

**Lawyers, Social Workers and Families,
Stephanie Charlesworth, J.N. Turner
and Lynne Foreman**

Federation Press, 1990

Recommended Retail Price \$35.00

"Lawyers, Social Workers and Families" is a very good reference treatise for lawyers and social workers as well as those Bar Readers who need to hone their skills in critical legal analysis, social science and socio-legal interactions; it would be a valuable addition to the Reading Syllabus. The authors are dual professionals in law and social case work.

Unfortunately their academic, condensed, almost lecture-room narrative makes the book less suitable for the non-professional social welfare workers, including police, to whom it is also directed. Its broad scope brings into focus for social workers legal ingredients which must be recognised and dealt with in case work, often with assistance of lawyers.

There are a number of unsubstantiated generalised statements and comments, also some legal views with which this reviewer respectfully disagrees. Whilst the fields of general and family law (marriage and de facto), single relationships, adoption, fostering, legitimacy, surrogacy, artificial conception, child welfare and family law mediation are examined in depth, as legal "content" (sic) and social work "process" (sic), only the legal "content", not the "process" with two minor exceptions, is explained in lay terms, leaving the general reader in the dark as to the "mystique" (sic) of social behavioural science. This detracts from its value to lawyers who must come to terms with the social welfare ramifications of their work in family areas.

Your reviewer similarly disagrees, amongst other things for example, with some aspects of the treatment of "separation" in family law, of precedent, legal/social worker professional privilege, and the status of non-court approved family law/mediation agreements (at least where mediation is contractually "open").

These matters are readily capable of reconsideration in a second edition because this important work on socio-legal relationships, law and procedures is intrinsically meritorious and includes research material and commentary of great importance tucked away in footnotes.

Areas of potential and actual liability of social workers, other "interveners" in the "process", and lawyers, for negligence both to clients and third parties, the rights and obligations of married, adopting, natural, fostering and unmarried parents/spouses, children, parents of foetuses/embryos (including surrogates) also rights of embryos/foetuses themselves are analysed by reference to United States, Canadian, Australian-British and European case law, though the treatment of maintenance and child support needs clarifying.

Disturbing examples are given from actual case-work material where harm and injustice occurs because of professionals' incompetence. Also because of poor communication between lawyers, social workers and courts, amongst themselves and in tandem. The adversary system in family disputes is critically considered throughout the book.

The best chapter (Ch.7) deals exhaustively with family law mediation as legal "content" and a social work "process" and gives a step by step description of the dynamics of an actual procedure. It is clear that that mediation, like litigation, needs close attention from the point of view of cost effectiveness and other micro-economic factors. The debt ridden Australian economy cannot afford wastage of legal/social welfare resources.

Although its condensed style and batches of footnotes make for some tediousness and misunderstanding in the reading, the book deserves close attention and examination. □

Patrick O'Sullivan

**The Law Relating to
Banker and Customer in Australia
by G.A. Weaver and C.R. Craigie**

The Law Book Company Limited; 2nd edition, 1990

Recommended Retail Price \$475 and continuing subscription)

The publisher's decision to issue the second edition of this work in loose leaf form is to be commended. The initial cost of the work is substantial: by way of comparison, it will cost the Australian purchaser about twice as much as the current (10th) edition of *Paget*. One hopes that the publisher and the authors will avail themselves of the flexibility afforded by this mode of publication to extend the lifetime of the work and its value to purchasers.

It has to be said that the second edition of this work suffers from a number of defects. This may, to an extent, reflect a desire to cater for a wide audience: as the authors say in their preface to the second edition:

"This service is designed for use by bank officers as well as by their legal advisors and other practising lawyers. For this reason an attempt has been made to include some general legal concepts, particularly in Chapter 4."

One feature which the second edition shares with the first, and which was, at least in this reviewer's opinion, a defect in the first, is its citation of cases from reports other than the authorised reports. The authors apparently recognise the problem: in the preface they say:

"Whilst the cases written up in the text are not always taken from an authorised report, we have attempted to deal with this by giving a number of references in the table of cases..."

Two things may be said of this. Firstly, it is far from convenient for the reader, having found a reference in the body of the text, to have to go to the table of cases to find a reference to the authorised report. Second, the table of cases does not always fulfil the authors' apparent intention. In a work of this nature, one would expect that, where possible, a reference to, or quotation from, a case, would be supported by a citation of the authorised report of that case.

Another feature which the second edition shares with the first is in its style. On many topics the treatment of principle is discursive rather than concise. The authors do not always attempt to frame a statement of principle, and to support that