



**DOMESTIC
VIOLENCE
NSW**

Submission on the re- design of the Domestic Violence Disclosure Scheme

**Prepared by DVNSW
October 2018**

About Domestic Violence NSW

Domestic Violence NSW Inc (DVNSW) is the peak body for specialist domestic and family violence services in NSW. DVNSW provides a representative and advocacy function for specialist services and the women, families and communities they support.

DVNSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all.

DVNSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

DVNSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams. DVNSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy advice to multiple departments in the NSW Government on prevention and response. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia.

We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners in the sector that underpin our policy development. DVNSW thanks the specialist services and practitioners who have developed best practice over decades of working with women and children and shared their expertise with us. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

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Summary:

DVNSW has a number of concerns about the design and implementation of the NSW DVDS which have consistently been shared with NSW Government throughout the process of the development of the NSW Domestic Violence Disclosure Scheme and through the process of the development of the final report on the pilot by Urbis.

Broadly our concerns broadly are:

- Domestic and family violence is significantly under-reported, particularly in some communities where there is a mistrust of government or non-government agency interventions.
- For this reason, many perpetrators who have a history of using serious violence and abuse in a number of relationships may not meet the disclosure threshold or have a formal record of history of abuse.
- Limited disclosure or a non-disclosure under a DVDS might give a false sense of security.
- There is strong potential for the DVDS to shift responsibility from the perpetrator or person using violence to the victim-survivor
- DVNSW strongly advocates for more funding to specialist DFV services for further development of the model and the expertise of specialist NGOs that are already using the scheme be incorporated into ongoing development

DVNSW recommendations on redesign of the NSW Domestic Violence Disclosure Scheme:

1. That serious consideration and further evaluation of the effectiveness of the NSW DVDS is undertaken prior to any further rollout.
2. That an expansion of the evidence base be prioritised and rigorous research methodology be built in to the redesign plan and that this be undertaken by an academic institute that has significant expertise in the DFV field
3. That an expanded group of peak experts be convened to provide advice on the design, evaluation, monitoring and expansion of the DVDS – including the current EAG members and WLS NSW, NTV, Women's Health NSW, WDVCS Inc, PWDA and ACON.
4. That this group meet with the services delivering DVDS to hear their experiences of the scheme and in particular support needs of clients.
5. That ongoing support be fully resourced for clients accessing the scheme whether or not a disclosure is made.
6. That the immediate and ongoing safety of applicants be placed at the centre of any further redesign
7. That an ongoing formal relationship between NSW and SA government bureaucrats working on the DVDS in both jurisdictions be formed to ensure learnings from both systems are integrated.
8. That NSW Police gather data on the DVDS
9. That the Queensland Law Reform Commission's report and recommendations be considered in any further redesign of the system.
10. That victim-survivors who are not the primary applicant (ie Third party applications) be contacted only once to ask for consent to proceed.

Section	Comments <i>Please provide section and/or page numbers where relevant</i>
1. Background	
1.1 Pilot scheme	
1.2 DVDS Evaluation and Crisis Assistance Service Review	
1.3 Redesign of the DVDS	
2 Case for change	
3 Major Elements of the DVDS	
3.1 Overview of the DVDS	
3.2 Proposed application process	
3.3 Scope	
3.4 Primary person applications	
3.5 Third party applications	Support third party applications with primary person's consent as this respects the autonomy of the person experiencing DFV and is a strengths based approach.
3.6 Application process	Support that the applications will no longer be made at police stations as this is a barrier for many people. DVNSW supports the move to online applications (with mandatory assistance from the specialist NGO support service via phone or preferably in person) as this is more accessible -especially for those in remote or rural areas and diverse groups.
3.7 Verification of information, DVSA, and iASK applications	
3.8 NSW Police Force criminal history and ADVO checks	DVNSW strongly supports the expansion of the disclosure threshold for conducting the criminal history and ADVO checks to include provisional, interim and final ADVOs, proven DFV-related offences where no conviction was recorded and a refusal of firearms licence or permit. This recognises the complex and ongoing nature of DFV and the barriers to both reporting and obtaining a conviction for DFV offences. DVNSW appreciates that obtaining an interstate conviction may be too resource intensive, however this would provide further protection for victims. We note that in South Australia where a similar pilot scheme has been introduced, where possible relevant interstate convictions will be disclosed. DVNSW strongly supports expansion to disclosures around refusal of a firearms licence or permit, as this also indicates a safety risk.
3.9 Application outcome meeting	
3.10 Referrals and support	
4 Next steps	
5 Acronyms and definitions	

Appendix A – Summary of DVDS redesign elements	
Appendix B – Proposed DVDS application process	