

Domestic Violence Disclosure Scheme (DVDS)



Hon Justice David Jackson
Chairperson
QLD Law Reform Commission
Brisbane QLD 4000

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The Queensland Domestic Violence Services Network (QDVSN) is a network of regional and state-wide domestic violence services, funded by the Queensland Government's Department of Communities, Child Safety and Disability Services. The QDVSN works collaboratively and strategically to advance understanding of structural inequalities and other factors which result in violence against women, particularly domestic and family violence. Its primary role is to provide a mechanism for state-wide coordination of its members' activities, peer support, information sharing and debriefing within its membership; and to be a change agent by providing a reference point and a collective voice to Government, non-government and member services on state and national issues relating to domestic and family violence.

We submit the following to the Queensland Law Reform Commission for their consideration in the matter of a review about whether a domestic violence disclosure scheme should be introduced in Queensland.

The members of QDVSN consider that

1. Any DVDS should be led by local specialist services, in partnership with police and legal services.
2. The process of applying for a disclosure should be led by local specialist service practitioners, in partnership with police and legal services.
3. The disclosures should be limited to Intimate Partner Violence.
4. Applications should only come from victim/survivors or family members who may be at risk of harm.

5. Disclosure should include protection orders as well as criminal convictions (which relate directly to DFV).
6. A time limit for ageing convictions should be considered. We suggest ten years.

We are mindful that

7. A DVDS will not provide a safer environment for the victim/survivor.
8. There is often an expectation that women will act on a disclosure by leaving the relationship, or by taking measures that police or others expect. This can result in judgements around women's behaviour which are unjustified and show ignorance of the dynamics of DFV.
9. A DVDS has been shown to incur significant costs. Additional funds would need to be allocated to specialist services as well as to police.
10. The DVDS would add to the impact of changes being experienced within the Violence Against Women sector as the Not Now, Not Ever recommendations are being implemented.
11. The issue of cross orders needs to be considered.
12. There are significant unintended consequences for
 - a) women who are wrongfully seen as respondents,
 - b) children interacting with the respondent,
 - c) those who have been wrongfully convicted of DV related crimes,
 - e) furious respondents reacting to disclosures.

There is a need for a comprehensive risk assessment process. This should include a risk assessment of respondents as well as victim/survivors and their children.

There needs to be more data collection involving outcomes of respondent behaviour, victim/survivor safety and the impacts of DV on victim/survivors (including housing, emotional, financial, wider relationships, disconnection to social interactions).

Feedback from victim/survivors should be taken into consideration when evaluations are undertaken.

It is important that the special nature of family violence within aboriginal communities, the impact on CALD women, women with disabilities, older people and LGBTIQ communities is considered.

Jude Marshall
Secretary
QDVSN