



Council of Social Service of New South Wales

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To whom it may concern

Domestic Violence Disclosure Scheme (DVDS) Discussion Paper

The Council of Social Service of NSW (NCOSS) welcomes the opportunity to provide comment on the Domestic Violence Disclosure Scheme (DVDS) being introduced by the NSW Government.

NCOSS members and stakeholders consistently note the negative impacts domestic violence has on the people they provide services to. In fact, our members nominated domestic violence as one of the top three issues requiring immediate and broad-scale action from Government in consultations leading up to the recent NSW election.

The NSW Government's introduction of the DVDS is seen as a positive step in a new era where Governments are increasingly recognising and acting to tackle domestic violence. NCOSS congratulates the NSW Government for taking this step and is pleased that the level of meaningful engagement with the Community Sector and other stakeholders on this Scheme has been so high.

NCOSS recognises the complex nature of domestic violence and believes it is vital that the Government invests in a range of measures to reduce the impacts and prevalence of domestic violence. This submission makes some brief comments on elements of the DVDS and recommends actions that NCOSS believes are crucial to providing people in NSW greater levels of safety from domestic violence.

More funding needed for a holistic approach to domestic violence

The Discussion Paper cites the UK Domestic Abuse and Disclosure Scheme as a guiding model for the DVDS. In many cases these examples note the availability of support for the applicant. For example, the paper notes:

disclosure is made jointly by the Police and a support worker.¹

NCOSS believes support for people using the DVDS is critical to its success. Even when there is no information to disclose about a subject, the fact that a person has concerns and has acted upon them indicates that further support in the form of referrals, information and a discussion of options would be beneficial. Similarly, where a disclosure has been made the ability to link in to these supports, without delay, is integral to increasing the safety of the applicant and if they have any, their children.

NCOSS acknowledges the work of the NSW Women's Alliance in this area. *A Safer State* is the Alliance's blueprint to end sexual assault and domestic and family violence in NSW.² The blueprint

¹ NSW Government, *NSW Domestic Violence Disclosure Scheme Discussion Paper*, 2015, 22.

recognises that a multipronged approach is needed to tackle domestic violence, including high level leadership across Government, prevention and early intervention, and a well resourced sustainable service and support system. NCOSS supports the 27 recommendations contained in *A Safer State* and encourages the NSW Government to adopt them in full.

A crucial recommendation calls for a \$100 million injection of funds over three years to respond to sexual assault and domestic and family violence. More funding is needed for wrap-around services to support people in fear of or experiencing domestic violence, whether or not their partner has a previous record brought to light by the DVDS.

An injection of funds, concurrent with the introduction of the DVDS, will also help to ensure that the introduction of the DVDS does not place additional pressure on DV Services that are already operating above capacity.

Contextual information should be disclosed

NCOSS believes it is important that applicants have access to information that can provide context of a subject's history. This may include criminal records of violent crimes, including domestic violence and disclosure of AVOs and ADVOs. Relevant incidents that have occurred in other states should also be disclosed.

The potential victim's circumstances should be taken into account when considering what information should be disclosed. Contextual information would be of assistance if a victim falls within the vulnerable groups outlined in section 10.3 of the Discussion Paper (ie Aboriginal, CALD and LGBTIQ people, people with disability, older and younger people, and people in remote communities), or if a previous offence has been convicted against a victim with a similar profile to the applicant.

NCOSS acknowledges the challenge of providing a clear indication of a subject's pattern of behaviour given that research has consistently found that nearly half of domestic violence incidents are not reported to police.³ This challenge will be exacerbated by the fact that, of those reported, many domestic violence-related offences result in a bond without conviction or no conviction recorded.⁴

The availability of domestic violence support services for all applicants, whether or not a disclosure is made, increases in importance against a backdrop of under-reporting and relatively low levels of convictions.

Attention to marginalised groups

NCOSS commends the identification and focus on marginalised groups at enhanced risk of domestic violence, and a commitment to seek the views of these groups on the design of the DVDS. NCOSS encourages the NSW Government to use these consultations to gauge the views of people from CALD, Aboriginal and LGBTIQ communities and people with disability about whether people would be more likely to use the Scheme if it could be accessed through sites additional to police stations.

² NSW Women's Alliance, *A Safer State: A blueprint to end sexual assault and domestic and family violence in NSW*, Recommendation 19 (e).

³ NSW Bureau of Crime Statistics and Research (BOCSAR), "Reporting Violence to Police: A survey of victims attending domestic violence services" Issues Paper 91, https://www.women.nsw.gov.au/__data/assets/pdf_file/0004/280912/Reporting_Violence_to_the_Police_-_BOCSAR_survey.pdf, October 2013, p7.

⁴ BOCSAR, "Factors which influence the sentencing of domestic violence offenders", Issues Paper 48, July 2010, <http://www.bocsar.nsw.gov.au/Documents/bb48.pdf>, p 10-11.

It would also be useful to consult further about whether women without Australian Residency would be likely to use the DVDS and what kind of supports may be needed to ensure they access support where they are experiencing domestic violence or have concerns about their safety.

In addition, we suggest targeted education campaigns to these groups on the nature of domestic violence and abuse. An example of this highlighted by the Women's Alliance is a pilot program run by Women With Disabilities Victoria, Gender and Disability Workforce Development Program, In this program, women with disability co-facilitate education programs to women with disability on the nature of violence.⁵

In terms of Aboriginal communities, research has found that Aboriginal and Torres Strait Islander women emphasise the need for community-based responses to violence which can acknowledge the effects of intergenerational disadvantage; racism; dispossession and the forced removal of children on behavior. These responses should distinguish the factors that contribute to the risk of perpetrating violence and the risk of experiencing it.⁶

Evaluation to assess impact of DVDS

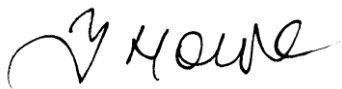
NCOSS supports the Government's intention to evaluate the DVDS pilot. NCOSS recommends the pilot of the DVDS assess whether the resources invested in the effective delivery of the Scheme are proportionate to the positive outcomes achieved.

Additionally, evaluation should monitor the extent to which a DVDS is misused by perpetrators in retaliatory actions. This could help to develop appropriate safeguards to limit the capacity for vexatious claims and the likelihood of perpetrators seeking to use the DVDS to continue to impose power and control over the victim.

NCOSS would welcome the opportunity to engage further regarding the implementation of the DVDS and the need for wrap around support for people experiencing sexual assault and domestic and family violence.

Should you require further information, please contact me or John Mikelsons, NCOSS Deputy CEO, on 8960 7916 or via email at john@ncoss.org.au.

Yours sincerely



Tracy Howe
NCOSS CEO

⁵ See <http://www.probonoaustralia.com.au/events/2014/01/workforce-development-program-gender-and-disability-train-trainer-information-session>

⁶ Centre for Innovative Justice, Opportunities for Early Intervention: Bringing perpetrators of family violence into view, March 2015, 16. Domestic and Family Violence, quoted in Angus, C. (2015) *Briefing Paper No 5/2015*, NSW Parliamentary Research Service.