



## Troy Grant

Deputy Premier of NSW  
Minister for Justice and Police

## Pru Goward

Minister for Mental Health, Minister for Medical Research,  
Assistant Minister for Health, Minister for Women,  
Minister for the Prevention of Domestic Violence and Sexual Assault

Wednesday, 14 October 2015

### **DISCLOSING PERPETRATORS' VIOLENT PAST**

Deputy Premier and Minister for Justice and Police Troy Grant and Minister for the Prevention of Domestic Violence and Sexual Assault Pru Goward today delivered on an election commitment by announcing Australia's first Domestic Violence Disclosure Scheme (DVDS) and the locations of the pilot sites.

The scheme will commence in four NSW Police Local Area Commands (LACs) from early 2016 in:

- Oxley LAC
- Shoalhaven LAC
- Sutherland LAC
- St George LAC

Mr Grant said under the DVDS a person or a concerned third party, such as family, friends or agencies, can make an application to NSW Police for the disclosure of a person's violent offending history.

"This is about preventing people being kept in the dark about potential dangers in their relationships," Mr Grant said.

Ms Goward said domestic violence is about power and control, and commonly a pattern of abusive and controlling behaviour.

"This is another tool that will empower people to make informed decisions about their relationships," Ms Goward said.

"The introduction of the DVDS follows extensive public consultation with government, non-government, specialist stakeholders, and a public discussion paper and roundtables," Attorney General Gabrielle Upton said.

The NSW Government will invest \$2.3 million in Police-NGO partnerships for non-government organisations to provide specialist domestic and family violence support in the four pilot sites. These services will be offered to all primary persons involved in an application. The expert support services will work alongside Police during the disclosure process and will offer post-disclosure support.

## FACT SHEET

### NSW DOMESTIC VIOLENCE DISCLOSURE SCHEME

#### What is the Domestic Violence Disclosure Scheme?

The NSW Domestic Violence Disclosure Scheme (DVDS) is a tool to enable a person who has concerns about their partner, or a third party who has concerns about a person's partner, to find out if that partner has a history of domestic violence and related offences. It is a Police led scheme and is for both women and men who may be at risk. The Scheme is not a register or a list. It is a tool to seek information about a person's violent offending history.

#### When and where will the Scheme operate?

The Scheme will be piloted in four NSW Police Force Local Area Commands from early 2016:

- Oxley
- Shoalhaven
- Sutherland
- St George

#### How does the Scheme work?

Concerned people, either a 'primary person' or a relevant 'third party' can make a DVDS application at a police station within the four pilot local area commands. The NSW Police Force will receive and review applications and undertake criminal record checks to determine whether a relevant conviction exists that requires a disclosure. Where a disclosure is needed, the disclosure will be made to the 'primary person'.

#### Who is the 'primary person', 'third party' and 'subject'?

A 'primary person' is the person who is in, or has been in, an intimate relationship with the 'subject' and who has concerns about their safety. For former relationships there must be ongoing contact with the former partner. A 'third party' is someone who holds concerns for a 'primary person', such as a family member, friend, or professional working with the family, or legal guardian. The 'subject' is the person who is in, or has been in, an intimate relationship with the 'primary person', and whose history of domestic violence and other related offences may be disclosed. For former relationships there must be ongoing contact with the former partner.

#### Who is eligible to make an application and how?

Australian residents aged 16 years and over, where the 'primary person' resides in a pilot local area command, are eligible to make an application. Application forms will be made available along with information packs for applicants to complete and submit to a police station in the pilot local area commands.

### **What information will be disclosed?**

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

Relevant offences include personal violence offences committed in a domestic relationship (i.e. domestic violence offences as defined by the *Crimes (Domestic and Personal Violence) Act 2007*) and certain specific personal violence offences where they were committed outside of a domestic relationship, such as sexual offences, child abuse offences, or murder. Breaches of Apprehended Domestic Violence Orders will also be disclosed.

There are a number of offences and orders that will not be disclosed under the Scheme. These include:

- offences from jurisdictions outside NSW
- offences where no conviction has been recorded
- convictions that have become spent
- juvenile convictions
- Apprehended Domestic Violence Orders
- any other offence not listed in the relevant offence list

It is also important to remember that domestic violence is widely under reported. There are also high attrition rates of reported matters at court. This means that some perpetrators of domestic violence have no proven criminal offences on record to disclose.

### **What will happen if there is a disclosure?**

Disclosures will be made in person to the 'primary person' through a verbal disclosure. The disclosure will be made at a police station, or another agreed safe place. An expert domestic and family violence support service will be present at the time of disclosure to support and help plan for the 'primary person's' safety.

Police will make specific enquiries and then set a time and date for informing the 'primary person' of the result of the application. If Police believe that an urgent disclosure should be made then they can do so at the time of the application being submitted.

To ensure the safety of the 'primary person' and others, the 'subject' will not be informed of any application or disclosure made about them. The person receiving the information will be notified that it is an offence to provide false or misleading information in an application, and any person present at a disclosure will be required to sign an undertaking that they will not misuse any information disclosed.

### **How long will it take to get a disclosure?**

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

If a serious threat to the life, health or safety of any person is identified as a result of the

assessment a fast tracked disclosure will be made.

### **What will happen if there is no disclosure?**

If there is no relevant conviction to disclose, the 'primary person' will be informed in person of the outcome of the application through a verbal disclosure. This should not create a false assurance and applicants will be advised that they should remain vigilant and report any future concerns. Most importantly, the 'primary person' will be invited to connect with support services to further discuss their relationship concerns.

### **What support services will be available?**

The NSW Government will invest **\$2.3 million** for Police/non government organisation (NGO) partnerships for NGOs to provide specialist domestic and family violence support in the four pilot local area commands. These services will be offered to all 'primary persons' involved in an application. The expert support services will work alongside Police during the disclosure process and will offer post-disclosure support.

These NGOs will be skilled in responding to high-risk communities including culturally and linguistically diverse communities, and lesbian, gay, bisexual, transgender, intersex and queer people, and people with disability. A tender process will be undertaken to select these NGOs.

## **GETTING HELP**

- Anyone in immediate danger should call 000.
- For information and support call the NSW Domestic Violence Line on 1800 656 463 or 1800 RESPECT on 1800 737 732.
- For information and referral to crisis accommodation and support call Link2home on 1800 152 152.
- Men having problems with violent behaviour can call the Men's Referral Service on 1300 766 491.