FVO is to be made to a court.

(2) An application may be made by –

(a) a police officer; or

(b) an affected person; or

(c) an affected child, if the court is satisfied that the child is capable of understanding the nature of the proceedings; or

(d) any other person to whom leave to apply is granted by a court.

(3) If an application is made by or on behalf of a child, a copy of the application is to be sent to the Secretary of the responsible Department in relation to the *Children, Young Persons and Their Families Act 1997*.

(4) An application for an FVO is to include information of any relevant Family Court order, or of any pending application for a relevant Family Court order, of which the applicant or affected person is aware.

16. Family violence orders

(1) A court may make an FVO if satisfied, on the balance of probabilities, that –

(a) a person has committed family violence; and

(b) that person may again commit family violence.

(2) An FVO may include such conditions as the court considers are necessary or desirable to prevent the commission of family violence against an affected person or to protect any other person named in the order.

(3) Without limiting the nature of the conditions which may be included in an FVO, the court may require the person against whom the FVO is to be made to do one or more of the following:

(a) vacate premises, not enter premises, or only enter premises on certain conditions, whether or not that person has a legal or equitable interest in the premises;

(b) not possess firearms specified in the order or forfeit or dispose of any firearms in his or her possession;

(c) submit to being electronically monitored by wearing and not removing, or always carrying, an electronic device which allows –

(i) the Commissioner of Police; or

(ii) a police officer, State Service officer, State Service employee or other person, or a person of a

class of persons (whether police officers, State Service officers, State Service employees or other persons), authorised by the Commissioner of Police –

to find or monitor the geographical location of the person;

(d) attend and participate in a rehabilitation program and in doing so comply with the reasonable directions of a person employed or engaged to conduct the program.

(3A) Before including a condition in an FVO under subsection (3)(d), the court must –

(a) make an order that a rehabilitation program assessment be undertaken in respect of the person and provided to the court by the Director of Corrective Services or any other person; and

(b) satisfy itself that the person is eligible to participate in the rehabilitation program; and

(c) satisfy itself that the rehabilitation program is available for the person to participate in at a suitable place and time.

(3B) If the court includes in an FVO a condition of the kind referred to in subsection (3)(d), the court may require the person against whom the FVO is to be made to, whilst attending and participating in the rehabilitation program, report

to a person nominated by the Director of Corrective Services at such reasonable times and places as are determined by the Director of Corrective Services.

(4) Despite subsections (2) and (3), the court may only include in an FVO a condition of the kind referred to in subsection (3)(c) –

(a) on the application of a police officer who is presenting the case for the applicant for the FVO or, in any other case, the Commissioner of Police; and

(b) if the court is satisfied that the person to be electronically monitored –

(i) previously has been found guilty of a family violence offence; or

(ii) currently is charged with a family violence offence; or

(iii) has a history of committing family violence.

17. Issue of replacement residential tenancy agreement

(1) In this section –

original agreement means a residential tenancy agreement in relation to residential premises referred to in subsection (2);

replacement agreement means a residential tenancy agreement established under subsection (1A)(b) or (c).

(1A) If the person against whom an FVO is to be made is a tenant of residential premises occupied by an affected person, a court may make an order under section 16 to –

(a) terminate the original agreement; or

(b) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the affected person and any other party who was a party to the terminated agreement, other than the person against whom the FVO is to be made; or

(c) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the person against whom the FVO is to be made and any other party who was a party to the terminated agreement, other than the affected person.

(2) A replacement agreement is to have the same terms and conditions, other than the names of the tenants, as the original agreement.

(3) Where the original agreement was for a fixed term, the date of expiry of the replacement agreement is to be the same as that of the original agreement.

(3A) Where a court has made an order terminating a residential tenancy agreement and establishing a new residential tenancy agreement and a security deposit has been paid as required under the *Residential Tenancy Act 1997* in respect of the original agreement, the court may make an order stating that the deposit in respect of the original agreement is the security deposit in respect of the replacement agreement.

(3B) If an order is made under subsection (3A) –

(a) the owner of the residential property may not require any further security deposit in respect of the replacement agreement; and

(b) no disbursement or refund of the security deposit is payable under the *Residential Tenancy Act 1997* on the termination of the original agreement; and

(c) on the termination of the replacement agreement, the security deposit is to be disbursed or refunded as if it were the termination of the original agreement.

(4) Before an order is made under this section, any person having an interest in the residential premises is entitled to appear and be heard in relation to the matter.

18. Matters to be considered in making FVO

(1) In making an FVO, a court –

(a) must consider the safety and interests of the person for whose benefit the order is sought and any affected child to be of paramount importance; and

(b) must consider whether contact between the person for whose benefit the order is sought, or the person against whom the FVO is to be made, and any child who is a member of the family of either of those persons is relevant to the making of the FVO; and

(c) must consider any relevant Family Court order of which the court has been informed.

(2) An FVO is not invalid merely because –

(a) the applicant fails to inform the court of any relevant Family Court order, or of any pending application for a relevant Family Court order; or

(b) the court fails to consider access or any relevant Family Court order as required by subsection (1).

19. Period of FVO

An FVO remains in force –

(a) for such period as the court considers necessary to ensure the safety and interests of the person for whose benefit the order is made; or

(b) until an order is made revoking the FVO.

20. Variation, extension and revocation of FVO

(1) A person who may make an application for an FVO or a person against whom an FVO has been made may at any time apply to a court for a variation, extension or revocation of the FVO.

(2) An application referred to in subsection (1) may only be made with the leave of the court.

(3) The court is not to grant leave under subsection (2), in respect of the variation or revocation of an FVO, unless satisfied that there has been a substantial change in the relevant circumstances since the order was made or last varied.

(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.

(4) Section 18 applies to the variation, extension or revocation of an FVO in the same manner as it applies to the making of an FVO.

21. Issue of warrants in respect of application

(1) A court may issue a warrant for the arrest of the person against whom an FVO is sought if the court is of the opinion that it is a case of urgency and there is sufficient cause to do so.

(2) Where a court issues a warrant for the arrest of a person under subsection (1) and an application for an FVO has not been filed at the time the warrant is issued, the application is to be filed as soon as practicable after the warrant is issued.

22. FVO by consent

(1) A court may make an FVO in terms consented to by the parties.

(2) In making an FVO by consent, the court may record that the person against whom the order is made does not admit any of the matters alleged in the application for that order.

23. Court may make interim order

(1) At any stage during proceedings under this Part, a court may make an interim FVO, whether or not it is satisfied of the matters set out in section 16(1).

(1A) If an application is made under section 14(9) to vary, extend or revoke a PFVO, the court may make an interim FVO, whether or not it is satisfied of the matters set out in section 14(1).

(2) An interim FVO is revoked –

(a) when an FVO in respect of the same parties takes effect; or

(b) on a date ordered by the court –

whichever is the earlier.

(3) An interim FVO may be varied or extended at any time until the relevant application under section 14 or 15 has been determined.

(4) An interim FVO may be made, varied or extended in the absence of the person against whom it is made.

24. Alternative orders

If a court hearing an application under this Part is not satisfied of the matters set out in section 16(1) it may, if satisfied of the matters set out in section 106B(1) of the *Justices Act 1959*, make an order in accordance with Part XA of that Act.

25. When order takes effect

(1) An FVO takes effect –

(a) if the respondent to the application is present before the court when the FVO is made, on the making of the FVO; or

(b) if the respondent to the application is not present before the court when the FVO is made, when the respondent is served personally with the FVO or a copy of it.

(2) In this section –

FVO includes –

(a) a variation or extension of an FVO; and

(b) an interim FVO; and

(c) a variation or extension of an interim FVO.

25A. Powers of court to remand in custody, admit to bail, &c.

(1) If for any reason the proceedings in respect of an application for an FVO are adjourned, a court may decide to –

(a) remand the respondent to the application in custody and issue a warrant accordingly; or

(b) admit the respondent to the application to bail; or

(c) issue a summons to the respondent to the application ordering the respondent to appear before a court at a time and place, mentioned in the summons, to which the proceedings are adjourned.

(2) In making a decision under subsection (1), the court must consider the safety and interests of the respondent's spouse or partner, and any affected child, to be of paramount importance.

(3) If a court remands a respondent to an application for an FVO in custody in accordance with subsection (1)(a), the court is to –

(a) specify in the warrant –

(i) that the respondent is to be kept in custody for a period not exceeding 28 days at any one time; and

(ii) the date the respondent is to be brought before the court; and

(b) inform the respondent of the matters specified in the warrant in accordance with paragraph (a).

(4) The period for which a respondent to an application for an FVO may be admitted to bail in accordance with subsection (1)(b) must not exceed 60 days.

26. Application for registration of external family violence order

(1) A person may apply to the Clerk of Petty Sessions for the registration of an external family violence order.

(2) An application is to –

(a) be in a form approved by the Chief Magistrate; and

(b) be accompanied by a copy of the external family violence order; and

(c) be accompanied by such evidence of effective service of the external family violence order on the person against whom it was made as the Clerk considers appropriate.

27. Registration of external family violence order

(1) On receipt of an application under section 26, the Clerk of Petty Sessions must –

(a) register the external family violence order to which the application relates; or

(b) refer that external family violence order to the court for adaptation and modification.

(2) On the referral of an external family violence order, the court may –

(a) vary the period during which the order has effect in its operation in this State; and

(b) make such other adaptations and modifications to the order as it considers necessary or desirable for its effective operation in this State.

(3) The Clerk of Petty Sessions must register an external family violence order which has been adapted and modified under subsection (2).

(4) On registering an external family violence order, the Clerk of Petty Sessions must provide the Commissioner of Police with a copy of the registered external family violence order.

(5) Notice of the registration of an external family violence order is not to be served on the person against whom the order was made except where

the person who applied for registration has consented to that service.

(6) A registered external family violence order is registered for the period during which the order, or the order as adapted and modified, is in force.

28. Effect of registration of external family violence order

An external family violence order which has been registered under section 27(1) or (3) –

(a) has the same effect as an FVO made under this Part; and

(b) may be enforced against a person as if it were an FVO made under this Part and personally served on that person.

29. Variation, &c., of registered external family violence order

(1) A prescribed person may apply for a variation, extension or revocation of an external family violence order registered under section 27.

(2) Section 20 applies to an application to vary, extend or revoke a registered external family violence order as if it were an application made under that section.

(3) A registered external family violence order varied or extended under this section is registered for the period during which the order as varied or extended has effect in this State.

(4) In this section –

prescribed person means –

(a) a person who applied for the registration of an external family violence order; or

(b) a person for whose benefit a registered external family violence order has been made; or

(c) a person against whom a registered external family violence order has been made; or

(d) a person whom the court has granted leave to make an application under this section.

PART 4A – DECLARATION OF SERIAL FAMILY VIOLENCE PERPETRATOR

29A. Court or judge may declare offender to be serial family violence perpetrator

(1) This section applies to a court or a judge before whom an offender is –

(a) convicted of a family violence offence; or

(b) brought up for sentence after being convicted of a family violence offence.

(2) The court or judge is to declare the offender to be a serial family violence perpetrator if –

(a) the offender has attained the age of 18 years; and

(b) the offender has –

(i) on that conviction, been convicted of at least 2 indictable family violence offences, with at least 2 of those offences being committed on different days; or

(ii) on that conviction, been convicted of at least 3 family violence offences, whether indictable or summary, with at least 3 of those offences being committed on different days; or

(iii) on that conviction or a previous conviction, been convicted of persistent family violence under section 170A of the *Criminal Code*; and

(c) the court or judge is of the opinion that the declaration is warranted.

(3) In determining under subsection (2)(c) whether to declare an offender to be a serial family violence perpetrator, the court or judge is to have regard to the following:

(a) the nature and circumstances of the family violence offences referred to in subsection (2);

(b) the risk that the offender may commit further family violence offences;

(c) the offender's antecedents and character;

(d) any other matter that the court or judge considers relevant.

(4) For the purposes of subsection (2), each of the family violence offences taken into account must have been committed within the 10-year period immediately preceding the declaration, unless the court or judge is satisfied that exceptional circumstances exist that make it appropriate to make a declaration under this section.

(5) In determining under subsection (4) whether exceptional circumstances exist, the court or

judge may have regard to any or all of the following:

(a) the level of risk that the offender may commit another family violence offence;

(b) the offender's antecedents and character;

(c) the nature of the family violence offences for which the offender has been convicted;

(d) any other matter that the court or judge considers relevant.

(6) The court or judge –

(a) may order the Director of Corrective Services or any other person to prepare and provide to the court or judge a report in relation to the risk of the offender committing further family violence offences or any other matters that the court or judge specifies in the order; and

(b) may have regard to the report for the purpose of determining under subsection (2)(c) whether to declare an offender to be a serial family violence perpetrator.

(7) The court or judge is to provide –

(a) the prosecution with a copy of a report that is provided to the court or judge in accordance with an order under subsection (6), other than a report

provided to the court or judge by the prosecution; and

(b) the offender with a copy of a report in relation to the offender that is provided to the court or judge in accordance with an order under subsection (6).

29B. Duration of declaration

The declaration of an offender as a serial family violence perpetrator remains in force for such period not exceeding 5 years as the court or judge determines.

29C. Making of orders if declaration

(1) If a court or judge declares an offender to be a serial family violence perpetrator, the court or judge, in addition to that declaration –

(a) is to make an FVO order if satisfied on the balance of probabilities as to the matters set out in section 16(1); and

(b) may make any other order under this Act which the court or judge may make.

(2) A court or judge may, for the purposes of subsection (1)(a), order the Commissioner of Police or any other person to provide the court or judge with an assessment of the suitability of a person for electronic monitoring for the purposes of subsection (1)(b).

29D. Review of declaration of serial family violence perpetrator

(1) The DPP may make an application to a court or judge (***a review application***) for a review of a declaration of an offender as a serial family violence perpetrator.

(1A) A police officer of the rank of sergeant or above, or a person authorised by the Commissioner of Police, may make an application to a court or judge (***a review application***) for a review of a declaration, made by a magistrate, of an offender as a serial family violence perpetrator.

(2) An offender may make an application to a court or judge (***a review application***) for a review of a serial family violence declaration on the grounds that exceptional circumstances apply in relation to the offender.

(3) A review application is to be in writing.

(4) A copy of –

(a) a review application under subsection (1) or subsection (1A) is to be served on the offender to whom the declaration relates; and

(b) a review application under subsection (2) is to be served on the following persons:

(i) if the review application is made in relation to a declaration made by a judge, the DPP;

(ii) if the review application is made in relation to a declaration made by a magistrate, the Commissioner of Police.

(5) A review application may be withdrawn or discontinued by leave of the court or a judge.

(6) On a review application in relation to the declaration of an offender as a serial family violence perpetrator, the court or judge may, after taking into account the matters that would be taken into account by a court or judge under section 29A(3) when determining whether to make such a declaration –

(a) make an order discharging the declaration if satisfied that the declaration need no longer apply; or

(b) in the case of a review application under subsection (1), make an order extending the duration of the declaration if satisfied that the duration of the declaration should be extended; or

(c) refuse to make an order under paragraph (a) or (b).

(7) The duration of a serial family violence declaration may be extended by a court or judge under subsection (6)(b) for such period not exceeding 5 years as the court or judge determines.

(8) A review application under this section may not be made to an inferior court of criminal

jurisdiction to the court that made the declaration.

(9) The discharge of a declaration in relation to an offender does not affect a sentence of imprisonment imposed on the offender.

29E. Review of Part 4A

(1) The Minister must cause a review of the operation of this Part to be undertaken and completed as soon as practicable after the fifth anniversary of the commencement of this Part.

(2) The person who undertakes the review must provide a written report of the review to the Minister as soon as practicable after the review is completed.

(3) The Minister must cause the written report of the review to be laid before each House of Parliament within 10 sitting-days after the report is provided to the Minister.

PART 5 – MISCELLANEOUS

30. Forms of FVO, PFVO and applications

An FVO, a PFVO or an application under this Act is to be in a form approved by the Chief Magistrate.

31. Procedure in relation to hearing and determining applications

(1) Except as otherwise provided by this Act or ordered by a court –

(a) an application under Part 3 or 4 is to be heard and determined –

(i) in open court; and

(ii) in the same manner, as nearly as practicable, as a complaint for a simple offence; and

(b) a person who makes an application under Part 3 or 4 is to be treated, as nearly as practicable, as a complainant.

(2) At the hearing of an application under Part 3 or 4, the following persons may conduct the applicant's or respondent's case and examine and cross-examine witnesses:

(a) the applicant or respondent;

(b) an Australian legal practitioner representing the applicant or respondent;

(c) a police officer representing the applicant or respondent;

(d) any other person to whom the court grants leave for that purpose.

(2A) At the hearing of an application made by a person other than a police officer –

(a) under Part 3; or

(b) under Part 4, in respect of an FVO which was made on the application of a police officer –

the Commissioner of Police –

(c) is taken to be a party; and

(d) may make submissions for or against the application; and

(e) may examine and cross-examine witnesses.

(2B) Despite this section, section 8A of the *Evidence (Children and Special Witnesses) Act 2001* applies in respect of the cross-examination of a witness who is the alleged victim of any prescribed proceeding, as defined in that Act, for a family violence offence to which an application under Part 3 or 4 relates.

(3) If the applicant is a child, he or she must be represented by a police officer, an Australian legal practitioner or a nominee of the Secretary of the responsible Department in relation to the

Children, Young Persons and Their Families Act 1997.

(4) If a police officer could, if available as a witness, give direct oral evidence of a fact in his or her professional capacity in the hearing of an application under Part 3 or 4, the statutory declaration of the police officer in relation to that fact and made in support of the application is, subject to subsection (5), admissible as evidence of the fact in the hearing, notwithstanding that the police officer may be available as a witness.

(5) A statutory declaration referred to in subsection (4) is not admissible as evidence in the hearing of an application under Part 3 or 4 if the court, having regard to all the circumstances, is of the opinion that the representation in the statutory declaration ought not to be admitted without being tested by cross-examination.

(6) The representation of a medical practitioner in a document tending to establish a fact is admissible as evidence of the fact in the hearing of an application under Part 3 or 4, notwithstanding that the medical practitioner may be available as a witness, if–

(a) the medical practitioner, in his or her professional capacity, could give direct oral evidence of the fact in the hearing; and

(b) the court, having regard to all the circumstances, is of the opinion that justice does not require that the

representation be tested by cross-examination.

(7) If the court hearing an application under Part 3 or 4 is satisfied that –

(a) a sealed copy of the application has been served on the respondent to the application; or

(b) reasonable attempts have been made to serve a sealed copy of the application on the respondent –

the court may proceed in the absence of the respondent and may –

(c) make the FVO sought in the application or such other order as the court considers necessary; or

(d) issue a warrant for the arrest of the respondent.

(8) At any time in proceedings under Part 3 or 4, the court may determine that it is appropriate that those proceedings be heard and determined by the Magistrates Court (Youth Justice Division) or the Magistrates Court (Children's Division) and may transfer the proceedings to that court.

(9) If proceedings are transferred to the Magistrates Court (Youth Justice Division) or the Magistrates Court (Children's Division) under subsection (8), that court has jurisdiction to hear and determine those proceedings.

32. Restriction of publication of names of parties, &c.

(1) Where it appears to a court that in the interests of the administration of justice it is desirable to prohibit the publication of any material relating to proceedings before the court under this Act or under the *Domestic Violence Orders (National Recognition) Act 2016*, the court may, either before or during the course of the proceedings or after the proceedings, make an order forbidding the publication of that material.

(2) A person must not publish any material that is forbidden to be published under subsection (1).

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 3 months.

(3) A person must not publish any material relating to proceedings under this Act which may disclose the identity of an affected child.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 3 months.

(4) The publication of any reference, or allusion, to any material which is forbidden to be published under subsection (1) or subsection (3) is taken to be a publication of the material, if that reference or allusion is, in the opinion of the court, intended, or is sufficient, to disclose that material.

33. Orders subject to Family Court order

An FVO, an interim FVO, an external family violence order and a PFVO operate subject to any Family Court order.

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 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.

35. Contravention of FVO or PFVO

(1) A person who contravenes an FVO, PFVO or interim FVO, as made, varied or extended, is guilty of an offence and is liable on summary conviction to –

(a) in the case of a first offence, a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 12 months; or

(b) in the case of a second offence, a fine not exceeding 30 penalty units or to imprisonment for a term not exceeding 18 months; or

(c) in the case of a third offence, a fine not exceeding 40 penalty units or to imprisonment for a term not exceeding 2 years; or

(d) in the case of a fourth or subsequent offence, to imprisonment for a term not exceeding 5 years.

(2) For the purposes of this section, a previous offence means any contravention of an FVO, PFVO or interim FVO, regardless of whether the order was made for the protection of the same affected person.

(3) In any proceedings for an offence under this section, an allegation in the complaint is evidence that –

(a) an FVO, PFVO or interim FVO has been made against the person charged with the offence; and

(b) the order was in force at the time of the alleged contravention; and

(c) the requirement or condition alleged to have been contravened formed part of that FVO, PFVO or interim FVO.

(4) For the purposes of this section, an FVO includes an external family violence order registered under section 27.

(5) If a person who is fined under this section was a party to proceedings in which an order under section 32 was made, the court imposing the fine

must advise the Director, MPES of that order at the time of referring the order imposing the fine to the Director, MPES for collection.

36. Power to make orders at hearing of complaint for offence

Where, in proceedings for a family violence offence, the court or a judge is satisfied on the balance of probabilities as to the matters set out in section 16(1), the court or judge may make an order under this Act in addition to any other order which the court or judge may make.

37. Information sharing

A personal information custodian, within the meaning of the *Personal Information Protection Act 2004*, acting in good faith, does not commit a breach of that Act by reason only of collecting, using, disclosing or otherwise dealing with personal information for the purpose of furthering the objects of this Act.

[s 38 not commenced]

38. Informing of concern about family violence

(1) In this section –

***prescribed person** means –*

(a) a registered medical practitioner; and

(b) a nurse, within the meaning of the Nursing Act 1995; and

(c) a person who is registered as a dentist, dental therapist or dental hygienist under the Dental Practitioners Registration Act 2001; and

(d) a registered psychologist, within the meaning of the Psychologists Registration Act 2001; and

(e) a police officer; and

(f) a correctional officer or probation officer appointed or employed under section 5 of the Corrections Act 1997; and

(g) a principal or a teacher in any educational institution (including a kindergarten); and

(h) a person who provides child care, or a child care service, for fee or reward; and

(i) a person concerned in the management of a child care service licensed under the Child Care Act 2001; and

(j) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows, that family violence involving the use of a weapon, sexual violence or physical violence, or where a child is affected, has occurred or is likely to occur, the prescribed person must inform a police officer as soon as practicable.

Penalty: Fine not exceeding 20 penalty units.

(3) Whether a person informs a police officer under subsection (2) verbally or in writing, the person must include in the information his or her name and address and a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based.

(4) It is a defence in proceedings for an offence under subsection (2) if the person charged establishes that he or she honestly and reasonably believed that a police officer had been informed by another person of the relevant belief, suspicion or knowledge.

39. Protection from liability for voluntary or mandatory information

A person who (whether voluntarily or as required by section 38) informs a police officer that he or she believes, reasonably suspects or knows that family violence involving the use of a weapon, sexual violence or physical violence, or where a child is affected, has occurred or is

likely to occur, or who provides any further information to a police officer in respect of such belief, suspicion or knowledge –

(a) cannot, by virtue of doing so, be held to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and

(b) insofar as he or she has acted in good faith, incurs no civil or criminal liability in respect of –

(i) so informing a police officer; or

(ii) the provision of further information.

39A. . . . . .

40. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to any matter, condition, limitation, restriction, exception or circumstance specified in the regulations.

(3) The regulations may –

(a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

(4) The regulations may –

(a) authorise any matter to be determined, applied or regulated by a specified person or body; and

(b) confer a power or impose a duty on a specified person or class of persons.

(5) The regulations may adopt or incorporate, with or without modification, the whole or part of any standard, rule, code, specification or guidelines, as amended from time to time issued, prescribed, made or published by any person or body before or after the regulations take effect.

41. Administration

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Justice and Industrial Relations; and

(b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

42. Transitional provisions

Where a restraint order, an interim restraint order, a telephone interim restraint order or a registered external restraint order, all within the meaning of Part XA of the *Justices Act 1959*, has been made under that Part –

(a) before the commencement of section 35; and

(b) for the benefit of the spouse or partner of the person against whom the order was made –

any contravention of that order that occurs after the commencement of this Part is to be dealt with as an offence under section 35.

43. Review of Act

A review into the provisions of this Act including an investigation of the effectiveness of its mechanisms will be conducted by the Minister and tabled in Parliament within 3 years of the commencement of the Act.

44. *See Schedule 1.*

SCHEDULE 1

The amendments effected by Section 44 and this Schedule have been incorporated into authorised versions of the following Acts:

(a) *Bail Act 1994*;

(b) *Children, Young Persons and Their Families Act 1997*;

(c) *Criminal Code Act 1924*;

(d) *Evidence (Children and Special Witnesses) Act 2001*;

(e) *Evidence Act 2001*;

(f) *Firearms Act 1996*;

(g) *Justices Act 1959*;

(h) *Police Offences Act 1935*;

(i) *Residential Tenancy Act 1997*;

(j) *Sentencing Act 1997*;

(k) *Youth Justice Act 1997*.

NOTES

The foregoing text of the *Family Violence Act 2004* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
Family Violence Act 2004	No. 67 of 2004	30.3.2005 The Act, except s. 38
Family Violence Amendment Act 2005	No. 63 of 2005	9.12.2005
Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007	No. 72 of 2007	28.4.2008
Legal Profession (Miscellaneous and Consequential Amendments) Act 2007	No. 66 of 2007	31.12.2008
Residential Tenancy Amendment Act 2005	No. 59 of 2005	1.7.2009
Health Practitioner Regulation National Law (Tasmania) (Consequential Amendments) Act 2010	No. 3 of 2010	1.7.2010
Education and Care Services National Law (Application) (Consequential Amendments) Act 2011	No. 39 of 2011	1.1.2012
Family Violence Amendment Act 2015	No. 32 of 2015	6.10.2015
Family Violence Reforms Act 2017	No. 6 of 2017	28.4.2017
Domestic Violence Orders (National Recognition) Act 2016	No. 29 of 2016	25.11.2017
Family Violence Amendment Act 2017	No. 50 of 2017	12.12.2017
Family Violence Reforms Act 2018	No. 26 of 2018	10.12.2018
Residential Tenancy Amendment Act 2018	No. 38 of 2018	31.3.2019
Criminal Code Amendment (Bullying) Act 2019	No. 34 of 2019	8.10.2019
Family Violence Reforms Act 2022	No. 21 of 2022	22.12.2022 (ss. 3, 4(b), 5, 8, 11) 30.6.2024

Act	Number and year	Date of commencement
		(s. 4(a),(c),(d),(e), ss. 6, 7, 9, 10)
Family Violence Amendment (Protecting People and Their Pets) Act 2024	No. 30 of 2024	13.12.2024
Family Violence Amendment Act 2025	No. 5 of 2025	16.4.2025
Justice and Related Legislation (Miscellaneous Amendments) Act 2026	No. 25 of 2026	20.11.2026
Family Violence Act 2004	No. 67 of 2004	not commenced (s. 38)
Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019	No. 44 of 2019	not commenced

TABLE OF AMENDMENTS

Provision affected	How affected
Section 4	Amended by No. 72 of 2007, Sched. 1, No. 29 of 2016, Sched. 1 and No. 21 of 2022, s. 4
Section 7	Amended by No. 32 of 2015, s. 4, No. 34 of 2019, s. 9 and No. 21 of 2022, s. 5
	Substituted by No. 30 of 2024, s. 4
Section 9A	Inserted by No. 32 of 2015, s. 5
Section 10	Amended by No. 32 of 2015, s. 6
Section 11	Amended by No. 29 of 2016, Sched. 1
Section 12	Amended by No. 32 of 2015, s. 7
Section 13	Amended by No. 21 of 2022, s. 6
Section 13A	Inserted by No. 6 of 2017, s. 8
	Amended by No. 50 of 2017, s. 4 and No. 21 of 2022, s. 7
Section 13B	Inserted by No. 50 of 2017, s. 5
Section 13C	Inserted by No. 50 of 2017, s. 5
Section 14	Amended by No. 32 of 2015, s. 8, No. 29 of 2016, Sched. 1 and No. 21 of 2022, s. 8
Section 16	Amended by No. 50 of 2017, s. 6 and No. 21 of 2022, s. 9
Section 17	Amended by No. 59 of 2005, s. 16 and No. 38 of 2018, s. 11
Section 20	Amended by No. 5 of 2025, s. 4
Section 23	Amended by No. 32 of 2015, s. 9
Section 25A	Inserted by No. 32 of 2015, s. 10
Section 26	Amended by No. 32 of 2015, s. 11
Section 27	Amended by No. 32 of 2015, s. 12
Part 4A	Inserted by No. 21 of 2022, s. 10
Section 29A	Inserted by No. 21 of 2022, s. 10
Section 29B	Inserted by No. 21 of 2022, s. 10
Section 29C	Inserted by No. 21 of 2022, s. 10
Section 29D	Inserted by No. 21 of 2022, s. 10

Provision affected	How affected
	Amended by No. 25 of 2026, s. 13
Section 29E	Inserted by No. 21 of 2022, s. 10
Section 31	Amended by No. 63 of 2005, s. 4, No. 66 of 2007, Sched. 1, No. 3 of 2010, Sched. 1 and No. 26 of 2018, s. 11
Section 32	Amended by No. 32 of 2015, s. 13 and No. 29 of 2016, Sched. 1
Section 34	Substituted by No. 5 of 2025, s. 5
Section 35	Amended by No. 72 of 2007, Sched. 1
Section 39A	Inserted by No. 50 of 2017, s. 7
	Repealed by No. 21 of 2022, s. 11