



Royal Commission  
into Family Violence

## WITNESS STATEMENT OF JULIE ESTELLE DAVIES

I, Julie Estelle Davies of Ballarat in the State of Victoria, says as follows:

1. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

### Current role

2. Since 2005, I have been the Family Violence Respondent Worker at the Ballarat Magistrates' Court. In that role, I mainly see male respondents in intervention order applications where there has been an allegation of family violence against them by their partner or ex-partner. I have recently seen an increase in intervention orders that are not partner-related matters. This may include, for example, parents applying for intervention orders against their children (usually young adolescents).
3. Respondents are referred to me because in the Family Violence Division (**FVD**) the magistrate has the power to order respondents to go to behaviour change programs. I give respondents information about court processes in advance of them going into court.
4. If the respondent agrees to the terms of the intervention order, the magistrate will ask them to come back to see me to undergo an assessment for eligibility to the Men's Behaviour Change Program at Child & Family Services Ballarat.
5. From time to time, I also refer respondents for accommodation, to drug and alcohol counselling, grief counselling or to address any issues that may be affecting their life.
6. Initially my role only involved eligibility assessments for the Men's Behaviour Change program. In my first year working in the Family Violence Division, my role changed. As many of the respondents had issues with alcohol or various other problems it became apparent that there were issues that needed to be addressed before they could be sent to the Men's Behaviour Change Program. Appropriate referrals were made and the eligibility assessment was adjourned to enable time for change to be made.

## **Background and qualifications**

7. Prior to my current role at the Ballarat Magistrates' Court, I had not worked in the community support sector. I previously had my own businesses.
8. When I closed my business, I had a 12 month gap year before returning to school at the age of 50. I did training in community services, juvenile justice and child protection as well as a drug and alcohol course at the local TAFE College. I then went on to do a workplace training and assessment course in 2011.
9. While I was studying, I did a work student placement with Uniting Care and was asked if I wanted to continue in that role. I was then employed by Uniting Care in 2002 as an offender referral and support worker. This role was a Department of Justice funded position to work at the Ballarat police station, and at the Ballarat Magistrates' Court, assisting people in custody. I was in that role for three years and stopped when the funding was not extended. At that time, I received an email from Victoria Police recommending that I apply for the role that I am in now. I have been in that role ever since.
10. Part of the reason I chose to change career paths is because I am a victim/survivor of family violence myself. My job is therefore something I am very passionate about.
11. In the 10 years I have been in the role I have been given the opportunity to attend various seminars and training programs on ways to assist men and address their behaviour.

## **The importance of Respondent Workers**

### *Managing the Respondent*

12. Unfortunately, there are not many Respondent Workers in Victorian courts. I believe that it is vital for both men and women to be able to talk to somebody about the intervention order process when family violence occurs. My view is that if men are calm, women are safer. I feel there needs to be a Respondent Worker at every court.
13. My role is supportive. The first thing I do when I meet a respondent is tell them my role and that I am there to support them. I say "I'm Julie, the respondent worker, can we have a chat?" I then explain my role and outline what the process will be for the morning in court. I explain the nature of the application to the respondent and inform them that the proceeding is a civil proceeding and not criminal. I will also take the

respondent into the courtroom to familiarise them with the set up and where they will sit, if they are unfamiliar and stressed. In my experience, this process helps to reduce the anxiety of the respondent. They often seem relieved just by me taking them through these basic steps. You can feel them relax.

14. My aim is to help reduce the respondent's initial anxiety. If they are calm, they are more rational. I let them know that I understand what they're going through and that I'm there to support them. It is very much about being respectful and having a friendly approach. Many of them have never been to court before and are quite anxious. I am not there to judge or be intimidating. I try to challenge the respondent's thinking without being judgemental. My philosophy is that giving appropriate attention to the perpetrator will ultimately help the applicant.
15. I take them to my office and we talk about what is going to happen that day and that the magistrate may require them to undergo an assessment for counselling. I get a sense of whether they will be eligible or not by first asking if they are working and what type of work they do.
16. Another important aspect of my role when I meet with respondents is to find out *why* family violence is occurring. I try to work through issues with respondents to determine why they are perpetrators of family violence, rather than "what they have done wrong". Most of the time, the issue comes back to family violence being about power and control. I can also talk to them about other issues in a non-confrontational way. For instance, I might ask, after a respondent has told me the basic circumstances of why they are there, whether alcohol was involved and whether that is something which is a problem for them. Sometimes men will open up and I can speak to them about referrals to drug and alcohol counselling.
17. In my experience, respondents are quite agitated at first but it is not uncommon for them to eventually break down. Often respondents don't know what the intervention order process involves and they don't understand the terms of the order. For example, they don't know if they can or can't see their kids and they generally don't understand what they can and can't do because no one has explained the order to them. Respondent workers can help with this.
18. The men who I support often are concerned they will not be heard. This concern makes them anxious, frustrated and resigned to accept whatever is said against them. I think it is important that they are heard in the process and that whatever

outcome is decided, they will at least accept that they participated. I hope that this may make them more likely to abide by the terms of the order.

### *Assisting Lawyers*

19. In my role, there are often requests from lawyers to assist because a respondent is refusing to engage and talk to them. When this happens, I will introduce myself to the respondent and I ask them why they don't want legal representation. I will then explain the process. More often than not following a conversation, the respondent will talk to the lawyer. In my experience it is common for a respondent who is most anxious about the process to be the person reluctant to talk to a lawyer about their position. I don't always have time to speak to all respondents, but I will try and speak to as many as I can in the time available.

### **Key Skills and Attributes of a Respondent Worker**

20. In my role, it is important to be non-judgemental and respectful, without making the respondent feel as if their behaviour is okay.
21. I think that it is essential for someone in my role to have an understanding of family violence, to have high-level communication skills, to be able to manage distressed men and to exercise a balance of assertiveness and empathy. Training around collusion, power, control and men's behaviour change is also vital.
22. Both women and men can be a Respondent Worker even though there is a perception that it is not suitable for women. Most of the time I feel I am offering a valuable female perspective on an issue.

### **Men's Behaviour Change Program**

23. Both the Ballarat and Heidelberg Magistrates' Courts have a Men's Behaviour Change Program where respondents are referred by magistrates. Part of my role is to assess respondents for the Program and determine their eligibility.
24. The Program is a weekly course that consists of a one-hour information session. There are then 3 or 4 weekly, one-on-one sessions for an hour, to work on any resistance in preparation for group work. Group night sessions are on Monday, Wednesday or Thursday from 5:30pm to 7:30pm for 16 weeks.

25. There is generally an initial resistance from respondents to attend the Program until I explain to them what it involves. Often men will think that it is not something for them and that it is only for “bogans” and I have often told men that they would be surprised at the different kinds of men I get through my office. I have had top businessmen in my office.
26. The feedback I get from the men about the Program is mixed. The most common feedback I receive is “I didn’t want to go and I didn’t speak up for the first 3-4 weeks, but then I heard something that resonated with me”. Most have said to me that they got something out of the Program. Others say that it was a waste of time and sadly these are usually the men who return to court for further orders or orders against new partners.
27. One thing that always surprises me is when respondents say to me that they had no idea what family violence was until they attended the Program. I think that education about family violence is a very important part of the Program and should be taught in primary schools.
28. Although the Program is beneficial for some men, not everyone is suitable for it. If I find that a respondent is not eligible for the Program, I have to give reasons to the magistrate. Usually the respondent's work or the area that they live in can make them ineligible but other reasons may include serious drug and alcohol use, mental health issues or pending jail time.

### **Collusion**

29. Collusion is a huge issue in my role. There have been many times when respondents have tried to tell me that they have done nothing wrong and that the applicant is at fault. I manage these situations by explaining to the respondent that I am not interested in the applicant’s behaviour. I endeavour to shift the focus to the respondent’s behaviour. I say quite bluntly “I don’t want to talk about her, I want to talk about you. What was going on for you?”

### **Court Network**

30. Court Network has a vital role to play in family violence matters. Even when there is an Applicant Worker and Respondent Worker at court, you still need a Court Networker. If there is a delay in me being able to see a respondent, Court Network

can sometimes step in until I am available. They too have a support role which I find really helps with reducing the respondent's anxiety before I meet with them.

### **Magistrates**

31. I think all magistrates need training in family violence. There is currently an inconsistency with the way family violence matters are dealt with. The authority of the magistrate is an important part of the process.
32. In terms of eligibility assessments for the counselling, sometimes I feel quite vulnerable in my role if I don't have the support of the magistrate. Respondents can get angry at me if they think that I am making the ultimate decision about whether they will be referred to a program. It would really assist me if magistrates would make a point of telling the respondent in court that they make the ultimate decision, not me.
33. I feel I have a good working relationship with the magistrate who sits regularly at Ballarat. I cannot speak to the magistrate directly about cases but sometimes I will put a post-it note, reference something in the report or use certain phrases to try to let the magistrates know what is going on.

### **Other General Observations**

#### *Referrals*

34. Although there is a Family Violence Unit at the Ballarat Police Station, I no longer receive referrals from them. I am not sure why this has occurred but it would certainly take the pressure off me if I received referrals in advance so that I could meet with respondents prior to court. Sometimes I see up to 12 respondents a day but I may only have time to conduct four eligibility assessments. This can result in matters having to be adjourned.

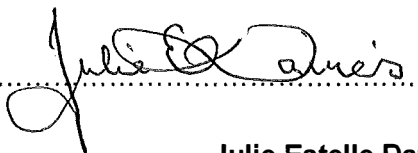
#### *Role of the Mother*

35. An emerging pattern with adult male respondents is that they will bring their mothers to court with them. I have found this to be quite dangerous because I have often witnessed the mothers trying to justify their son's behaviour. Mothers bring an interesting dynamic to the session that I have found can be quite toxic. To manage

this, I have recently developed a practice of sending the mother out of the room when I meet with the respondent.

*Potential to be a paid service*

36. The model that we have at the Ballarat Magistrates' Court works really well. The only suggestion I would have is that accessing the MBCP should be a paid service because I think it is underappreciated.

A handwritten signature in black ink, appearing to read "Julie Estelle Davies", written over a horizontal dotted line.

**Julie Estelle Davies**

Dated: July 29<sup>th</sup>, 2015