

Submission regarding The Family Law Legislation Amendment (Family Violence and Other Measures)

I note that Mr McClelland states that the amendments will prioritise the safety of children, encourage people to bring forward evidence of family violence and child abuse and assist families, family law professionals and the courts to better identify harmful behaviour through new definitions of 'family violence' and 'child abuse'. These are all crucial issues not only for the child and family, but also for the wellbeing of the community.

As a school principal, I witnessed the impact of NOT putting the child's needs and rights ahead of those of the parents. The principle of shared care is an important one but it should not be the dominant principle, if that will lead to negative consequences or trauma for the child. As is frequently stated, children are our future. However children who have been damaged, traumatised and manipulated by parents and who have little resilience are more likely to be a drain on the community rather than a hope for the future.

The consequences of sound principles, once filtered by reality, are not always those that were intended. Shared care may be the ideal but how can a government support that when the reality of putting procedures in place to achieve this can be damaging for the child and sometimes one or other of the parents. How can the forcible removal of a child, for example, by strangers to satisfy the needs of shared care be condoned by an educated community? In one instance a magistrate warned that if a child were seized by federal police, it would result in significant trauma for the child. How is that putting the rights and needs of the child first and what will be the consequences for the community down the track?

In an ideal world, shared care may be the ideal but unfortunately we do not reside in an ideal world. Parents, whose relationship has been damaged, are guided by their own feelings of frustrations, anger, despair, and a range of other negative emotions. In some circumstances they mistrust each other, at other times they might seek revenge, to inflict the pain that they may be feeling – whether for real or imagined reasons. A child should not be a pawn in those circumstances because that in itself is a form of child abuse. The child's needs must be put first if we want to raise healthy well-adjusted adults and want to provide the child with an opportunity to escape what could be a very damaging cycle of negative emotions.

People making decisions about the rights of the parents are rarely there to experience a child having a panic attack or slamming his head against a wall out of protest and desperation. Schools are often in a place to witness these and similar episodes as children struggle to understand. In extreme instances students have descended to deep despair and depression and threatened suicide. These experiences may compromise the child's ability to form secure attachments in the future and lead to serious mental health problems, which has implications not only for the child but for the community in the future.