



DOMESTIC VIOLENCE DISCLOSURE SCHEMES: POLICY OVERVIEW

WHAT IS A DOMESTIC VIOLENCE DISCLOSURE SCHEME?

While there are differences between the domestic violence disclosure scheme (DVDS) models implemented, there are two broad aspects to these schemes: a right to ask and a right to know.

A 'right to ask' application can be made by any individual including people living with violence, individuals who have never experienced violence but have reason to feel at risk, and/or their family members. They can apply for information about whether a person about whom they have concerns has a documented history of domestic violence.

A 'right to know' request occurs when the police proactively request the disclosure of information in order to protect a potential 'high-risk' victim from harm from their partner. Police meet with multiple agencies to discuss any available information and determine whether a disclosure should be made.

All requests should be considered through a risk assessment lens.

The information that can be disclosed varies significantly across jurisdictions. Disclosure can include details of previous convictions, allegations, arrests, charges and failed prosecutions. Information is not necessarily limited to domestic violence related offending but in some jurisdictions can also include property offences, arson, possession of a firearm, cruelty to children, and sexual offences.

DOMESTIC VIOLENCE DISCLOSURE SCHEMES IN AUSTRALIA & NEW ZEALAND

TIMELINE

2014

THE LAW REFORM COMMISSION OF WESTERN AUSTRALIA EXPRESSED DOUBT ABOUT THE NEED FOR A DVDS IN WESTERN AUSTRALIA.

2015

THE VICTORIAN GOVERNMENT SUBMISSION TO THE ROYAL COMMISSION INTO FAMILY VIOLENCE RECOMMENDED THE INTRODUCTION OF A DVDS.

A DVDS WAS INTRODUCED NATIONALLY IN NEW ZEALAND.

2016

THE FINAL REPORT OF THE VICTORIAN ROYAL COMMISSION INTO FAMILY VIOLENCE DID NOT RECOMMEND A DVDS.

NEW SOUTH WALES BECAME THE FIRST AUSTRALIAN STATE TO PILOT A SCHEME IN FOUR SITES.

2017

QUEENSLAND LAW REFORM COMMISSION CONDUCTED AN INQUIRY INTO THE SCHEME AND RECOMMENDED AGAINST INTRODUCING THE SCHEME IN QUEENSLAND.

2018

THE SOUTH AUSTRALIAN GOVERNMENT LAUNCHED A TRIAL DVDS.

2019

THE PILOT SCHEME IS DISBANDED IN NEW SOUTH WALES.

2021

SOUTH AUSTRALIA EXTENDED THE TRIAL OF THE DVDS TO MAKE IT A PERMANENT PART OF THE STATE'S RESPONSE TO DOMESTIC, FAMILY AND SEXUAL VIOLENCE.

2023

NEW SOUTH WALES LIBERAL GOVERNMENT ANNOUNCE THEIR COMMITMENT TO INTRODUCE A STATEWIDE ONLINE DOMESTIC VIOLENCE DISCLOSURE SCHEME

WHAT OTHER JURISDICTIONS HAVE A DOMESTIC VIOLENCE DISCLOSURE SCHEME?

Clare's Law, (the first DVDS internationally), was rolled out across England and Wales in March 2014. The scheme was introduced following the killing of Clare Wood in February 2009 by a man with a history of violence whom she had met on an internet dating site. The scheme aims to prevent the perpetration and escalation of violence between intimate partners through the provision of information about prior histories of violence.

Similar schemes have also been adopted in Scotland, Ireland, some Canadian provinces, New Zealand and some Australian states.



DOMESTIC VIOLENCE DISCLOSURE SCHEMES, BROADLY SPEAKING HAVE THREE OBJECTIVES:

- To strengthen the ability of the police and other multi-agency partnerships to provide appropriate protection and support to victims at risk of domestic violence;
- To reduce incidents of domestic violence through prevention; and
- To empower individuals to make informed choices about their safety in their relationship.

The extent to which these objectives are achieved are the subject of considerable debate. For further details see [Walklate and Fitz-Gibbon \(2018\)](#).

Citation: Fitz-Gibbon, K., Reeves, E. and Walklate, S. (2023) Domestic Violence Disclosure Schemes: Policy overview. Monash Gender and Family Violence Prevention Centre, Monash University, doi: 10.26180/21995024

This Policy Overview has been developed as part of our ARC Discovery Project DP210100158.