

9. Some parents are willing that their children be taken into care but reverse the decision when neighbours question how they could possibly do such a thing. Such societal attitudes make prevention impossible.

To provide a source of money for preventative actions, Ray Helfer had an excellent idea, which was to develop a National Trust for children, whereby marriage and birth certificates would be taxed an extra \$10.00 which would be especially allocated for the prevention of child abuse and not be put into general revenue. This would make resources available, and the community would be able to see where their money was going, and they would feel they were contributing to children and their protection.

The need to have mastery over others may be telling us that that person has very little mastery over themselves. One of the challenges of life is to accept its difficulties and its discipline. For social workers there remains the thankless task of intruding into other peoples lives, where children are thought to be a great risk yet still trusting in people's ability to change their behaviour and their attitudes. We must all be very clear about our commitment to the welfare of children, as the responsibility is ours as part of the community.

Continued from Page 25.

— What about self-management by various groups? Aboriginal groups are involved in such a process. If you are prepared to accept my definition of women's refuges as providing a type of child care, refuges too are self-managed groups.

— What about self-management or a large measure of it by children — particularly adolescents? Some African societies have what are termed age set systems. At puberty, the girls and boys move from home into separate, segregated living until they marry. I feel such a system must have messages for us (as a parent of adolescent children, the idea has strong attractions at times).

— Are we still dealing at times with the disapproval by the middle class of the way the working class bring up their children? We see these tensions in work with Aboriginal people — is it just less notices for others? That we are learning to let go suggests that less paternalistic attitudes can be learned — but, significantly the game has been brought to us by the Aboriginal community. There is no such unity in our clientele.

— Why is it that boarding schools are likely to turn out the leaders of the land when children's homes, which may resemble them quite closely in the type of

care offered, tend not to?

— How can traditional forms of philanthropic organisation be revamped to meet objectives of participation and self-determination?

— Some forms of care will certainly be necessary in the immediate future. How can we ensure that this is as user-friendly as possible? Here we need to listen to the children — flexibility of rules, their own space and own things are some things we know they find important. Doubtless there are others which we may not all be aware of.

The final points are quite disconnected. I make no apology for this because I feel that at times our thinking gets locked in to old patterns and we need to try some lateral thinking to question the taken-for-granted. Today provides us with an opportunity to do just this, and I am eager to hear your views.

REFERENCES

- Australia Parliament, Senate Standing Committee. **Report on Residential Care**, AGPS, 1983.
- Child Welfare Practice and Legislation Review Committee. **Discussion Paper, September 1983**, Government Printer: Victoria.
- Gregory, G. 'The power and the glory: Non-government and government roles in child welfare in Victoria — an historical overview.' Department of Social Work, Monash University, October, 1980 (unpublished).
- Gregory, G., and Smith, N.J. **Particular Care**. Melbourne: The Children's Bureau of Australia, 1982.

BOOK LAUNCH

The Hon. Mr. Justice R.S. Watson launched "The Family Law Case Book" on the 30th January, 1985. The launching was held at the Victorian Children's Aid Society, Black Rock, and was attended by many people associated with the Children's Bureau. Of the authors, Frank Bates is Reader in Law at the University of Tasmania and J. Neville Turner, Senior Lecturer in Law at Monash University and President of The Children's Bureau of Australia.

The Casebook is dedicated to Pearl Watson. The following is the address given by Mr. Justice Watson.

My incursions into law teaching have over the years been spasmodic and provocative. Therefore, notwithstanding my possession of a comprehensive library which contains several case books, I really had to ask around to ascertain what are the attributes of a good case book.

Firstly, it has to be readable — understandable not only by the esoteric lawyer but comprehensible by the legal novice, the inter-disciplinary co-worker and the intelligent layman. This book clearly fulfils that function. Bates and Turner have achieved clarity and readability.

Secondly, it has to be eclectic and all-embracing. Not encyclopaedic but touching on all relevant matters. This book does. It ranges across the spectrum of what

people should be thinking about when they speak of family law. This book qualifies. In particular in the chapters dealing with the child it has grappled with the past, the confused present, and adumbrated the problems of the future.

Thirdly, it has to be provocative. Not in the sense of flying kites or supporting the self-serving bootlace-stretching enthusiasms beloved of so many academicians, but raising clear, pertinent and challenging issues not only for the student but the thinking reader. This book does that.

Fourthly, to avoid fossilisation, a good case book has to be open ended. So much law teaching frames and encloses the mind within parameters from which in later life not even judges escape. This book contains many challenges. The reader should never feel that any answer is final. Law dealing with such human issues as the family and children can never offer final answers.

Fifthly, a good case book permits a certain indulgence — if the authors are experienced in reputation, as these authors are, they are permitted to quote copiously from their former writings. Again the authors have fully accepted the privilege of such indulgence.

When I began practising family law over 30 years ago, three totally misguided principles appeared to be axiomatic:

1. Marriage was a patriarchy in which both parties were boxed in for life.
2. When a marriage broke down one

party was innocent and the other was guilty.

3. Children were part of the matrimonial assets to be shunted around along with the property.

It is one of the principal satisfactions of my life to note the tremendous and fruitful changes that have occurred in the field of family law and to know that constructively I, along with many others, have been part of them.

Family law is one area of legal, in fact cross-disciplinary, endeavour which must never fossilise. To slightly change a Biblical text we must proceed with minds wide open to the mercies of compassion. The whole subject is too complex, too human, too demanding to be diverted by media trivialisation or retarded by conservative judgmentalism that seeks to leech the last drop of blood from every tragedy.

The dedication of this book reflects a more constructive view of tragedy. On 4th July, 1984 my wife was murdered in the destruction of my home by a terrorist's bomb. Frank and Neville have dedicated this book to Pearl. My family and I are deeply honoured by this dedication. As a marriage counsellor and honorary librarian to UNIFAM in Sydney, Pearl was devoted to the spirit of compassion and service that some of us have perceived as the basic nurture of the law's service to the family. I am particularly gratified that copies of this book will grace the shelves of the Pearl Watson Memorial Library at UNIFAM.

It gives me great pleasure officially to launch "The Family Law Case Book" by Frank Bates and Neville Turner.