

FACTSHEET

NSW Domestic Violence Disclosure Scheme



What is the Domestic Violence Disclosure Scheme?

The NSW Domestic Violence Disclosure Scheme helps people who may be at risk of domestic violence to find out if their current or former partner has a history of violent criminal offences.

A concerned third party, such as a friend, relative or professional working with the family, may also apply for a disclosure. To make an application as a concerned third party, the person must have an ongoing relationship with the person who may be at risk.

It is a police led Scheme and is for both women and men who may be at risk.

The Scheme is not a register or a list. It is a way to seek information about a person's violent offending history to help reduce the risk of domestic violence in the community.

The Scheme can empower people who may be at risk by helping them make informed decisions about their relationships.

When and where will the Scheme operate?

The Scheme is being piloted in four NSW Police Force Local Area Commands:

- Oxley (Tamworth region)
- Shoalhaven (Nowra region)
- Sutherland (Menai/Engadine/Sutherland region)
- St George (Kogarah/Hurstville region).

Why were these areas chosen for the pilot?

A mix of metropolitan and regional areas were chosen for the pilot. These areas have a medium to high volume of domestic violence matters, culturally diverse populations, strong police leadership and effective non-government support service.

How does the Scheme work?

A person who may be at risk or a third party can make an application to the police who will undertake a risk assessment and criminal history check. The police will then set a time and date to inform the person who may be at risk of the outcome. If police believe that an urgent disclosure should be made then they can do so within 48 hours of the application being submitted.

Information on proven violent offences will be made to the person who may be at risk through a verbal disclosure at a police station, or another agreed safe place. A support service worker will be present at the disclosure.

A concerned third party, such as a friend, relative or professional working with the family, may also apply for a disclosure at a police station within the pilot regions. To make an application as a concerned third party, the person must have an ongoing relationship with the person who may be at risk. Even where the application is made by a third party, the disclosure is made to the person who may be at risk, unless there are exceptional circumstances. The person at risk may invite a support person to the disclosure who may, or may not, be the third party.

Before making contact with the person who may be at risk, police will give careful consideration to the impact of a disclosure, and engage the support service in this process.

A conviction will be disclosed where the subject of the application (i.e. a current or former partner) has a relevant offence in their criminal history, such as personal violence offences or breaches of Apprehended Domestic Violence Orders.

To ensure the safety of those at risk, the subject of the application will not be informed of any application or disclosure made about them.

It is an offence to provide false or misleading information in an application, and any person present at disclosure will be required to sign an undertaking that they will not share, publish or misuse the confidential information disclosed.

Who is eligible to make an application and how?

A person who has concerns about their safety and is in, or has been in, an intimate relationship with a person who may have a history of violent offences may make an application at a police station. For former relationships, there must be ongoing contact with the former partner.

A concerned third party, such as a friend, relative or professional working with the family, may also apply. To make an application as a concerned third party, the person must have an ongoing relationship with the person who may be at risk.

Even where the application is made by a third party, the disclosure is made to the person who may be at risk, unless there are exceptional circumstances determined by police.

To apply, the third party and the person who may be at risk will need to be aged 16 years and over. The person who may be at risk must live in one of the pilot regions of the Scheme.

All applicants must complete and submit an application form at a police station in the pilot region where the person who may be at risk lives.

What information will be disclosed?

The Scheme provides easier access to information that has previously been in the public domain. Information on proven violent offences will be made available to the person who may be at risk through a verbal disclosure at a police station, or another agreed safe place. A support service worker will be present at the disclosure.

A conviction will be disclosed where the subject of the application has a relevant offence in their criminal history. Police will disclose the offence that the person has been convicted of, and the date of the conviction.

Relevant convictions are for personal violence offences committed within a domestic relationship. These include:

- Most personal violence offences such as murder, manslaughter, physical and sexual assault, property damage
- Stalking and intimidation
- Breaches of an Apprehended Domestic Violence Order

Other relevant convictions include certain personal violence offences committed outside of a domestic relationship:

- Sexual offences
- Child abuse offences
- Murder

If a relevant conviction exists, the person who may be at risk will be told the type of offence and the date of conviction. The police may also tell them other relevant information, such as the relationship between their current or former partner and the victim of the offence. This will be considered on a case-by-case basis because police must be careful not to identify those victims.

Some convictions and orders will not be disclosed under the Scheme. These include:

- Offences committed outside NSW
- Offences where no conviction has been recorded
- Convictions that have become spent
- Juvenile convictions
- Apprehended Domestic Violence Orders (these orders are not recorded on criminal histories)

Generally, domestic violence is under-reported, and some matters are withdrawn before they are finalised at court, so not all perpetrators of domestic violence will have a criminal conviction.

Why are Apprehended Domestic Violence Orders not disclosed?

Apprehended Domestic Violence Orders are civil orders designed to protect people from future violence, and are not a criminal conviction. However, breach of an apprehended domestic violence order is a criminal offence and will be disclosed under the Scheme.

How long will it take to get a disclosure?

All applications will be processed within two weeks. If a serious threat to the life, health or safety of any person is identified as a result of the assessment, a fast tracked disclosure will be made within 48 hours.

When an application is made the NSW Police Force will undertake a risk assessment using the Domestic Violence Safety Assessment Tool to identify any threats or serious threats.

What will happen if there is no disclosure?

If there is no relevant conviction to disclose, the person who may be at risk will be informed in person of the outcome through a verbal disclosure. A support service worker will be available to offer support to further discuss any relationship concerns.

The absence of a relevant criminal conviction does not mean that there is no risk of domestic violence. The person who may be at risk should remain cautious about their safety, and the safety of their family and report any future concerns or instances of violence to the police.

What support services will be available?

The NSW Government has engaged three NGOs to provide specialist domestic and family violence support in the four pilot local area commands:

- YWCA NSW (Shoalhaven area)
- Sutherland Shire Family Services (St George and Sutherland areas)
- Tamworth Family Support Service (Oxley area)

These NGOs will work with police to provide support to people at risk during the disclosure process and will offer post-disclosure support. This includes being present when disclosures are made, providing victim intake and assessment, crisis support, and referrals including counselling, legal and/or court support, parenting support, accommodation, housing, financial support, among others.

These NGOs are skilled in responding to domestic and family violence, and providing culturally sensitive support for high-risk communities including culturally and linguistically diverse communities, and lesbian, gay, bisexual, transgender, intersex and queer people, and people with disability.

In addition to supporting the Scheme, the NGOs will also assist police by providing 24/7 crisis assistance for victims following domestic violence incidents, by assessing victims' needs and enabling their access to crisis services, such as emergency accommodation, trauma counselling, financial support, and other support.

How will the pilot be evaluated?

Urbis, a professional consulting firm, has been engaged to review and evaluate the Scheme over the two-year pilot period. The evaluation will consider implementation of the Scheme, the level of demand, impacts and outcomes for people applying for and receiving disclosures, impacts on the service sector, strengths and limitations of the model, and lessons learned for rollout of the Scheme.

GETTING HELP

Anyone in immediate danger should call 000.

Visit www.domesticviolence.nsw.gov.au/dvds for more information about the Scheme.

For information and support call the **NSW Domestic Violence Line** on **1800 656 463** or **1800 RESPECT** on **1800 737 732**.

For information and referral to crisis accommodation and support call **Link2home** on **1800 152 152**.

Men having problems with violent behaviour can call the **Men's Referral Service** on **1300 766 491**.