



# Report Authors

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Dr Kate Fitz-Gibbon led this project in her capacity as a Professor (Practice) in the Faculty of Business and Economics at Monash University. The report findings are wholly independent of Kate Fitz-Gibbon's role as Chair of Respect Victoria.

# Acronyms

**AVO**

Apprehended Violence Order

**CAS**

Crisis Assistance Service

**DSS**

Department of Social Services (Commonwealth)

**DFV**

Domestic and family violence

**DV**

Domestic violence

**DVDS**

Domestic violence disclosure scheme

**FV**

Family violence

**IPCC**

Independent Police Complaints Commission

**NSW**

New South Wales

**NZ**

New Zealand

**QLRC**

Queensland Law Reform Commission

**RCFV**

Royal Commission into Family Violence

**SA**

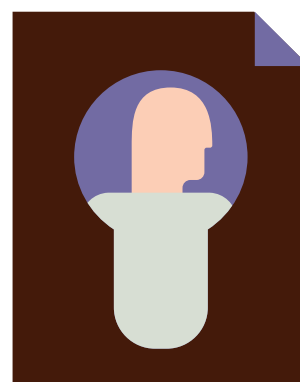
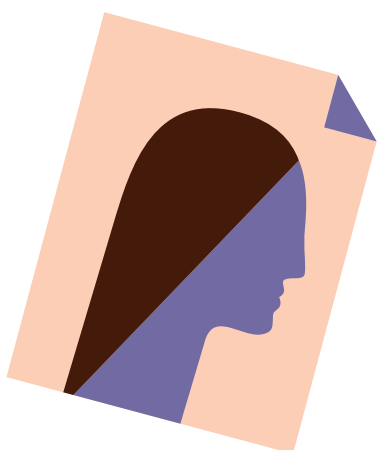
South Australia

**UK**

United Kingdom

**WA**

Western Australia



# Introduction



In 2014 family violence was declared a national emergency in Australia. In the years since, there has been extensive policy and practice reform at state and national levels, including the release of the Australian National Plan to End Violence against Women and Children 2022-2032 (Department of Social Services [DSS], 2022) and the subsequent Action Plans (DSS, 2023a; DSS, 2023b). The National Plan includes the ambitious goal of ending gender-based violence in one generation. To do this, it commits to actions across the full spectrum of prevention, early intervention, response, recovery and healing (DSS, 2022). While a portion of the actions to stem from the National Plan fall under the responsibility of the Commonwealth Government, there remains significant policy and practice reform underway at the state and territory level.

## DOMESTIC VIOLENCE DISCLOSURE SCHEMES: AN OVERVIEW

Domestic violence disclosure schemes have emerged as a policy option that may improve safety outcomes for victims. Clare's Law, the first domestic violence disclosure scheme (DVDS) internationally, was introduced in England and Wales in March 2014 and more recently was put on a statutory footing in the Domestic Abuse Act 2021 (England and Wales). The scheme was introduced following the killing of Clare Wood in February 2009 by her estranged partner – a man with a history of violence whom she had met on an internet dating site (Fitz-Gibbon & Walklate, 2017). The scheme aims to prevent the perpetration and escalation of violence between intimate partners by providing information about prior histories of violence. Implicit in much policy debate and operationalisation of this scheme in England and Wales is also the presumption that such schemes empower women in relation to their decision-making about their relationships (Barlow et al., forthcoming; see also, Wangmann, 2016).

DVDSs have been adopted in Scotland, Ireland, Saskatchewan and Manitoba (Canada), as Monica's Law in the state of New York, in New Zealand and, presently, in one Australian state: South Australia (SA). Importantly, there are differences between each of these schemes in the specifics of the model adopted and the approach to implementation. In England and Wales, the DVDS is police-led and focused on timely information sharing, with some police forces also being proactive on working with support services in the information sharing process. While the police are the information gatekeepers in SA, the specialist women's support service also has an active role in the scheme's delivery. In Manitoba, the intention is for the DVDS to be support services led. Despite the variations in each of these models of delivery, they all share a number of common themes. Each decentres perpetrator accountability, practitioner experiences and victim-survivor experiences of the service delivery process (Reeves et al., 2023).

Different variations of the DVDS notwithstanding, 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 victim-survivors, individuals who have never experienced violence but have reason to feel at risk and/or an individual's family members). They can apply for information about whether a person has a documented history of domestic violence. The right to know request occurs when the police proactively provide information to protect a potential 'high-risk' victim from harm from their partner. Police meet with multiple agencies to discuss the available information and what can be shared, to determine whether a disclosure should be made.

The information shared varies significantly across jurisdictions (Renehan et al., 2023). In England and Wales, for example, 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 it can also include property offences, arson, possession of a firearm, cruelty to children and sexual offences. All requests are considered through a risk-assessment lens. Under the current statutory guidance for England and Wales, any information available – including instances where there is nothing to disclose – should be provided within 28 days. Yet evidence suggests there are ongoing issues with the DVDS application process and capacity to deliver in this kind of timescale (Lowe, Baynes & Bilton, 2024; Das, 2024). A BBC investigation conducted around the time of the 10-year anniversary of the scheme's introduction in England and Wales found that some applicants were waiting "hundreds of days" for an outcome (Lowe, Baynes & Bilton, 2024).

If it is to meet its objectives, an effective DVDS demands timely information sharing. An evaluation of the since-disbanded New South Wales (NSW) pilot scheme reported that the data reporting system was ‘clunky’ and time consuming (Urbis, 2018: 50). The evaluation also commented on the variable knowledge about the scheme on the part of general duties police officers, the paucity of training, and confusion over whose responsibility it was to ‘drive’ the application. Not only should information sharing be timely, but the scheme also requires access to reliable information to share. This raises questions as to the kind of data that can be shared and the quality of data available (see, Greene & O’Leary, 2018; Wangmann, 2016). Additionally, who this information can be shared with further is an issue. Renehan et al. (2023) report that while victim-survivors were cognisant that the information shared with them was confidential, their understanding of what this implied was varied. In that study, some respondents did not think that it was problematic to share what they knew with others in their circle or with the new partners of their ex. This poses all kinds of questions concerning the protection and safety of everyone concerned.

In England and Wales, the law frames both the nature and extent of the data permitted to be shared within their schemes. Clare’s Law, “allows police to disclose certain information under the ‘police’s common law power to disclose information where it is necessary to prevent crime’. However, disclosure is subject to the Human Rights Act 1998 (UK) c 42 and the Data Protection Act 1998 (UK) c 29” (Greene & O’Leary, 2018: 61). Added to these constraints, the criterion of ‘pressing need’, alluded to above, leaves substantial room for discretion. The NSW DVDS offered a tighter definition of the ‘relevant offences’ information that might be shared. According to Greene and O’Leary (2018: 64), a ‘relevant offence’ is an offence of personal violence committed in a domestic relationship. They go on to point out that:

There is also scope for disclosure of other personal violence offences committed outside a domestic relationship if they are sexual offences, child abuse offences or murder. Any breaches of Apprehended Domestic Violence Orders will also be disclosed. (Green & O’Leary, 2018: 64)

Importantly, offences occurring in other jurisdictions were not disclosable under the NSW scheme.

Furthermore, as Greene and O’Leary (2018) point out, the absence of information to disclose does not necessarily mean that there is nothing to disclose, and this needs to be clearly communicated to applicants. Given the widely acknowledged low rate of reporting of intimate partner violence offences, the potential for harm in raising expectations of applicants and/or providing applicants with a false sense of security needs to be guarded against (see also, Fitz-Gibbon & Walklate, 2017). Victim-survivors interviewed by Renehan et al. (2023) also struggled to understand what meaning is to be attached to the absence or presence of information to disclose.

Importantly, what kind of information can and cannot be shared, and with whom, focuses attention on the need to carefully balance the right to know with the right to privacy (Bessant, 2015; Grace, 2015). This brings into conflict the rights to protection afforded to victims, the rights afforded to a perpetrator or suspect, and the need for information sharing to ensure public safety taking into account what might happen if and when breaches of confidentiality occur. Finding this balance is important when data sharing can put the applicant at a heightened risk of victimisation, particularly when they may not have sought the information for themselves and/or when the time taken to share the known information is protracted.

The assessment of the NSW pilot scheme reported that, while the programme and its associated required collaboration worked well, some concerns were raised over the level of knowledge about the scheme among the officers assigned general duties (often the first point of contact for individuals requesting information), as well as the high turnover of policing staff with specialist expertise in this area, making continuity in response difficult. This has led some police forces in England and Wales to develop specific teams and devote specific resources solely to delivering a DVDS (Barlow et al., forthcoming). On a related issue, the work of Duggan (2018) illustrates some deeper problems in the gaps between policy, police officer and other professionals' understandings of a DVDS and its implementation. Moreover, the capacity for a DVDS to promote victim-blaming – either in theory, practice or both – has also been commented on by Duggan (2012). As Bessant (2015: 118) has observed, the presumption of women “making informed choices” about whether they continue their relationship runs the risk of making women responsible for their partner’s violence (see also, Hadjimatheou, 2021). The impact of such presumptions becomes more acute for women with disabilities, women with children, and/or women from ethnic minorities and indigenous populations where problematic interaction with criminal justice is well documented (see, Barlow et al., forthcoming).

The most detailed information pertaining to how applicants viewed their experience of a DVDS comes from the NSW pilot evaluation by Urbis, which found that:

The vast majority of DVDS applications, 94%, were made by women who had concerns about their partner former male partner. Over half of the applicants were aged 21 to 40 years (28% aged 21-30 and 6% 31-40). The age of a large proportion of the applicants was unknown, 23%. One in four of all applicants were living with their partner at the time of the application. Just over half (59%) of the applicants had children living with them at the time of the application. (Urbis, 2018: 13)

In this evaluation, the most common reason for making an application was the threat of violence from a partner or ex-partner and/or experiencing harassment. Around one-fifth of the third-party applications were based on concerns about a family member. The report also indicated the limited take up of a DVDS by women with disabilities and members of the LGBTQIA+ community, as well as Aboriginal and Torres Strait Islander people, who comprised one in seven (15%) of all DVDS applicants (Urbis, 2018: 14). Furthermore, this evaluation found that 80% of applicants received support above and beyond making the application, with the most common support providing assistance with safety planning. There is significantly less systematic evidence available about applicants' experiences of the DVDS from other similar schemes (though see also, Barlow et al., 2023; Renehan et al., 2023).

Current research highlights that a DVDS assumes a desire and willingness not only for the kind of information that might be disclosed, but also in jurisdictions where the scheme is police-led, to engage with the criminal justice system in the first instance. It is well-documented that many women victim-survivors who experience intimate partner violence neither want nor are able to do this, and the reasons for such reluctance are well-documented. This unwillingness is particularly exacerbated for women living with disabilities and women from ethnic minorities and First Nations communities. Moreover, a DVDS does not take account of the hidden nature of many aspects of men’s violence(s) for those same groups of women. It is also notable that, despite existing for a decade in England and Wales, there is still limited to no research on how the DVDS is accessed by men who have concerns within their relationship and members of the LGBTQIA+ community.

## DOMESTIC VIOLENCE DISCLOSURE SCHEMES IN AUSTRALIA AND NEW ZEALAND

In Australia and New Zealand, iterations of Clare’s Law (DVDS) have broadly had three objectives:

1. 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.
2. To reduce incidents of domestic violence through prevention.
3. To empower individuals to make informed choices about their safety in their relationships.

The extent to which these objectives are achieved is a subject of debate (Duggan, 2018; Greene & O’Leary, 2018; Grace, 2022; Barlow et al., 2023).

As shown in the table below, at the time of preparing this report, South Australia is the only Australian jurisdiction currently with a DVDS. Trialled in 2018, the scheme has since been rolled out state-wide and is delivered by specialist services in partnership with South Australia Police. NSW also piloted a scheme in four sites in 2016 – however, this pilot was discontinued two years later. While there has been some political interest in the scheme in years since no other state and territory has as yet introduced a scheme.

Table 1: Domestic violence disclosure schemes in Australia and New Zealand <sup>1</sup>

YEAR	REFORM, POLICY AND PRACTICE CHANGE
2014	The Law Reform Commission on 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	The 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	The New South Wales Liberal party announced their commitment to introduce a state-wide online domestic violence disclosure scheme if elected in the forthcoming state elections.

<sup>1</sup> The information in this table has been adapted from Fitz-Gibbon, Reeves and Walklate (2023).

## PROJECT AIMS

Despite the relatively high level of attention that this approach has received in Australia and elsewhere, there is currently limited evidence on the impact of these schemes and, to date, there has been minimal engagement with victim-survivors to understand the value and outcomes of a DVDS from the service user perspective. This project has sought to directly address that gap in knowledge.

This project aimed to generate the evidence required to inform decisions about the introduction of the DVDS in Australian state and territory jurisdictions, to better understand what victim-survivors seek from a DVDS, and how such schemes can be effectively operationalised. Specifically, this project aimed to:

1. provide new insights into the views of victim-survivors, including their views on the value of a DVDS, the perceived benefits and risks of a DVDS, and the potential impact of a DVDS
2. document specialist family violence sector views on the need for, and merits of, a DVDS across Australian state and territory jurisdictions
3. examine how victim-survivors from diverse communities access, use and experience a DVDS, its implementation and impacts
4. make policy and practice recommendations to inform improved operation of and/or introduction of the DVDS across Australia.

This project represents the first study in Australia and New Zealand to examine the degree to which a DVDS provides an effective intervention for victim-survivors of intimate partner violence in enhancing their safety. The findings from this project are relevant to current policy discussions and evaluations of the DVDS in all Australian states and territories, as well as in comparable international jurisdictions, including New Zealand, Canada, United States, Scotland, England and Wales.



# Methodology

This project is the first national research in Australia that seeks to understand the experiences of victim-survivors who have used a domestic violence disclosure scheme. To date, little research has asked victim-survivors about their experiences of disclosure schemes. It is vital that response-based policies are developed in consultation with victim-survivors and informed by an in-depth understanding of their safety and support needs. For too long, policies have been written and laws implemented based on assumptions about what women need to secure their safety from men's violence (see further, Fitz-Gibbon & Walklate, 2023).

Data collection for this project was conducted over two phases:<sup>2</sup>

## **Phase 1: Focus groups with practitioners and relevant stakeholders in Australia and New Zealand**

In the first phase of this project, focus groups were conducted to gather insights into practitioners' and advocates' views on the merits, risks and potential impacts of a DVDS in Australia and New Zealand, as well as recent proposals in Australia to introduce a public domestic violence perpetrator register. Forty-six stakeholders were engaged in this stage of the study, including lawyers, service providers, academics, victim-survivor advocates and practitioners who have been involved in the NSW, SA and New Zealand schemes.

Focus groups were held virtually via Zoom for 90 minutes. All focus groups were audio recorded and transcribed in full.

## **Phase 2: Interviews with individuals who have accessed a DVDS in Australia or New Zealand**

In the second phase of the project, semi-structured interviews were conducted via phone and virtually (using Zoom) with individuals who had accessed a DVDS in SA or New Zealand. Participants were recruited via social media advertising – using LinkedIn, Facebook and X (formerly twitter) – and through advertising by relevant service organisations in Australia and New Zealand that have been part of delivering a DVDS.

Eleven individuals who had accessed a DVDS in SA or New Zealand were engaged in this stage of the study, which included interviews conducted with 10 individuals and a written interview response from one individual. Of those who participated in this stage of the research, eight provided their demographic details via a short online survey. The survey was administered via Qualtrics and included 11 questions. The link to this survey was shared with all participants during and following their interviews. All responses were anonymised and, at the conclusion of the survey, each participant was again provided with a list of Australian and New Zealand support services that they could access if needed.

All eight interview participants who shared their demographic information via the online survey identified as female, and no interview participant identified as Aboriginal, Torres Strait Islander or Māori. All participants were citizens of Australia or New Zealand. Table 2 (below) provides an overview of additional demographic information for eight of the applicant interview participants in this study.

<sup>2</sup> Ethics approval was obtained from the Monash University Human Research Ethics Committee (project no. 32807).

Table 2: interview participants' demographics

DEMOGRAPHIC CATEGORY	N =
<b>Age</b>	
21-25 years old	1
26-30 years old	2
31-40 years old	3
41-50 years old	1
<b>Gender identity <sup>3</sup></b>	
Heterosexual (straight)	5
Gay or lesbian	0
Bisexual	2
Pansexual	2
<b>Migrant, refugee and/or culturally and linguistically diverse background</b>	
Yes	2
No	6
<b>Place of residence <sup>4</sup></b>	
New Zealand	1
New South Wales (Australia)	0
South Australia (Australia)	6
<b>Area of residence</b>	
Metropolitan	6
Regional	1
Rural	0
Remote	0
Prefer not to say	1
<b>Disability status</b>	
Yes	3
No	5
<b>Whether the participant has children <sup>5</sup></b>	
Yes	4
No	3
Prefer not to say	

<sup>3</sup> One survey participant identified two sexual identities in the survey (bisexual and pansexual). The total 'n' for this survey item was nine.

<sup>4</sup> One survey participant did not identify their place of residence. The total 'n' for this survey item was seven.

<sup>5</sup> One survey participant did not identify whether they had children. The total 'n' for this survey item was seven.

With consent provided by the participants, all interviews were audio recorded and transcribed in full. Participants were assured anonymity and, as such, when quoted directly in this report applicants are referred to by pseudonyms (e.g. Individual Interview A, Individual Interview B).

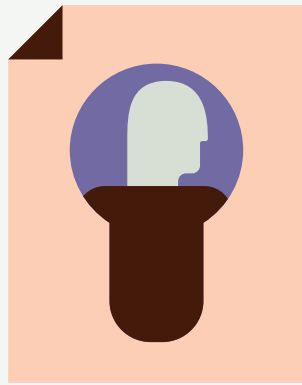
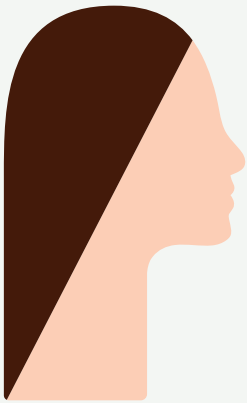
## DATA ANALYSIS

To analyse the two qualitative data sets collected in this study, NVivo qualitative data analysis software was utilised to conduct a thematic analysis of the interview and focus group transcripts. The data sets were first analysed individually, then alongside each other to review similarities and contrasts between applicant and practitioner accounts of the DVDS. The thematic approach used was iterative, meaning researchers engaged in an initial coding process in order to capture emerging themes and reviewed and defined these themes ultimately using them to identify the key themes that emerged within and across the two data sets.

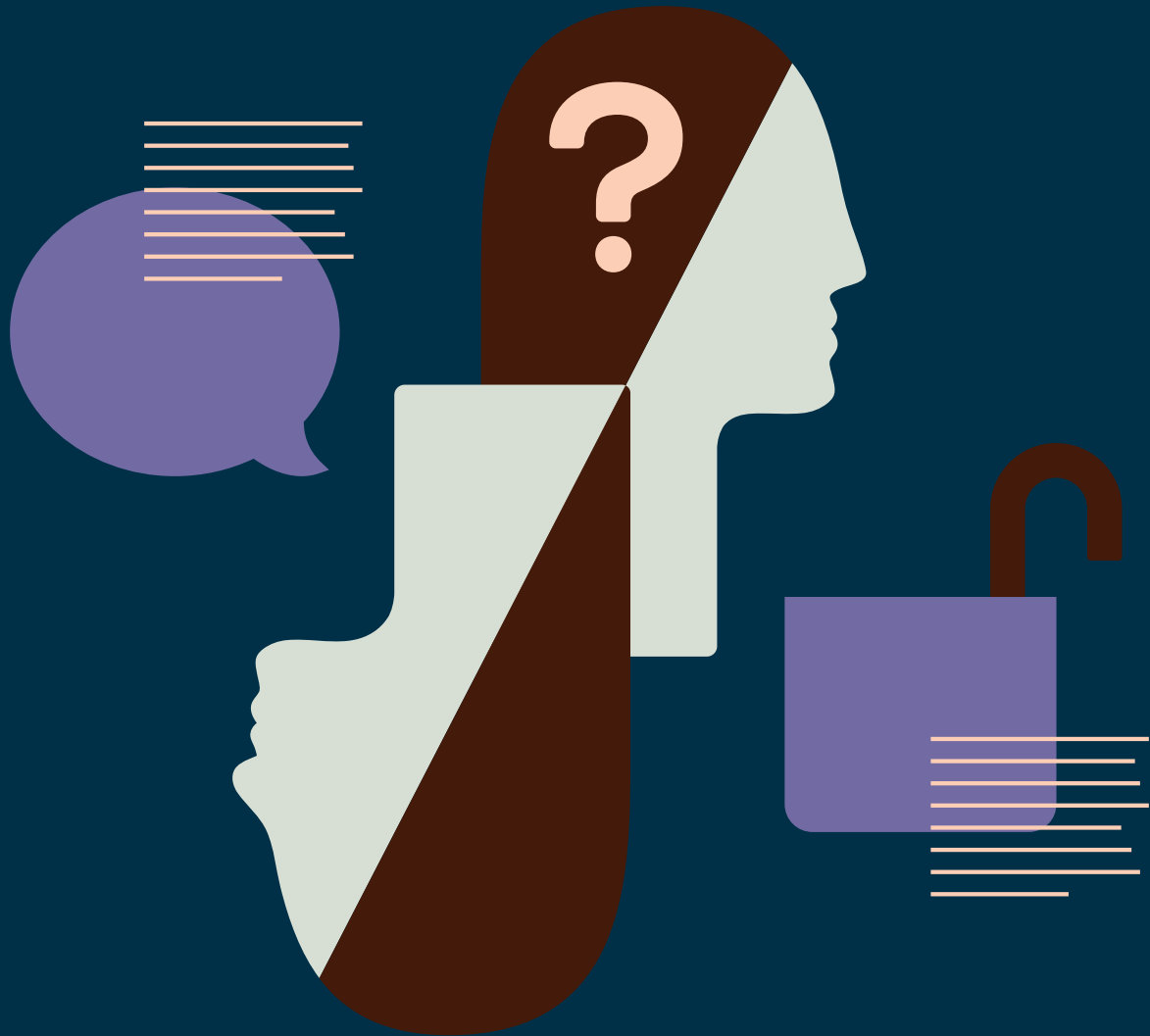
## PROJECT LIMITATIONS

This study is the first in Australia to engage directly with applicants of a DVDS to better understand the benefits and limitations of this domestic and family violence policy. While it provides important first insights into applicants' experiences, the generalisability of the findings are extremely limited given the small sample size. While the project team sought to work directly with the specialist service provider in SA that oversees the scheme – in order to facilitate recruitment – only 11 applicants participated in an interview. Their experiences are extremely important as other Australian states and territories consider the introduction of a disclosure scheme. There is a clear need for greater understanding of applicants' experiences and whether their lived experience of this policy aligns with the objectives of the scheme. This is particularly important given the resources required to effectively implement and roll out a DVDS.

The recruitment strategy utilised in this project also revealed minimal knowledge and understanding of what a DVDS is among the New Zealand community. This made recruitment of New Zealand practitioners and DVDS applicants particularly challenging – hence the low uptake of New Zealand-based applicants and practitioners among final participant numbers. Given the period of time that the New Zealand scheme has been in place, and regardless of the significant underutilisation of it, there is a need to better understand what role the DVDS can play – or whether it should indeed play one – as part of New Zealand's domestic and family violence policy responses.



## Project findings



Throughout the interviews with service users and focus groups with practitioners, a variety of practices were heard in terms of the operation of the DVDS in Australia and New Zealand, the level of the intervention provided by specialist services, and the professional and personal views on the merits and limits of such schemes. Each of these key themes are explored in the following findings analysis

# Part 1: Experiences of accessing a domestic violence disclosure scheme

## PATHWAYS INTO A DVDS

The majority of service users interviewed for this study had participated in a DVDS as a self-applicant seeking information about the abusive history of an intimate partner (current or former). There was only one third-party applicant who participated in an interview.

During the interviews, participants were asked what triggered them to access the scheme. With the exception of two, the vast majority of applicants accessed the scheme after they had left the intimate partner relationship with the person for whom they were seeking information about. As one individual explained:



*The trigger for it was that my partner and I were going through couples counselling and we ended up talking to the counsellor separately. So, when I was talking to her on my own, I brought up the complaints that we each brought to the sessions didn't really seem very even. His were, I don't know, things I could fix, small things and mine were quite large things about his behaviour. She recommended doing the disclosure scheme. (Applicant Interview 1)*

All participants - except two – applied for a disclosure after they had left the relationship

All participants had experienced some form of abuse prior to accessing the scheme – and had suspicions about their partner's behaviour in other relationships.

Each individual who had accessed a scheme had experienced some form of abuse prior to doing so – and held suspicions about their partner’s abusive behaviour in other relationships. One interview participant utilised the scheme to gain “clarity” on red flags she was seeing in her partner’s behaviour. As she explained:

*I just started getting some red flags and I was really concerned about the way that he treated his son and the way that he started acting more towards me when he was – over the smallest thing that displeased him, if that makes sense. And he started, I guess, pushing boundaries in – during sex and things like that, trying to strangle me purposely, pinning me down when he knew that that made me panic and things like that ... So I started getting those as red flags. I knew that he had had some kind of altercation with his sister that they went to court about ... And then I heard about another incident where he assaulted his friend’s mum. And I started hearing all these little rumours and things like that and I was seeing those red flags myself. And he was starting to snap at me and snap at the children ... I was in a violent relationship with my son’s other parent, and I thought maybe I was just hypersensitive to it. I started doubting myself thinking well that he’s so good with the kids otherwise, he does so much for his son, he does so much for my son ... I’m just traumatised ... but I needed I guess confirmation. I really struggled to listen to my own intuition and things, so I was really seeing those as signs of violence but I – I don’t know, I guess I just wanted some clarity. (Applicant Interview 9)*

Two other interview participants recounted similar experiences, stating:

*I did it because basically – just to get final closure from my former relationship, and also, I always found him to be very, very secretive and real dodgy, and I just thought I need to know a little bit more about him, because he would just become verbally abusive and threatening and whatnot, and I just thought – and I come across the scheme, and I thought, “Bugger it, I’ll go see what I can find out”, basically. (Applicant Interview 10)*

*I already knew that he previously had an intervention order against him and I guess if I hadn’t known about that, maybe I wouldn’t have worried about some of the things. It was fairly – I mean, it didn’t feel minor because it felt really heartbreaking and horrible, but there was nothing overt and terrible happening, just little things that were adding up and happening again and again in a cycle ... maybe I didn’t know everything. Maybe that everything was going to be, everything was going to turn out very badly. I don’t know. (Applicant Interview 1)*

Another interview participant noted that her awareness of her partner’s “serious behaviours and physical and emotional abuse over an 8-10-year relationship” was what prompted her to access the scheme (Applicant Interview 7).

## RECEIVING INFORMATION THROUGH THE SCHEME

While this study involves a relatively small sample of interview participants, it is notable that each individual who had accessed a scheme recounted different experiences of receiving information via the scheme. Common, however, to all but one individual interview was the experience of receiving a disclosure. Only one applicant interviewed was told that their request for information had not been supported. In that case, the applicant's experience was marked by a lack of information about why her application was not supported. As she recounted:

*The police officer just said no; they don't say a reason why or anything like that ... It would have been nice to get maybe a reason why ... I was pretty angry; I was pretty disappointed; I was pretty hurt. (Applicant Interview 3)*

Despite Clare's Law having now been in place for 10 years in England and Wales, there has been limited policy analysis and practice-based research there – or elsewhere – on the experience of individuals who have not received a disclosure. In England, a 2023 media investigation into the scheme examining data from the National Police Chiefs' Council reported that more than half of the 20,226 requests for information under the right to ask component of the scheme had been rejected within a six month period between October 2021 and March 2022 (Oppenheim, 2023; see also, Das, 2024). It may be assumed that this is because there is no information to share but this is an assumption.

Given that the scheme is premised on the basis of offering an earlier intervention and provision of referral supports for individuals who may be at risk of intimate partner violence, if they have requested the information this is an important point of intervention which is being missed. Arguably these applicants should receive a specialist intervention, including information about available specialist supports, and the opportunity to undertake safety planning with a specialist practitioner.



Each applicant's experience of receiving the disclosure were different.



In all but one case a disclosure was made.



Length of time from application to disclosure range from one week up to three months.

Beyond the one case where an applicant's request for the disclosure was refused, the experiences among applicants in this study of receiving a disclosure were vastly different. The time between making the application and receiving the disclosure ranged between one week to up to three months. One applicant commented on the challenge associated with the time it took to receive a disclosure:

*Challenging for me was the wait time and it could have been so much worse. And I know they need that time to compile everything that is necessary, but ... (Applicant Interview 9)*

Once their disclosures were received, participants reflected differently on what their experience of receiving that disclosure information was like. For some, the information disclosed was unclear or vague. As one applicant described:

*I didn't really get the answers that I wanted. Things still weren't clear. It's not like I was given a definite, here's the truth and it's awful and now you want to leave ... It was still vague enough that I couldn't really latch on to what had really happened with his previous partner ... I guess nothing that you can verify. There was this complaint made, there was this accusation made, but nothing ever came of it. (Applicant Interview 1)*

For other participants, the information disclosed was extremely detailed and overwhelming. In one case, the participant recounted participating, without forewarning, in a three-and-a-half-hour session where her former partner's abusive history was disclosed to her. She explained:

*So, it was a pretty long session. That's for sure. It was about 3 and a half hours ... And it was really, really confronting and overwhelming. Albeit, a lot of the stuff I had already known. But when you're in an emotionally abusive relationship, you turn a blind eye or you make excuses, stupidly. But they're good at that. They're good at manipulating the situation and turning – it wasn't their fault. Yeah right, okay. So, now I'm very much wiser, that's for sure. (Applicant Interview 4)*

Similarly, another participant remembered feeling surprised by the disclosure:

*I was a little bit surprised. I sort of thought that there would be some previous incidents and things like that, but it was, I guess, quite a lot more than I expected. And also, the amount of time that he had behaved the same towards other people. (Applicant Interview 10)*

For other applicants, having their suspicions about their partners' abusive behaviour histories confirmed via the disclosed information was freeing. As one applicant reflected:

*It felt like for the first time in a long time to feel like I'm not crazy or I'm not a liar or I'm not making things up or – you know, I just felt free. (Applicant Interview 8)*

As demonstrated in the above analysis, for the majority of applicants in this study the information disclosed did not necessarily come as a surprise, but rather a confirmation of suspicions they already held. This stands in contrast to the justifications often used when disclosure schemes are introduced – where politicians and relevant policy makers position the policy as providing information that women require to secure their safety. Applicants in this study did not necessarily require the information disclosed to them to support immediate safety planning and relationship decision making, but rather to confirm decisions they had already made about the viability of their intimate partner relationship and their safety in it.

## THE INTERSECTION BETWEEN A DVDS AND RELATIONSHIP SEPARATION

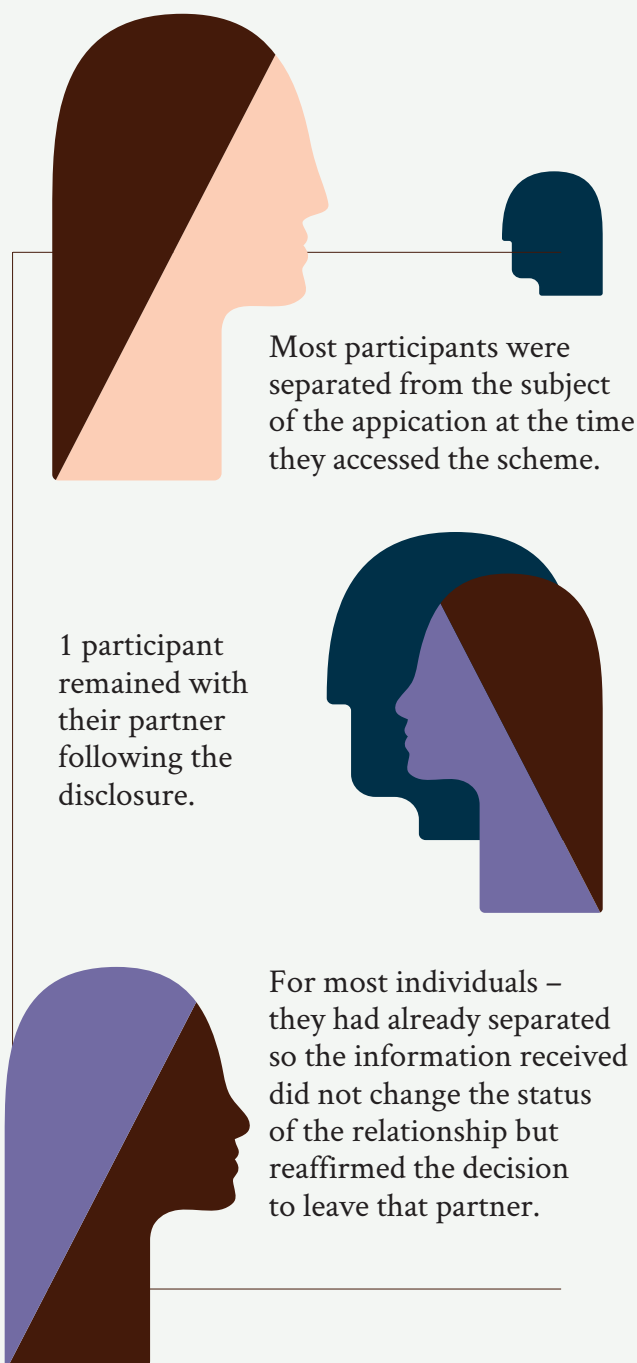
The majority of interview applicants who had accessed a disclosure scheme were already separated from the person they were seeking information about at the time that they accessed the scheme. As noted above, during the interviews, several of these individuals described the information they received as having reaffirmed their decision to leave their partner, as opposed to having changed the status of the relationship in the first place. As one applicant reflected:

*Initially I was in shock because it's the same what happened with the ex-women. It's the same that happened with her. The same violence. The same actions ... I feel like it's copy-paste from her story and mine ... I have a big, big reason to don't go back to this relationship. So, that's good now. I know everything about his history.*  
(Applicant Interview 5)

As another applicant commented: *"It has given me reassurance that I have made the correct choice for myself leaving him"* (Applicant Interview 7)

Another individual reflected that, while receiving information on her former partner's history did not change the status of the relationship – from which she was already separated – it did make her “more alert” to their behaviour. As she explained:

*It didn't really change anything. It just made me more alert, more aware ... It also made me feel sick and made me feel really discouraged and deflated, that I had given someone so much of my time and energy. So, it's a really draining feeling when you walk out of that disclosure scheme. You're just so drained ... What's done is done. And so, you come out of it a lot more wiser.* (Applicant Interview 4)



For one individual who was still with her partner at the time she accessed the scheme, the disclosure provided her with the confirmation she needed to end the relationship. She reflected:

*So [it] maybe took a couple of weeks, maybe a couple of months before I got that phone call from the police officer. In that time, I had already decided for sure that I knew that I wasn't safe. The reason I was reaching out was because I knew I wasn't safe. Things had happened since I made the application made me feel like it was definitely unsafe. So I guess I already knew for myself what I wanted to do but I guess it really cemented for myself that I was absolutely sure about having ended it. (Applicant Interview 9)*

For this individual, the disclosed information not only informed her decision to leave the relationship, but also affirmed her sense of safety about that decision. As she explained:

*I think [the scheme] can help women leave those relationships before they begin and leave violence before it's too late to leave. I think that was the biggest thing for me. It made me absolutely certain that I needed to leave ... He was really pressuring me into having a baby with him, this just helped me make a plan when it was still safe to make a plan ... it gave me that time to make a plan and to be sure about leaving without being in immediate danger. (Applicant Interview 9)*

DVDS have rarely been positioned in policy in a way described by these applicants. Typically, policy has been aimed at informing safe decision making within a relationship, rather than focusing on post-separation support that confirms decisions already made in an applicant's relationship. There is undoubtedly value in a scheme that affirms an individual's decision to leave a relationship in which they have concerns. Furthermore, through the provision of information about histories of abuse, there is benefit in ensuring that the safety risks of returning to that relationship are understood.

While the majority of interview participants accessed the scheme after separating from their partners, some applicants also recognised the need for earlier awareness of the scheme and commented on the potential benefits it may have had on previous relationships. As three applicants explained:

*If I had known about the scheme earlier and if I had been given the okay to read whatever they let me read, I don't think I would have had anything to do with him. So, I wouldn't be in this position. (Applicant Interview 3)*

*It's a catch 22 because then I got the information too late, didn't I? I had to go through it all before they went, here's a pamphlet. I could have done with that four years ago. (Applicant Interview 4)*

*I think if I'd known about it during the relationship, it would have taken me longer. It would have taken me longer to access it ... But I would have. If his former partner had told me at the beginning of that relationship everything that she told me after, it would have been so much easier for me to leave him. Because I would have been able to say, "That's not true, because I know what she's told me ... I might have stayed in the relationship for a few months longer, but I would have been able to say, "This is lies"... Because I used to ask him, "Are you really sure you've never done this before?" (Applicant Interview 8)*

As captured above, early intervention requires significantly greater awareness of, and earlier referrals into, the scheme. The existence of a DVDS must, therefore, be known widely among the community, state or country within which it is available. If not, it is unlikely to reach service users at this earlier point.

## SAFETY AND SUPPORTS POST-DISCLOSURE

To date, there has been limited research seeking to examine whether individuals who access a DVDS experienced improved safety and access to supports post-disclosure. As such, this study sought to understand what safety outcomes were experienced by participants in the short and long term as a result of their engagement with a DVDS.

One interview participant spoke definitively about feeling safer following her engagement with the DVDS. As she explained:

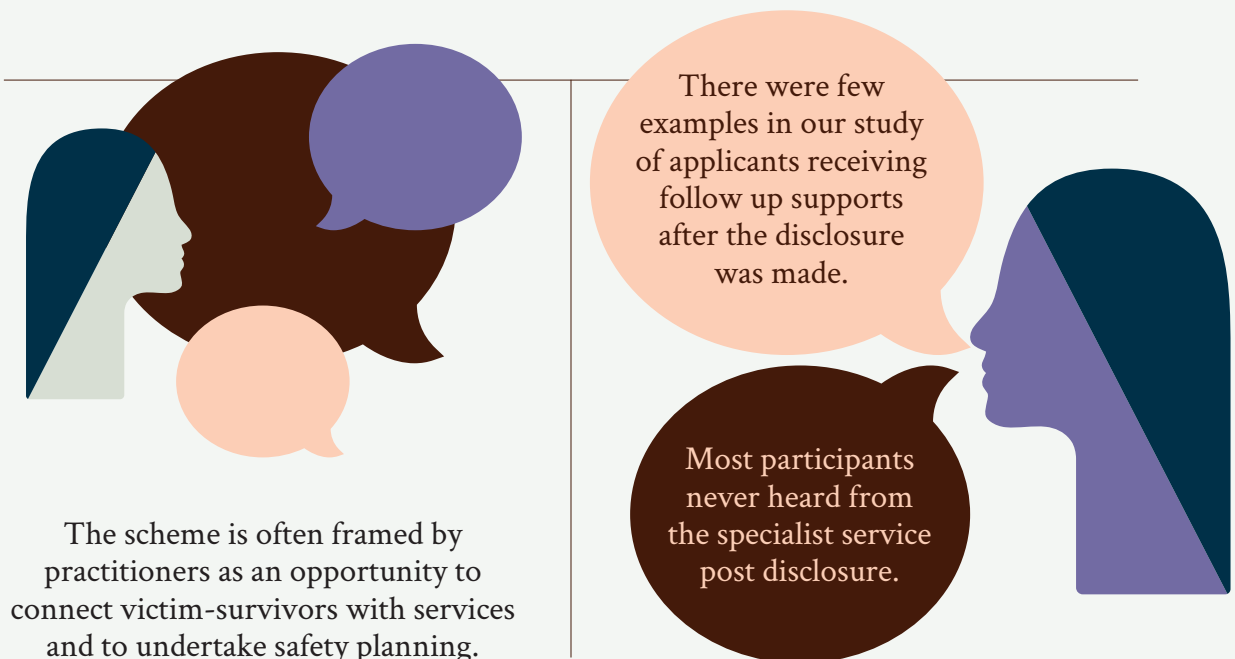
*I definitely feel safer. Because I've engaged police and I've engaged this service, I'm in the system now ... So I feel very protected. I kind of feel a bit like, "Come at me. Come to my house. Do it." ... The contact I've had with the Women's Safety Service has been very supportive and encouraging. I had an hour and a half-long conversation ... where I was believed. ... Where there was not a single moment of me needing to explain further or being told, "Well, it was just all right." "I believe you. This is very typical abusive behaviour." (Applicant Interview 8)*

Several interview participants reflected on the intensity of receiving the disclosed information, and the insecurity that immediately followed. As three participants stated:

*I felt more safe later, in the months after. Immediately, I just felt confused and hurt. (Applicant Interview 1)*

*I feel more scared, actually. I didn't feel safer, no. (Applicant Interview 5)*

*But to be honest it made me feel sort of more at risk from him, if that makes sense. He lives very close, and I sort of – before that, I guess, I sort of had this idea that I could somewhat communicate with him and that things could be somewhat civil. But now I sort of feel like he's probably a bit more conniving and sneaky than I first thought, if that makes sense ... (Applicant Interview 10)*



While the DVDS is often framed by practitioners as an opportunity to connect victim-survivors with services and to undertake safety planning, there were few examples in this study of applicants receiving follow-up support after the disclosure was provided to them. Indeed, there was a number of participants in this study who never heard from the specialist service again post-disclosure. As one interview participant recounted:

*It would have been really nice to actually get a call from [the service] or the Police for that disclosure scheme seeing, has she killed herself? Is she okay? There was nothing after that. It was like, go on your merry way now that you've got all this information ... There was nothing. It was a ghost town. You're not just going in for some negative test results. You're being exposed to years and years and years of a cycle of abuse that someone has in their personality. So, that's some heavy information. So, you definitely do want to have someone check in on you and see if you're okay. (Applicant Interview 4)*

Despite not receiving any follow up, another participant spoke extremely positively about feeling supported following the disclosure, reflecting:

*I have been told that I will receive a follow-up phone call, which I haven't received yet. But I would assume that if I felt the need to contact them, that support would be there ... I didn't get any referrals, but I am in – I've sought my own counselling ... Look, I don't want to make it sound like it's perfect, but I didn't feel the need for there to be extra. For me, it was very, very supportive. It was very affirming. (Applicant Interview 8)*

As evident in a latter part of this report's examination – which looks at practitioners' experiences of servicing the disclosure scheme in South Australia – the provision of no support to applicants following a disclosure represents a significant departure from the scheme's intended operation. To provide information with no follow up is problematic. The provision of information may put the applicant at greater risk of harm – based on how they act after receiving that information – and without a follow up from the specialist service, this represents a missed opportunity to keep that risk in view.



## VIEWS ON RECOMMENDING A DVDS TO OTHERS

Interestingly, despite their own mixed experiences of accessing the scheme, interview participants overwhelmingly responded positively when asked whether they would recommend a DVDS to others. As captured in the following excerpts, the vast majority of interviewed applicants saw value in the premise of the scheme, noting that they would recommend it to others:

*I think if more people knew what they were getting themselves into, they definitely wouldn't go down that path. It would make them change their mind. (Applicant Interview 10)*

*It could only give more strength and power to people. Even only connecting with the counselling services afterwards and realising that if you wanted to leave, even if you had no resources, you would be okay. There would be avenues for you to do that. I don't know. It seems like a good system. (Applicant Interview 1)*

*In fact there's a few friends that I've thought that I might discuss it with – not discuss my experience, but just recommend them going down that path ... I think if it was available to more people, it would certainly make better choices in the beginning. (Applicant Interview 10)*

As well as recommending the scheme to others, some interview participants also commented that they would use the scheme again for future intimate partners. As one applicant remarked:

*If I could have it my way, I would literally be applying every man that I start dating. (Applicant Interview 4)*

One applicant spoke about the benefits of a national scheme – a policy option that has not been explored in Australia. She commented:

*I think it's incredibly important. I think it should be nationwide. We are in an epidemic of male violence towards women. Men in this country seem to be completely out of control ... I think it is invaluable. And if you want to protect women, we need to know these things, because men lie. (Applicant Interview 8)*

The concept of a national scheme is interesting, as it would necessitate significant coordination in service provision and information sharing efforts within and across each Australian state and territory. While Australia has introduced a national domestic violence order (DVO) scheme,<sup>6</sup> Clare's Law in England and Wales applies nationally. It is also notable that several applicants in this study were aware that their partner had lived in at least one other Australian state prior to their relationship. A state-based scheme is limited in terms of the totality of available information – running the risk of lulling applicants into a false sense of security in cases where the partner's history is not visible in the state they currently reside in.

<sup>6</sup> The DVO scheme allows domestic violence orders issued in one state or territory to be recognised and enforced across all jurisdictions in Australia. See further, National Domestic Violence Order Recognition Act 2017.

## Part 2: Practitioner and stakeholder views of and experiences with domestic violence disclosure schemes

As noted in the methodology, the interviews and focus groups for this project were completed with 46 practitioners and relevant stakeholders. The sample was made up of those with direct practitioner experience with the South Australian, New South Wales or New Zealand DVDS, academics who have researched DVDSs or similar legal responses to intimate partner violence, legal practitioners, and those working in the intimate partner violence policy reform area in Australia and New Zealand. In this section, views and experiences of DVDSs are based around eight key tensions that emerged in the data:

- Empowering individuals to make informed decisions vs responsabilising victim-survivors.
- An early intervention scheme.
- Information sharing and data integrity.
- Referral pathways and access to support.
- Perpetrator accountability.
- The impact on marginalised communities.
- The importance of community awareness.
- Resourcing considerations.

Like the previous section, interviews and focus groups with practitioners and stakeholders are heavily quoted in this section in order to provide direct insights into their professional expertise and experience.



## EMPOWERING INDIVIDUALS TO MAKE INFORMED CHOICES VS RESPONSIBILISING VICTIM-SURVIVORS

DVDSs operate on the basis that those who receive the information will be empowered to make informed decisions about their safety within their relationships. During the focus groups and interviews, practitioners were asked if they agreed with this justification for the scheme and if, in their experience, the scheme delivers on this objective. Indeed, for a number of practitioners, creating informed choices for women was viewed as the key merit of a DVDS:

*I think the principal benefit of potential victim survivors, so people having access to information that can help them to feel more agency over their safety and help them to factor into their own decision making. That is something I think we'd support. (Practitioner/stakeholder Focus Group 1)*

A practitioner with experience of the SA scheme provided an example the state's DVDS fulfilling the aim of creating a pathway for informed decision-making:

*...I spoke with this woman who, when she explained to me, "There was a really violent relationship. There was threats towards the baby when she was really small, and I just want to make sure he's safe. I've not had any contact with him in ten years. He could have changed, I don't know. But my daughter's wanting to see him, he's wanting to see her. They've been communicating on Facebook. I'm between a rock and a hard place. I don't know what to do." So, I spoke with police, the disclosure went forward ... the information we did receive was that he had actually abused and, I think, threatened to kill one of his other children or stepchildren interstate, and it was a really serious assault against the child. You know, so, in that sense, that little girl and that mum have been able to keep doing what they're doing and maintain their safety. (Practitioner/stakeholder Interview 1)*

For some participants, the potential for victim-survivor empowerment lies with the forward-facing nature of a DVDS. For example, they reflected on the Victorian context, where the current information-sharing scheme allows for relevant agencies to disclose information to a victim-survivor perceived as at risk – mirroring the 'right to know' function of a DVDS. These participants argued, however, that the "big difference" between this current model and a DVDS is that a DVDS "gives victims the mechanism to seek information" (Practitioner/stakeholder Focus Group 1).

UK research shows that the assumption that women with information about their partner's violent history can therefore make informed and safe choices encourages victim-blaming (Barlow et al., 2023). This is particularly problematic when a woman provided with information decides to not end the relationship and is later abused by her partner. Police and courts have a long history of victim-blaming, and the DVDS can further fuel these attitudes. Many interviewed practitioners grappled with the challenge of responsabilising victim-survivors for not leaving abusive relationships:

*So, once he becomes aware, and inevitably he'll become aware that she has this information, and he'll go into overdrive of minimising it, and rationalising it, and all the behaviour that they use. But also, you're right, it puts her in really [...] In significant risk. And if she's able to manage that, so then there's that issue of, we're asking women to manage their risk, which is what they do every single day, we're asking them to then, it's almost like the system creates a high-risk situation for her potentially, and then we say, "But we need you to manage that." (Practitioner/stakeholder Focus Group 2)*

For the following participant, a key problem with framing the DVDS as empowering is that it undervalues the victim-survivors' own perceptions of risk and gatekeeps information:

*Because we've got these kind of systems in place, like, "We'll sort it out for you. We'll let you know when you need to know the things that you need to know." It's kind of challenging that notion of – and I'm not suggesting that victim survivors should manage all their risk, but they have a really good idea of what the risk is. So when that information is held somewhere, and she's not necessarily in the loop in the way that she should be, it's quite disempowering, because she's only getting half of what she needs to know. So I really challenge that notion that it's empowering. (Practitioner/stakeholder Focus Group 5)*

As above, a DVDS frames service providers – particularly police – as best-placed to determine the level of risk to victim-survivors by deciding what is and is not relevant to an applicant's risk. Paradoxically, services responding to domestic and family violence have a long history of misjudging this risk (Hester, 2011; Meyer & Reeves, 2021; Perez Trujillo & Ross, 2008). For some, this issue was particularly relevant around the role of child protection. Practitioners held concerns that women who receive a disclosure but do not leave the relationship may be flagged with child protection and thereby experience increased state intervention, potentially leading to their children being removed from their care:

*Until we have a child protection system that isn't doing what it currently does, which is take that approach of responsabilising mothers for the violence they experience, then a scheme is like this is pretty dangerous in that sense, isn't it? (Practitioner/stakeholder Focus Group 3)*

*... in Victoria, it was very consistent Child Protection advice that, "If you stay with this violent man, we will think you're not taking sufficient steps to protect your child." And not that they assisted people to seek orders or anything like that, but, "You might not be taking enough steps to protect your child." And so, this was being said by a lot of social workers who should have known better, to women. (Practitioner/stakeholder Interview 5)*

While no practitioner with direct experience with an Australian or New Zealand DVDS reflected an instance where child protection followed a disclosure, the problem has been identified in UK-based research on DVDS programs (Hadjimatheou, 2022). Therefore, it is important that Australian states and territories considering the introduction of a DVDS provide safeguards to prevent the scheme from becoming another tool to blame victim-survivors for the abuse they experience.

Practitioners and stakeholders also challenged the framing of a DVDS as creating opportunities for informed choices or decisions. Some participants suggested that, while the scheme does offer information, it does not necessarily provide choices – which are often undermined by the ways that women become entrapped in abusive relationships:

*We're not telling women who to have relationships with. But I think that there is a false narrative that, "If you told me he was a bad guy, I wouldn't have gone near him." Because you have to look at the other behaviours, which are typical for people who are perpetrators of family violence, and that is, of course, they cultivate the people into their lives, and information sharing, I don't think defeats that cultivation. So I'm not sure that it's – I just am afraid at how that narrative about, we're giving women agency, we're giving them all this information, what is that doing? Is it actually putting her at risk because she's being asked to decide, oh, I'm going to accept that information, good bye, mate? Because it's a point of separation where you're at great risk. I'm not sure how it helps. (Practitioner/stakeholder Focus Group 5)*

The above reflections highlight a significant question over the point at which a DVDS is beneficial, or at what point service providers view it as genuinely creating informed decision-making opportunities for victim-survivors. The following discussion looks at the perceptions of practitioners and stakeholders of DVDS programs as 'early intervention' schemes.

## AN EARLY INTERVENTION SCHEME?

Throughout the practitioner and stakeholder interviews/focus groups – particularly those involving SA practitioners – emerged the positioning of a DVDS as an early intervention scheme. Practitioners explained that where a request for information through a DVDS is accompanied by intervention and engagement with a specialist practitioner, the scheme represents an earlier opportunity to provide supports, to support safety planning, and to assess and manage risk:

*... because it is an early intervention scheme, violence may not have yet occurred. Someone might just be picking up on red flags. So someone might start noticing they constantly are making comments about who I meet or my work or – I mean one woman which we often use as an example, seven weeks into the relationship hasn't introduced her kids yet into the relationship, picks up that a detective has come to the door twice and he's not allowed to see his kids from his previous relationship. Eligible for a disclosure, yeah? But nothing has happened yet to her because it is an early intervention scheme. So we are hoping that people are picking up the earlier warning signs and going, "I've got enough concerns to warrant me to get some information about this person." Or at least have a conversation with someone who really understands the dynamics of domestic violence and see what's happening here. (Practitioner/stakeholder Focus Group 7)*

For some participants, understanding the DVDS as an early intervention scheme required an appreciation of the fact that it will not be able to help all women who use it, and that it may depend on the relationship stage:

*I think disclosure schemes are just another example of an imperfect solution to a complex crime. But just because it doesn't address everything, doesn't mean that you don't do it. And I mean, I'm in support of a disclosure scheme, with some reservations. Because I think that you're totally right, there are going to be women who are put off by this information and go, "I'm not going to start that relationship," but just because some women do consume that information and go, "I'm still going to give it a go anyway." It doesn't mean that the scheme has failed, it's just that it's going to work in some circumstances, and not in others. (Practitioner/stakeholder Focus Group 6)*

One stakeholder's core critique of the DVDS is that it should go a step further and operate based on a prevention lens. They believed that this could reduce burden on the response and crisis sector:

*Because we're continuing to funnel people into a system that is over taxed, overloaded and unfortunately the people that work in the response-based sector, they have cognitive bias about what they're seeing every single day. They don't have the bandwidth or the time to look at it from the prevention lens. And even when – I don't know if you've reached out to any organisations that are involved in the primary prevention piece, they don't understand DVDS. They don't understand where it fits in, they don't understand the merit of it. They think that this is a scheme directed at victim survivors. And I'm sitting there saying, "No, no, no, this is a safety issue, this is a crime prevention piece." And this is where it's getting muddled in the conversation ... (Practitioner/stakeholder Interview 7)*

The view of this participant was that a DVDS could be used before a person has entered a relationship. This perspective aligns with the former NSW Government's 2023 pledge to reintroduce a DVDS, citing how the scheme could alleviate some of the risks associated with online dating (see, Hildebrandt, 2023). This implies that a DVDS could be used as a vetting tool for women – despite there being no immediate indication of risk or a relationship having even begun. This narrative clearly shifts the purpose of a DVDS away from an early intervention model. While there may be value to using a DVDS as a prevention tool (although no other participants mentioned this), it is important to consider the ways this approach moves the scheme away from an intimate partner violence model to a 'stranger danger' model. Some participants expressed doubts about whether women would use the scheme this way:

*I don't think people come for a disclosure out of the blue. I don't think they just met someone in a bar and think, "Oh, I'd better check him out." I think they're already entangled, and in fact, that's what the data from the New South Wales evaluation shows. I think most people have been in a relationship for longer than a year, so they're already entangled. Something's already happening that's worrying them. And so, it seems like just another step in the process of actually helping them to take action. So giving knowledge and almost sending them away to do something. For me, the thing that I'm most critical of is the assumption that these people will leave, and lives are far more complicated than that. (Practitioner/stakeholder Interview 2)*

The above statement raises an important point about expected outcomes. While the 'intervention' associated with a DVDS is the information itself, it is couched in expectations of what the victim-survivor will do with that information – or, more specifically, whether they continue or leave the relationship in focus. Some participants, however, suggested that room should be made for alternative outcomes, such as support to change a perpetrator's behaviour and/or address their history of violence:

*... anything that people can access also has to have the facility for forgiveness, and the ability for men to change. So who's going to be the caretaker of a system that allows for that to happen, that says, "Yes, he was a bastard seven years ago but he's been doing a lot of work since and he's really trying?" It's probably not the police either. (Practitioner/stakeholder Focus Group 9)*

Furthermore, one stakeholder raised the point that for a DVDS to operate as an early intervention tool, it requires victim-survivors to use the scheme early in the relationship, which is made problematic by the nature of domestic and family violence (DFV):

*... if you're talking about a coercive-controlling relationships ... it takes a long time for people to actually realise it was that. Takes people years, sometimes, to actually work out that they were being controlled. ... It's a bit different if you're subjected to physical violence and you then go and ask the question. But if it's that more subtle controlling, awful violence that's hard to name to yourself, it may take you longer, I think, to seek out the information. (Practitioner/stakeholder Interview 5)*

As previously discussed, while a DVDS is often positioned as an early intervention scheme, most service users interviewed in this project used the scheme after they had left the relationship. While this assessment is based on a small sample size, it nevertheless indicates that there may be a disjoin between what the scheme intends to achieve and what it actually achieves.

## INFORMATION SHARING AND DATA INTEGRITY

A DVDS relies on the collection and sharing of reliable data on the histories of perpetration. Yet, it is well-established in Australia that domestic, family and sexual violence behaviours, particularly non-physical forms of intimate partner violence, are underreported (see, inter alia, Mouzos & Makkai, 2004). Moreover, from charge to prosecution and through to conviction, the number of perpetrators called to account by the justice system diminishes. Thus, histories of violence that are documented by police may fail to capture a full picture of the risk that an individual might pose to their intimate partner. Generally speaking, practitioners and stakeholders had little faith in the reliability of existing system data; they were cognisant of the low reporting rates among victim-survivors. However, they also expressed frustration about the information and data recording process for women who do try to report intimate partner violence:

*However, getting police to record incidences when women – and I’m going to say women because our clients are predominantly women – have made reports is extremely difficult because we’ve had many situations where women have attended at a police station thought they were making a report. They’ve seen the police taking notes and everything but none of those instances are then recorded unless they happen to be aware that they need to get a police incident report number to make sure that it’s in the system. So the data that comes out of the DV disclosure scheme is only as good as the data that’s inputted into the system in terms of being able to inform any perspective partner/spouse, etcetera, of the potential dangers. (Practitioner/stakeholder Focus Group 4)*

*So somebody might come to the police and say, “I’ve got this problem. He’s doing this to me.” And they will say, “Do you want to make a formal report?” People will say, “Well, what does that mean?” “Well, you’ve have to come in and sign a statement.” Like it’s presented as a negative experience that’s going to impose upon them, and going to set them on a path from which they can’t retreat. So they say, “Oh, no.” Then there is no report of that at all. So the fact that there might have been 15 women that have gone in and said, “I get a really uncomfortable feeling with this fellow. He took me out, and then wouldn’t let me out of his car at the end of the date” or something or other, then none of those might be acted on by police. That information has disappeared, it isn’t anywhere. (Practitioner/stakeholder Focus Group 5)*

Another practitioner reflected on how intimate partner violence crimes may often be recorded according to the most serious offence (e.g. physical violence), which means that the officially recorded data may present only the tip of the iceberg of a violent relationship. This could misrepresent the risk to someone who has requested a disclosure:

*You wouldn’t want to have just that most serious offence. You would need information about every offence. But then when you think about police practice and the hamburger with the lot approach where everything gets put on the charge sheet, but then people either plea bargain out of certain offences, or the police just say, “Well, we don’t quite have enough evidence for this,” that progression of offences so that you end up with this finalised list of offences for which a person has been proven guilty. (Practitioner/stakeholder Focus Group 3)*

Similarly, another practitioner in the same focus group reflected on the ways in which quantitative data often misses the nuances of DFV, emphasising that data needs to be qualified to effectively understand risk and to communicate it to the person who has requested a disclosure:

*Because so often we say, "The data says this and the numbers say this, so therefore it's this." But actually if you want to hear the context and the story behind it, it actually means sometimes something quite different. (Practitioner/stakeholder Focus Group 3)*

Data can also be interpreted in different ways. Practitioners reflected on their varying understandings of risk across the sector:

*... many times, the client that was high-risk to me was not high-risk to police. They have different threshold. (Practitioner/stakeholder Interview 10)*

SA practitioners generally have a wider scope in terms of what they can disclose to applicants. They can share not only convictions, but also relevant reports, charges, intervention order applications and final intervention orders. This allows a fuller picture to be presented to the applicant – however, there are still limits on what can be shared. For some practitioners, this served as a frustration:

*... I hear – and I would see it with clients. "Oh, that's not that bad. He's just got – it's just one. Just one partner or one intervention order." But I would know this person's name from having worked across various sectors. You know, you remember names. And I thought, "Oh, my goodness, I remember this man and I remember his partner and I remember the story." So, you'd try and really highlight the patterns that the police are saying to have an impact, but some things don't – professionally, what I might see as a red flag, a client might not see as a red flag. (Practitioner/stakeholder Interview 1)*

Participants generally supported the wide range of information made available for disclosure under the SA model, despite the recognised limitations. Ultimately, the view was held that the more inclusive the criteria, the more likely the applicant is to receive an accurate picture of their risk. However, the validity of information shared is further complicated in Australia where domestic violence data sharing between states and territories is limited. Based on present legislation and policy responses, perpetrators can move between different states and territories and their documented histories of violence are unlikely to follow them, either in full or in part. Consequently, should such a scheme emerge in other jurisdictions beyond SA – it is important to note – an application to a disclosure scheme in one state or territory may not reveal histories of violence in other Australian states or territories, further minimising the accuracy of the risk profile presented to the requesting individual. When the NSW scheme was operational, its data collection was state-based only. In contrast, the SA scheme includes inter-state data – however, this data is more limited than that gathered within SA:

*... interstate information is limited to convictions, firearm licenses and confirmed IOs [intervention orders]. So we won't get from interstate whether or not an IO was withdrawn or whether or not anything else was reported. (Practitioner/stakeholder Focus Group 7)*

The reason that information sharing and data integrity were such significant concerns for practitioners and stakeholders was the risk of creating a false sense of security for those who use the scheme – a concern well-documented in existing literature (Fitz-Gibbon & Walklate, 2017; Wangmann, 2016). If the information disclosed to an applicant does not appropriately capture the risk they face, this may mean that the applicant views their relationship as safe. And, if an applicant has already started experiencing abusive behaviours and the disclosure reveals no history of violence, this may encourage them to blame themselves for the abuse, creating delays in seeking support. Thus, it is critical that DVDSs are accompanied by appropriate funding to improve information recording and sharing practices. Furthermore, given that formal data will never fully capture women's experiences of DFV, it is also imperative that DVDS applicants are made aware of the possible inaccuracy of the picture that is presented to them.

## REFERRAL PATHWAYS AND ACCESS TO SUPPORTS

Interviewed practitioners and stakeholders made clear that the benefits of a DVDS can only be realised if the scheme is accompanied by a breadth of supports made available to service users. As one practitioner reflected:

*I support the introduction of the DVDS. I think for me it's making sure there's all the infrastructure in place around that to support people who are accessing the DVDS to make sure that once they've engaged with that particular service there's all those services wrapping around to support them so they're not left alone with that. (Practitioner/stakeholder Focus Group 1)*

Participants also spoke about the importance of support services in instances where no disclosure was made – recognising that the service user likely reached out to the scheme because they had identified that they may be at risk:

*I can think of one case where, based on the application, police screened it as ineligible because of how it was written, but we would always follow up with a call just in case, and also still offer support. So, even if you don't get an actual disclosure, if you're not eligible for that, you will still receive the same support, safety planning, referrals and information. (Practitioner/stakeholder Interview 1)*

*I think if there's any value, it's actually that engaging in support in a face-to-face way, "While you're here, let me tell you about DV [domestic violence] Connect, let me tell you about refuge. Don't think that you're safe, just because this person doesn't have that sort of a history." (Practitioner/stakeholder Focus Group 2)*

In this way, some practitioners and stakeholders viewed the DVDS as a pathway to services for victim-survivors who may otherwise not have come into contact with services. As one participant put it, the scheme should serve to "catch you before you fall" (Practitioner/stakeholder Focus Group 3). The SA model, in particular, prides itself on the wraparound support it provides to service users – practitioners who had been involved with the scheme reflected at length on this:

*... the fact that regardless of whether there's anything to disclose or not, every person that applies gets contact with one of us is absolutely – those three things I think are really key to its success and to increasing people's safety. Because we have contact with people who would never come into one of our services, would never ... get support, but because of the way the scheme works and because we reach out to every single person and make every single person feel like there's a reason that you have made contact with us, let's talk about what that reason is, regardless of whether or no there's anything to disclose, I think that's a really valuable thing about it. (Practitioner/stakeholder Focus Group 7)*

*But also we know that then opening that door is a very big step. And once that door is opened, if they know that there's a trust then in that service that they will then get the correct response based on where they're at. So not us telling them, "Okay, so now you have to leave this relationship" but what safety plans can we put in place? What wraparound services are there for you so that if you then decide in the future that you want to leave, you know who the services are that you can reach out to, who you're connected with. You've got a safety plan. You've met with a family violence officer in your area. There's all of those relationships that are built in a very short period of time that then once that relationship has been made, it's so much easier for a women to then – or a man, but a women – to then connect to that service, knowing that they've already got some kind of relationship there (Practitioner/stakeholder Focus Group 7)*

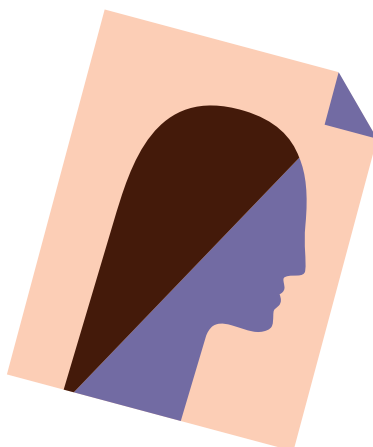
As captured above, SA practitioners emphasised that the DVDS is not about forcing service users to engage with support services, but rather giving them information and connections so that they understand those services are there if they need them. For these practitioners, support took a variety of forms, such as safety planning, counselling and education. The latter was framed as particularly important, as education is an opportunity for service users to understand the context behind the disclosure they have received and/or the behaviours they are experiencing in the relationship:

*... often we hear from our clients when they come, "Oh, I was aware of that. He told me there is that several intervention order, but because his former partner was blah, blah, blah, blah." We know they always pass on that information ... Without us sitting and trying to provide them with some domestic violence education for them to understand that, it won't make any difference for them. It will be just, "She made his life hell. She is just asking for revenge. That's why she's doing this. She wants to prevent him from seeing his children." Because she heard all this from him while they're still in the lovey-dovey space, and she believed him. And that's why it's important for this person to be surrounded with all the support needed, rather than just information about his offending. (Practitioner/stakeholder Focus Group 7)*

While only a small number of SA service users were interviewed, there was a clear disjoin between their experiences and the accounts of practitioners. Most service users felt that they were not provided with the wraparound support promised under the SA model. This included one applicant who was experiencing acute isolation, who said that this project marked the first contact she had received about the scheme following the disclosure. Indeed, some practitioners and stakeholders expressed scepticism about the specialist domestic and family violence sector's capability to provide the type of support someone may need after a disclosure:

*If it was functional, it would be as a network of support for women who want support because of red flags. Preferably their own. But, you know, other peoples as well. So how do you provide a network of support for that? Because we have major capacity issues as well. Major issues of capability in the sector. (Practitioner/stakeholder Interview 12)*

As one participant stated, without those supports the scheme becomes a "passive exchange" (Practitioner/stakeholder Focus Group 8). A disclosure without support undermines the principle of 'do no harm' – given that where a disclosure is made, service users are likely to experience exacerbated feelings of unsafety, but are not given the tools to respond to their risk.



## PERPETRATOR ACCOUNTABILITY

Practitioners and stakeholders expressed mixed views about the potential for a DVDS to increase perpetrator accountability. Some suggested that a perpetrator's knowledge that their abusive behaviour may become known to future partners may act as a deterrent for them. This is captured in the following excerpts:

*I think if we had a DVDS here in Victoria that was constructed whereby [intervention orders] were disclosable, that would act as somewhat of a monkey on that person's back because it's not just, "Oh well, you know I can't go within ten metres of her or I can't call her or whatever, I'll get done for a breach." It's no, someone down the track can discover this information about you. (Practitioner/stakeholder Interview 7)*

*... perpetrators act in secret. They act in secret behind closed doors, they're squeaky clean and Prince Charming personified when they're in public and they're Dr Jekyll behind closed doors. So what they rely upon to continue offending is the secrecy of what they're doing and the fact that she can't say anything or do anything about it. So if they find out on any day of the week that the government is going to say, okay, if you get in a relationship with someone and they start to question your behaviour the police will tell them all about what you've done in the past. There's accountability for the first time which would be nice. (Practitioner/stakeholder Focus Group 4)*

However, the more commonly expressed view was that a DVDS is limited in its ability to create perpetrator accountability – and that this is not what it is designed for:

*This would be more about victims or women finding out if someone's a perpetrator than deterring the perpetrator. (Practitioner/stakeholder Focus Group 1)*

*Can I be a devil's advocate though? With the way that I'm looking – and, look, I can only talk about South Australia because that DV [domestic violence] disclosure scheme that I have experience with. The way that it's set up though is not designed to hold perpetrators accountable because there's no – yes, the information potentially will get disclosed to a partner, spouse, etcetera. However, as I've said before they can't do anything with that information so it kind of just sits there and that perpetrator – I mean if that perpetrator then chooses to exit the relationship they just then move on to the next person. It's not like it leads to criminal sanctions or civil sanctions against the perpetrator. It's just an avenue to facilitate victim survivors being able to receive information that may support them in deciding to exit an unsafe relationship. (Practitioner/stakeholder Focus Group 4)*

While some participants recognised that a DVDS has significant benefits even though perpetrator accountability is not one of them, others took issue with the resourcing of initiatives that do not aim to keep perpetrators in view but instead place the onus on women to prove they are legitimate victim-survivors worthy of protection or, as captured below, information:

*... while I respect that there is the law and exactly what you said at the beginning of the conversation it defies my mind that we give so much privacy and respect to the perpetrator and we rely on the victims to prove why they should have an AVO [Apprehended Violence Order] or why they should be able to get that information. It lessens the responsibility of the perpetrator, in my mind, to their behaviours. So it actually, in effect – just listening to that it feels like it gives them even more power over the victim than – so often we say to the victims of domestic violence, "Unless you're prepared to go to police and provide a statement*

*you may or may not get an AVO.” Why? Why do they have to do that because an AVO is not a criminal matter? If it’s breached it’s a criminal matter. Why not give them something to protect themselves? Why do they have to fight for it? And even this process of – I haven’t used any disclosure systems but even the process of all that red tape to be able to provide information to a woman because you want to protect the perpetrator’s reputation or I don’t know what it is that you’re protecting because if you don’t perpetrate domestic and family violence then you’ve got nothing to hide so ... (Practitioner/ stakeholder Focus Group 4)*

Another participant commented that for a DVDS to have an influence on deterrence, greater thought needs to be put into this. Specifically, they noted that any perpetrator intervention should be underpinned by a “theory of change”, which a DVDS is not. As they stated:

*So, when we’re thinking about the rationale for doing [a] DVDS, I think we need to probably recognise again, that it’s not necessarily going to make – I don’t think it’s going to prevent homicides, I’m just going to put that out there. And you know the reason why, is because it assumes that basically if one woman says no to this guy, he’s a dud. But we know that after, that these guys have multiple relationships, they lose one partner, they find another. I’ve done analysis of data where there are guys that have had five partners in six months. So, what is our theory of change here, if we’re thinking that it’s dependent on every woman in Australia basically saying no to this guy, on the basis of information that’s provided to them. I think it’s a social good that we should implement, but I don’t think the theory, or the mechanism for change underpinning DVDS, is going to bear out ... (Practitioner/ stakeholder Focus Group 6)*

The above comment highlights the lack of clarity surrounding the potential for a DVDS to create opportunities for perpetrator accountability. On the one hand, the ability for victim-survivors to hold the perpetrator to account within the relationship is limited – both by the increased risk that may result from confronting a partner about their history, as well as the legal implications of breaching the requirement to not share the disclosure with others. On the other hand, as was evident in some applicant interviews, a DVDS may encourage victim-survivors to report violence so that a trail is left for the next potential victim. However, this again places the burden on women keep perpetrators accountable. While a DVDS may still play an important role in the lives of (potential) victim-survivors, policy makers should take care in leaning on perpetrator accountability as a selling point of the scheme.



## THE IMPACT ON MARGINALISED COMMUNITIES

A core concern raised by practitioners and stakeholders in this study was the potential unintended consequences for marginalised populations which can emerge in through the operation of a DVDS, including Indigenous populations, migrant communities and those from low socio-economic backgrounds. For some, this concern stemmed from the implications of the scheme for victim-survivors who have been misidentified as predominant aggressors – an issue that disproportionately affects victim-survivors from marginalised groups (Nancarrow et al., 2020). As one participant commented:

*I think we would have to be very careful about misidentification, particularly for CALD [culturally and linguistically diverse] community and for Aboriginal women, because of the impact – the disproportionate impact of the application of those laws ... there's a very Anglicised view of what stereotypical behaviour looks like in relationships, and about how people react to different things. This is what I've seen. And when people act in a way that's not expected or stereotypical, the police are more likely to then put charges on both parties. That's how I'd explain it. There's probably a more sophisticated way. But in terms of what we've seen coming through our office doors, I've seen quite a bit of that. (Practitioner/stakeholder Interview 6)*

Practitioners and stakeholders suggested that victim-survivors who have been misidentified may be impacted by the DVDS if future partners use it and receive a disclosure relating to an instance of misidentification or false allegations. For context, misidentification is a significant issue in Australia (Nancarrow et al., 2020). In Victoria, for example, services reporting to the Family Violence Reform Implementation Monitor (2021) stated that misidentification may be occurring in up to 50% of cases where women victim-survivors engaged with the legal system present to domestic violence services. The reservations held by some practitioners and stakeholders were mostly theoretical, however, and those with experiences with the SA, NSW or New Zealand scheme did not cite instances of a DVDS unfairly impacting misidentified victim-survivors. As one practitioner reflected, while the SA scheme is seeing large numbers of applications, they “haven’t seen that really come up” (Practitioner/stakeholder Interview 1). This is not to suggest that misidentification is not a broader issue, but rather that it is not having an impact on the small number of DVDSs in Australia and New Zealand.

Practitioners and stakeholders also expressed concerns about the impact of the DVDS on perpetrators from marginalised communities who may be more visible than other perpetrators, such as white, middle class, educated perpetrators who often fly under the radar of the criminal justice system. Linking in with the theme of perpetrator accountability, the pertinent question, then, is who is made accountable under a DVDS. One stakeholder reflected on this, referring to the data from death reviews in New Zealand and the invisibility of Pākehā (white New Zealander) men:

*All of the guys that we captured within that report were predominant aggressors. The large majority of them – all of them had used violence to the point where either they killed somebody ... And yet the level – the number of prosecutions for Pākehā men was really low, so proportionally the Pākehā men had a really, really low prosecution rate. But if you're talking about DVDS disclosure scheme, that then says that the majority of those guys actually won't be disclosed on. (Practitioner/stakeholder Focus Group 9)*

Another participant from New Zealand spoke about how the over-policing and criminalisation of Indigenous populations may misrepresent the risk posed to the person requesting a disclosure:

*... sometimes you might see some stuff that are not really clear. I had – I worked with a client, both of them very young and indigenous Māori people. Unfortunately, some of them, especially young people ... you might see 'gang connection', while it's not gang connection. They grow up in a [family] that connected to the gang ... you see it as a red flag. So again, I think it's not clear. (Practitioner/stakeholder Interview 10)*

As expressed by one participant in Focus Group 9, a DVDS may exacerbate discrimination, and “it’s just going to be chipping away at them again and again without providing support to them [perpetrators].” Greater visibility of marginalised perpetrators was also framed around the variation in resources available to different communities, with some participants reflecting on how more privileged victim-survivors may have greater opportunities to respond to DFV outside of the criminal justice system:

*Basically, if I experienced violence and I needed to leave my home, I could go to my sister's home quite comfortably, be supported by her, have my own bathroom, and I'm probably going to take that self-help thing, rather than put my husband and myself through a going to court process. So he's not going to be at risk of being on a victims register, let alone getting an order made against him. Whereas somebody else who doesn't have those resources, that's in a shared rental accommodation with someone, where the police have heard – the violence has been reported to them by the neighbour. They've turned up and they've intervened and excluded somebody from the house, and they're required to be in court proceedings within the next 14 days. They're in court, and they're less resourced. So we're actually making some people accountable, and other people are invisible. And, of course, your wealth and privilege is the thing that's going to make this invisible. (Practitioner/stakeholder Focus Group 4)*

Practitioners and stakeholders further considered the reluctances of potential victim-survivors to engage with a DVDS out of fear and/or mistrust of the legal system, stemming from an over-criminalisation within their communities. As two practitioners explained:

*... that legitimacy question comes up, but Sisters Inside<sup>7</sup> or groups like that would say that there's many women who have been through the criminal justice system, they're very, very vulnerable and couple feel like – yeah, what is this scheme that's around disclosing criminal history? Even if you try and explain, “No, no, that's not its purpose.” Could it deter some women in that way? (Practitioner/stakeholder Focus Group 8)*

*But that same response for Pacific and Māori families, they've had that response since they were very young, and they're completely inappropriate responses and very punitive responses and responses that destroyed families rather than building them up. So I think any sort of scheme, there's got to be a lot of safeguards. I don't know if I'm a big fan of it because there is not possibility for people to heal and straighten out their lives, and make a mistake but learn from it. (Practitioner/stakeholder Focus Group 9)*

In this way, experiences of misidentification may impact whether some women choose to use the scheme or not.

<sup>7</sup> Sisters Inside is a not-for-profit organisation in Australia which supports criminalised women, girls, children and families.

As one participant noted:

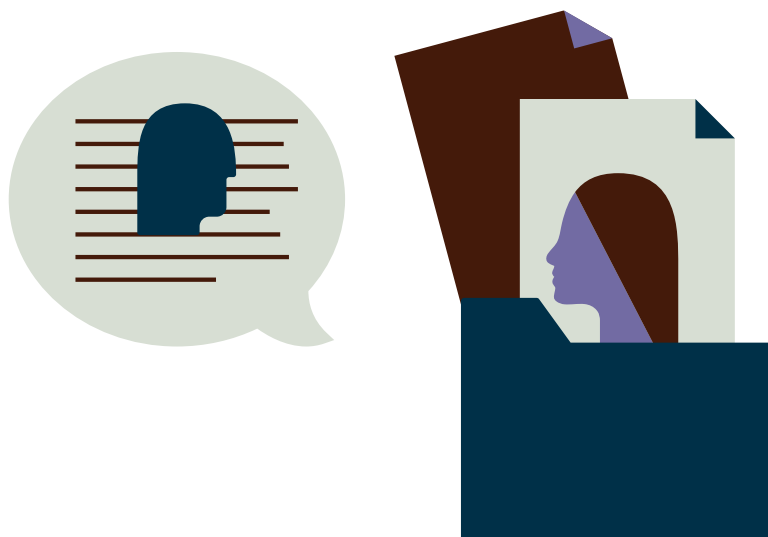
*... we've been working with criminalised women, so women in prison. So often the source of their criminalisation is linked with misidentification and then it just compounds to everything else. There is a lot of distrust of police, a lot of distrust of the system, so I think that kind of is also why we're kind of so apprehensive about a domestic violence disclosure scheme as well, because we just see it going so wrong so often and that then become a barrier to engaging in support. It's very, very tricky. (Practitioner/stakeholder Focus Group 8)*

Interestingly, data from the NSW DVDS pilot showed that Indigenous women used the scheme at surprising rates: 15% of applications were made by First Nations women (Urbis, 2018). Practitioners and stakeholders involved in the NSW scheme expressed frustration over the lack of insight into this:

*I think that would be great, because to me, it was counterintuitive that the use by Indigenous people would be so much higher in a community that we would have imagined would have been more tight-knit. Maybe because it was city primarily – or not all, but some city locations, maybe the community isn't as tight-knit. But it still runs counter to the things that I'm aware of. That was, for me, one of the really surprising things out of that evaluation. And so, it really made me think, were indigenous people looking for something different from this information scheme than we would expect, or we're using it in a different way? And of course, that didn't really come out. (Practitioner/stakeholder Interview 2)*

*That was, in one of the sites, there seemed to be, comparatively speaking, good engagement with First Nations people and we were curious about why. What was different about that site that led to that? What was the scheme offering that filled a gap if it filled a gap and why was it that that was the case? It may well have been because the local service has such a good relationship with the First Nations communities there. I know I've been very critical, so I do acknowledge that that was something that we were curious about, but unfortunately, it wasn't unpacked. (Practitioner/stakeholder Focus Group 8)*

Indeed, the findings from NSW were surprising. And the lack of interrogation of these findings presents a missed opportunity, especially as more states Australia consider introducing a DVDS. Historically, legislative reform in the DFV area has exacerbated harm to marginalised communities, and while a DVDS may be viewed as a passive intervention, more knowledge is needed around who a DVDS will impact, and how it will impact them.



## THE IMPORTANCE OF COMMUNITY AWARENESS

For a number of practitioners – particularly those with experiences in the NSW, SA or New Zealand schemes – the success of a DVDS rests heavily on a community’s awareness of the scheme. In particular, practitioners reflected on the lack of community awareness of the NSW and New Zealand schemes as serious limitations to their operations. For example,, reflecting on the NSW scheme, one practitioner commented:

*I hear that there were risks and some drawbacks to the New South Wales scheme ... that’s a bit of a shame to have that Secret Squirrel nature of it because I think one of the benefits to a program like this is the community awareness aspect of it and the community empowerment potential of a program like this. It can be – for so many people it’s their – seeing someone that they care about, and that they’re concerned about their safety, there are not many tangible actions that people can take or feel able to take and this is one way that people can feel that they’re helping the friend or a relative. (Practitioner/stakeholder Focus Group 8)*

Here, we see the benefits of wider community awareness framed in terms of the role of third-party applicants. Community campaigns advertising a DVDS can create opportunities for bystanders, such as friends and family, to take steps to support loved ones who they fear may be experiencing intimate partner violence. Practitioners from New Zealand also expressed frustration about the lack of awareness of the scheme:

*If I were to be very honest, I believe that it doesn’t work here technically, because no one knows that here, and most people don’t know about this one. Even practitioner don’t know, so it’s not only about the public. Many people don’t know about this family violence disclosure scheme. (Practitioner/stakeholder Interview 10)*

*When it does work, it works really well, but the uptake of it is extraordinarily low. So generally, even now, people will not necessarily think about it as a possibility, even though it exists. And even advocates in the field don’t necessarily know that it’s an option, how to go about it or what the limitations are, in terms of who has that access and when, or who to go to with it. So it’s not very well known or embedded into usual practice initiatives, and certainly not within communities. (Practitioner/stakeholder Interview 11)*

In New Zealand, it is perhaps unsurprising that community awareness is low, given that each New Zealand-based practitioner who participated in this study suggested their DVDS is almost non-operational and has not received appropriate funding or attention in several years. In contrast, practitioners with experience in the SA scheme spoke about their efforts to promote the scheme across the state. Interestingly, while some of this promotion work was more formalised – including via paid social media adverts and marketing companies – much of it appeared to be grassroots-style promotion. As one practitioner commented:

*... I went to Mount Gambier to complete the disclosure, and on my way, I was stopping, quite literally, at every roadside bathroom and putting posters on the back of toilet doors, on community noticeboards, leaving pamphlets in tourist centres, and that’s something we would frequently do. I just have posters in my car. I always smack them around everywhere. (Individual Interview 1)*

However, SA practitioners did acknowledge a key problem with widespread community knowledge: The ability to keep up with applications. One practitioner described their team as “inundated” with applications, creating challenges to provide disclosures in a timely manner. Thus, advertising a scheme needs to be carefully balanced with staffing capacities. While SA practitioners were broadly happy with growing community awareness around their scheme, one practitioner did reflect that there is room for improvement in terms of awareness among marginalised communities:

*So a lot of promos still need to go out there for people to understand that they can get information, they don't have to do anything – they just can get the information. LGBTQ+ sits at about just over 1%, so there's very little there. We've got 9.5% for disability. So people with disabilities, intellectual, physical, psychosocial disabilities coming through ... But we could – the scheme can still expand out in different population groups around our state in that regard. So we're nowhere near actually I think reaching the whole of community as yet, but we're certainly on the way. And word is starting to get out there. (Practitioner/stakeholder Focus Group 7)*

It is important to note that low engagement from marginalised communities may not come solely down to a lack of awareness. As previously discussed, it is also likely influenced by a distrust of formal systems, including the police.



## RESOURCING CONSIDERATIONS

The resources required to implement and operationalise a DVDS are significant. Funding is required to support frontline policing, management of administrative workloads and resourcing for the specialist domestic violence sector to provide critical referrals and support to victim-survivors engaging with a scheme. A 2017 inquiry into the merits of a DVDS by the Queensland Law Reform Commission (QLRC, 2017) concluded that these schemes are costly, and that funding would be better directed to supporting frontline services. For practitioners and stakeholders interviewed in this study, the under-resourcing of the sector was a key challenge to the effectiveness of their DVDS. In particular, participants involved in the NSW scheme noted that while the scheme was in place, the operational costs were a point of contention and concern:

*They were our reservations about the scheme and as it turned out, god, I think it was about – it was over \$4,000 per application in New South Wales and there weren't a lot of disclosures necessarily... (Practitioner/stakeholder Focus Group 8)*

*The other thing I'd say about the pilot in New South Wales is that it was really expensive and that was one of the things that the sector was negative about, was because of the disproportionate cost to the benefit of running it. Partly that was because they had an on call person 24 hours a day which is not really necessary for this type of project. "It's 2am, I really need to check if my person's had a previous AVO. Oh darn it, I'm not allowed to find that out anyway." It really could be a nine to five service as opposed to other services like refuges which are nine to five but should be 24/7. I think the cost benefit analysis in the New South Wales pilot was really off and it could potentially be like an add on to a service that you actually really want, which is co-location service so that when people go to police they get a high quality service. That's something I'd be really keen to promote and if it could be done through this funding, then maybe I would be more supportive of it if we got to have trained specialist services in police stations who are available when people disclose. Then that would be a huge benefit and if it meant there was this other service on the side, then so be it. But the actual benefit of the service is having people available in the police station. (Practitioner/stakeholder Focus Group 3)*

Similarly, practitioners working in the SA scheme identified funding as an issue – specifically suggesting that greater funding should be allocated to the police to run the scheme:

*I think police need funding. I think police need funding in this scheme to be able to give it more time. I think that's probably one of the barriers is that central point where applications initially sit. I think that there needs to be funding for police in that space. (Practitioner/stakeholder Focus Group 7)*

A requirement for greater investment in the police to make a DVDS operate more effectively – rather than investment in specialist support services, housing and prevention – can be viewed as problematic. Especially as the scheme is framed as an early intervention scheme, as opposed to a response/crisis intervention point, where the police are typically situated. Indeed, throughout this study the question of resourcing was often framed in terms of where the money for a DVDS is being diverted from, or if the money would be better spent elsewhere in the sector. Two practitioners commented:

*I guess what I'm trying to say is that these schemes I think do have a lot of potential, but they're also – as long as the resourcing of the scheme doesn't pull against resourcing in other critical need areas and I think that there'd be many women who I spoke to who would put other things as a higher priority to this, I guess is what I'm trying to say. (Practitioner/stakeholder Focus Group 8)*

*In my conversations with people including our First Nations Women's Legal Program Team, that was their comments: "We need much better education around domestic and family abuse and we need a much better police response." They would be the priority areas rather than a domestic violence disclosure scheme. ... it's essential that it's embedded in specialist DV services and not off in a police station. There needs to be a whole lot of safe guards around it, but also, we want to ask the question, is that the thing that people most need? Or, is it about better resourcing sexual, domestic and family violence services? Because I think in the evaluation of New South Wales, that was the part that women liked. They liked the connecting a response to the specialist DV service, that was a positive, but you don't need a domestic violence disclosure scheme for that. (Practitioner/stakeholder Focus Group 8)*

Furthermore, practitioners and stakeholders expressed concerns about the politics embedded in any new DFV law, scheme or initiative – the DVDS included. As one participant put it, a DVDS has been framed as a “quick fix” (Practitioner/stakeholder Interview 8), and this framing undermines the need for substantial and ongoing resourcing. Practitioners and stakeholders also spoke about the challenge in Australia over constant funding of new initiatives rather than “increasing the core funding of services that work” (Practitioner/stakeholder Focus Group 3). This pattern was framed as politically motivated:

*... there is of course the political desire to do something and there's the community desire of course to do something. But this has been and continues to be in whatever the content, whatever the substantive topic, it's an easy, politically expedient way of dealing with a really complex issue. "Oh well, we'll just have a public information sharing scheme..." It's a simple thing that appeals, emotionally it appeals to voters I think. And that's clearly a very cynical view, but I think that I feel like it's a cynical exercise rather than a well thought through, carefully considered evidence-based effort. (Practitioner/stakeholder Focus Group 3)*

Problematically, this approach is not only often poorly thought through or researched, but it also means that initiatives fall through the gaps as government and organisation priorities change. According to some practitioners, this is likely what has limited the operation of the New Zealand scheme:

*And so whoever had the time, enthusiasm, motivation to get that up and running and going has probably shifted on. (Practitioner/stakeholder Focus Group 9)*

As captured above, the ultimate question raised by practitioners was not whether a DVDS is a useful scheme – the value of the scheme was noted by many – but, rather, whether it is the best use of resources in a chronically under-funded DFV sector.

# Conclusion:

## Implications for policy and practice

This research reveals significant disparities between the perspectives of practitioners and the actual experiences of applicants with DVDSs in Australia and New Zealand. While practitioners may hold certain views about the objectives and effectiveness of a DVDS, the applicants who participated in this research – albeit a small number – often reported encountering gaps in support and safety planning opportunities which largely conflicted with the aims of the scheme. A disclosure without support undermines the principle of ‘do no harm’ – given that where a disclosure is made, service users are likely to experience exacerbated feelings of (un)safety, but are not given the tools to respond to their risk. The lack of follow-up supports and safety planning reported by applicants underscores a crucial gap in DVDS implementation, and undermines the effectiveness of the scheme in promoting longer-term safety and wellbeing for victim-survivors of domestic and family violence. For jurisdictions continuing to deliver a DVDS, as well as the Australian states and territories currently considering implementing a scheme, these findings underscore the critical need for services to capitalise on moments of disclosure to provide comprehensive support and safety measures.

The outcomes described by applicants often diverge from the stated policy objectives of the DVDS. For instance, a significant portion of victim-survivors had already left their abusive partners by the time they accessed the scheme. Rather than informing their decision to leave, the disclosure served to validate their prior actions. This raises questions about the efficacy of a DVDS as a tool for perpetrator accountability within a system that frequently falls short of holding abusers accountable. With regards to perpetrator accountability, this study reveals a nuanced perspective among practitioners and stakeholders. While some practitioners and policy stakeholders anticipated throughout the interviews and focus groups that the threat of disclosure could act as a deterrent for perpetrators, others questioned the validity of such claims. Perhaps – as suggested by findings within this report – the DVDS may be better positioned as a recovery mechanism rather than solely as an early intervention or perpetrator accountability tool. This reframing could involve re-evaluating the objectives and outcomes of any DVDS better align with the realities faced by survivors of domestic violence, ultimately enhancing their effectiveness in promoting safety and empowerment.

This study highlights the need for increased awareness surrounding the DVDS in the jurisdictions delivering the scheme. This is particularly critical if the scheme is to function as an early intervention mechanism. Several applicants and practitioners in this study expressed the issue of a lack of awareness about the scheme, suggesting a gap in dissemination and outreach efforts as well as, potentially, a lack of resources to fully embed and operationalise the scheme. This was particularly apparent in New Zealand, where there appeared to be minimal awareness of the scheme among practitioners and the community which has led to what appears to be a significant underutilisation of the scheme. There is a need to better understand what role the DVDS can play – or whether it should indeed play one – as part of New Zealand’s domestic and family violence policy responses.

As the findings in this report demonstrate, delivering a DVDS carries significant implications related to implementation (cost, data sharing, policy practices and access). These schemes also raise human rights, some of which are yet to be fully considered (see, Walklate & Fitz-Gibbon, 2019). Mirroring several of the finding raised in this research, Wangmann (2016: 234) has previously summarised some of the issues of concern with the DVDS in the following way:

DVDSs fit with contemporary governmental notions of personal responsibility and the individualising lens of the criminal law – both approaches that have long been the subject of feminist critique in terms of their ability to effectively respond to complex harms such as violence against women. Much like the UK scheme, this NSW DVDS may well be a ‘PR success’<sup>74</sup> for the NSW government – but in terms of reducing domestic violence is unlikely to make any difference for the vast bulk of women experiencing violence from their intimate partners. DVDSs shift the focus away from the structural requirements that are needed to ensure safety, for example improving police consistency in responding to domestic violence, and ensuring that accommodation, counselling and legal services are able to meet demand. It is unfortunate that DVDSs are being rolled out without evidence that indicates they enhance women’s safety.

Given earlier calls to reconsider the efficacy of this policy approach, and in light of the findings in this study, it is imperative to critically reassess the role and function of a DVDS within the broader context of domestic violence intervention. As Australian states and territories – in partnership with the Australian Government – move ahead with their commitment to deliver on the ambitious objectives of the National Plan to End Violence against Women and Children (2022-2032), there is a critical need to scrutinise not only what works in addressing all forms of domestic, family and sexual violence, but also to understand what politics and practices may be less effective in achieving the objectives of the early intervention and response pillars in the National Plan. Adopting this lens, and noting the significant resourcing required if the scheme is to be effectively implemented, this research calls for a move away from the introduction of a DVDS in favour of alternative evidence-based policies and practices.



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