The Secretary

Queensland Law Reform Commission

PO Box 13312

George Street Post Shop QLD 4003

Wednesday 1 February, 2017

Dear Secretary:

**Submission to Consultation regarding a Domestic Violence Disclosure Scheme in Queensland**

PWDA made a submission to the NSW consultation regarding the current pilot of the Domestic Violence Disclosure Scheme last year. We provide this submission for your consideration, recognising that there are substantial differences in the definition of domestic and family violence between NSW and Queensland, particularly when it comes to people with disability. However, some of the discussions in the attached submission are of relevance to the current Consultation’s consideration of what breadth of relationships ought to be included in a proposed Domestic Violence Disclosure Scheme (DVDS) in Queensland (i.e., the question of the inclusion of informal care relationships).

Our view on DV Disclosure Schemes in general remains consistent with the views expressed in that submission: that we recommend against the introduction of the DV Disclosure Scheme, but that if a Scheme is implemented, due consideration must be given to its potential impacts on people with disability. People with disability are overrepresented as victims of domestic and family violence (however this is defined), and frequently face barriers accessing response services, including police assistance. In this context, a DVDS may have a disproportionate or unexpected impact on this cohort, and/or on the services that are supporting the delivery of the DVDS, including police and domestic violence response services.

We do not believe that the introduction of a DVDS will support the reduction of domestic and family violence; the minimal evidence that is available regarding such schemes internationally does not prove that this is a worthwhile use of resources. Additionally, current responses to domestic and family violence, which have well-demonstrated outcomes, are already strictly limited in capacity. The limited resources that exist are better directed to ensuring the adequacy of response services to demand. Further, prevention initiatives form an important part of an adequate response to the issue of violence against women; however, the evidence provided by OurWatch’s Change the Story: A Framework for Primary Prevention, suggests that there are other strategies that would have greater impact, and would thus provide better value for money.

This involves not only increasing the capacity of the domestic violence response workforce (in terms of being equipped to deal with the volume of demand), but also addressing known problems, such as the inaccessibility of the majority of these services to people with disability. We would have particular concerns about the adequacy of police and support services to deliver a DVDS with enough accessible support for people with disability concerned about being in a relationship with a potential offender, and the potential increase in demands on existing support services posed by a DVDS.

We also have concerns regarding how information related to a DVDS is likely to impact on potential support for victims. If a victim had already accessed a disclosure under the DVDS, they may be blamed for failing to leave that relationship, echoing longstanding gendered dynamics in responses to domestic and family violence. If no disclosures are made, however, they may also have a false sense of security; a minority of perpetrators of domestic and family violence wind up with a conviction – even fewer where the victim is a person with disability, due to systemic barriers in the justice system – and the absence of a disclosure to be made may lead potential victims to discount their intuition.

Such dynamics are likely to asymmetrically impact on potential victims with disability, who may not understand the complexity and detail of differentiating between a conviction and notifications etc. We are also concerned that given a lack of training regarding ordinary (rather than interviewing) communication with people with disability, police may not have the necessary skills to convey this information to people with disability, especially those with psychosocial or intellectual disability.

If a potential perpetrator is notified regarding a disclosure, this may have significant impacts on a person with disability who sought information, as they may be placed unknowingly at risk. Additionally, a person with disability who has received a disclosure may not fully understand the consequences of sharing the information further, and the situations in which this is permissible. This may hinder them in accessing support for actual occurrences of violence against them. Without careful planning and education regarding support for people with disability – a massive undertaking across the police and violence response support services – a DVDS may put people with disability at risk.

There are also potential impacts for perpetrators with disability, which are covered in some detail in the submission attached. These should not be overlooked in ensuring that a DVDS does not exacerbate the existing legal and social isolation that people with disability may experience.

Once again, we hope that the attached submission is of assistance, and if there are any queries about either that submission or the contents of this letter, we would be very pleased to provide more detailed advice.

Sincerely,



Dr Jess Cadwallader

ADVOCACY PROJECTS MANAGER, VIOLENCE PREVENTION