

My submissions are based on my experience firstly as a private legal practitioner representing children for almost 13 years and then as a Magistrate in the Children's Court for almost 13 years.

Firstly the representation of children in the Family Court. Usually the solicitor representing a child/children has never met the children prior to the mention or hearing of the access or custody matter before the Court. They are, inexperienced in taking instructions from a child or young person. They don't hear what is coming through the conversation with a child e.g. you should never ask a child where they want to live. Rarely will children be disloyal to a parent, rarely do they want to hurt a parent, you gain that knowledge from speaking, listening and HEARING what the child is saying. Just consider taking all the paediatricians out of the Children's Hospital and man it with G.P'S. That is how the Family Court is structured in relation to children. It is devoid of paediatricians.

This also applies to Judges. Most of the Federal Magistrates and Family Court Judges are not truly experienced in considering what is in the best interest of a child. I say child because what is suitable for one child in a family, may not be suitable for a sibling. Every child is different – genes aren't always reliably similar. Every child must be carefully catered for, what are the needs of each child, can the court properly satisfy that child's needs? These are only some of the questions a Judge should be seeking to answer.

It is time children were no longer treated as chattels but as real persons with real needs and a real right to be properly represented and a real right to be heard either in or out of Chambers is the Judge is of a mind and again experienced in speaking with children in a non threatening manner, even having morning tea with them if appropriate, or at least create a space where the child feels safe and unthreatened.