

Presentation title:

'In theory': Australian and New Zealand sector professionals' views on the merits and risks of domestic violence disclosure schemes

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Domestic violence disclosure schemes (DVDS) were first introduced in England and Wales in 2014 (see 'Clare's Law'). Their purpose is to prevent domestic violence through the disclosure of information about an individual's history of violence to their current partner, who may be at risk of abuse. Despite a lack of evidence on the effectiveness of DVDS, they have since been introduced in several other jurisdictions, including Australia and New Zealand. This paper presents the perspective of key domestic violence system stakeholders, including lawyers, victim-survivor advocates, and practitioners in Australia and New Zealand on the real and theoretical implications of DVDS. Drawing on the qualitative data from focus groups and interviews with 44 stakeholders, this paper focuses on two key supposed benefits of a DVDS: increased perpetrator accountability and the empowerment of victim-survivors. The paper highlights the contrasting views of stakeholders on the ability of DVDS to better hold perpetrators to account, and to give women the tools that they need to safely leave or manage a relationship with a domestic violence offender. A key finding is that while many participants support the use of a DVDS 'in theory', its ability to meet these aims is hindered by larger shortcomings within the law's response to domestic violence. This paper emphasises the importance of careful and considered law reform that complements and is supported by existing legal responses to domestic violence – otherwise, the benefits of DVDS remain theoretical.