

Children and the Law in Australia, 2nd Edition

Lisa Young, Marry Anne Kenny and Geoffrey Monahan (eds) | LexisNexis | 2016



This anthology is a collection of articles that identify, discuss and theorise about children's rights and the laws affecting children in Australia. It is a second edition and the book has been updated to take into account recent events and changes in the legal circumstances affecting children in the past decade.

The book commences with a stark reflection on the current situation in Australia and the regression in many areas of the proper recognition of children's rights and the continued marginalisation and paternalism of children by successive Australian governments.

The first few chapters are commentaries on, and academic analysis of, the current state of the legal situation of children in Australia. However, the book moves fairly quickly to a more practical analysis of specific areas of law that affect children.

As a barrister that focuses on Family Law, I found the chapter that has the most immediate concrete application in my practice is Chapter Four titled 'Developmental Science, Child Development and the Law' by Jeannett Lawrence and Agnes Dodds. In my view this chapter provides a fertile platform to effectively challenge the various experts who provide family reports in parenting disputes.

For those new to the field of parenting

disputes under *The Family Law Act 1975* (Cth) the chapter by Lisa Young entitled 'Children and "Family Law"' is a great overview of the legislative framework, the leading cases and the common types of parenting disputes. There are similar chapters on Adoption (by The Honourable Geoffrey Monahan and Jennifer Hyatt) and Surrogacy (by The Honourable Chief Judge John Pascoe).

Likewise Chapter Nine, which looks at the care and protection jurisdictions in Australia and Chapter 18, which looks at medical treatment of children (and issues pertaining to consent of the child, the parents and the jurisdiction of the courts) are both chapters

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grounded more in practical analysis of these areas rather than theoretical dissertations. Both would be handy to those interested in the areas or for those looking for an overview. Certainly as medical knowledge and accessibility of reproductive technology increases, in the context where children are rights' bearers and that they, as individuals, have certain privileges; legal disputes in these areas will become more prevalent. Chapter Three, which explores the law pertaining to the child in and ex utero, makes as much clear.

It is certainly my view that the legal solicitude for children has increased in the last 50 years and it appears that

this trend will continue. This edition of *Children and the Law in Australia*, both because of the calibre of the writing and the breadth of topics covered, makes it a seminal text in the area.

Reviewed by Martha Barnett