Book Reviews

Leonie Star, *Counsel of Perfection: The Family Court of Australia* 1996, Melbourne, Oxford University Press

There have been few, if any, legal institutions in Australia's relatively brief legal history which have given rise to such generation of heat, without corresponding light, than the Family Court of Australia. Of course, it is not simply the Court itself, but the legislation which created it and which reorganised the very bases of Australian family law - the *Family Law Act* 1975 - which has attracted the ire of individuals and groups who perceive themselves as having been disadvantaged by it. Given this situation, which is too well known as to need detailed documentation, it is perhaps just as well that Dr Star states specifically in her preface to this most interesting book (at viii) that, "...while there is an emphasis on legal provisions that cover divorce in Australia, the social aspects are never far behind. Within a basically historical framework, the substances of the law and the processes of the court are often inextricably intermingled. There has been no attempt to cover the experiences of individuals who have come before the court, as such personal comments would deflect from the history - or the various histories - of thought in this area." At the outset, too, it should be noted that Dr Star is also the author of a deservedly acclaimed biography of the late Professor Julius Stone, whose kindness towards this reviewer when a young lecturer in the early 1970's will always be remembered.

The first chapter of *Counsel of Perfection* is 28 pages of historical introduction; I suppose that this was inevitable, but I wonder how much it adds to a consideration of what, after all, is a new and allegedly revolutionary body. This is not to say that it is without interest and I will certainly suggest it as a preliminary reading (together with the book as a whole) to my family law students. Yet it is perhaps not as penetrating as the more recent historical commentary in the most recent edition of *Family Law in Australia* (5th Ed 1997) by Finlay, Bailey Harris, and Otlowski. Both are worthy of appropriate scrutiny in an era when history and its lessons are publicly derided by our political and, more disturbingly, academic leaders! At the same time, one is faced (p 2) with a statement of rather questionable historical and anthropological accuracy. Dr Star writes that, "First, religions mirror and codify the views of morality that societies supposedly governed by religious precepts support. Second, the

religious code invariably attempts to ensure that the behavioural norms it sets out support a stable society." That does not really tell us very much: it may be applicable to societies which support only one religion (or religions which support only one society), but, in today's multicultural Australia, United States or Britain, it is surely hard to justify such an absolute stance. In such societies, zealots who, say, are keen to deny themselves formal dissolution of marriage may find it hard to justify imposing that view on other individuals who do not subscribe to their own view of present and future life!

Chapter 2 is entitled, "Early Legislation: England and Australia" and begins with the sentence, "In a democracy there is always some tension between law and society." Dr Star goes on (at 29) to explicate this statement, which is quite correct and, perhaps, rather transparent, by saying that a balance must be found between law reform and the attitudes and beliefs of the population. This is, of course an instant and ongoing dilemma, especially in areas such as family law, which are of immediate and apparent interest - thus, for instance Australians are told, through the appallingly irresponsible media, that youth crime is an escalating problem when, in fact, other, more responsible media tell us that that is not the case. "Conservative lawmakers," she tells us (ibid), "will often resist change while reformist forces may wish to press a stance that is beyond the capacity of the majority of society to accept" Well, yes,...but how much further does that get us? As a former Law Reform Commissioner in a far from reformist jurisdiction (Tasmania), I have seen the wilful conservatism which seeks to oppose change because it is change. Thus, few people throughout the common law world would lament the demise of Lord Goddard C.J's aberration in *Hollington v Hewthorn & Co Ltd* [1943] K.B. 587 (how can the decision of a properly constituted court be equated with non-expert evidence of opinion...?). But English experience (*Civil Evidence Act* 1968 ss 11, 12) was ignored and opposition to change poured in and the rule remains in all of its antedeluvial splendour. I find it harder to remember instances of reforms which were so far ahead of the views of the majority of society that they were instantly unacceptable. I suppose that the abolition of the death penalty might be one such and it is certainly hard to open an issue of a Murdoch newspaper without finding demands for its restoration. Does that, though, mean that it ought to be restored?

Dr Star continues (at 30*ff*) by discussing the impact of the English *Divorce and Matrimonial Causes Act* 1857 and the controversies surrounding it. This, although a start, was far from adequate and she notes the dilemma of Soames Forsyte in *The Forsyte Saga* (a welcome characteristic, as one might expect from a person of Dr Star's literary background, is a sensible and effective use of examples from literature). Thereafter, she traces the development of English law through the Gorell Barnes Royal Commission (1909), A.P. Herbert's book *Holy Deadlock* (1934) and the reaction to them in the report *Putting Asunder: A Divorce Law for Contemporary*

Society (1966) organised by, of all agencies, the Archbishop of Canterbury, and the Law Commission's coterminous report *Reform of the Grounds of Divorce: The Field of Choice* (1966). All of this is interesting if one was not aware of it previously and it is useful in that it suggests how piecemeal and coincidental the processes of the law reform industry can be.

Dr Star notes (at 42) that the history of Australian divorce legislation differs from that of England and, after outlining its development including the *Matrimonial Causes Act* 1959, comments (at 47) that there is little to suggest that, "...there had been a whole-hearted attempt to review dissolution of marriage in Australia; most of the grounds and bars to relief merely restated former legislative provisions." That is, of course, quite true and, hence, one wonders why contemporary commentators should have been so effusive regarding the legislative quality of the 1959 Act. She specifically and properly refers (at 49) to discretion statements and condonation, both, of course, concomitants of the matrimonial offence of adultery. As regards the former, she fails to emphasise how risible the procedure had become (I remember a respondent claiming to have committed adultery with most of the senior members of the New South Wales Bar and members, some at least septuagenarian, of the judiciary). Although there is a substantial bibliography at the end of the book, Dr Star does not, rather surprisingly I think, mention Finlay's article, (1971)2 *A.C.L.R.* 35, on the topic.

Chapter 3 is entitled "Climate for Change" and begins with the statement that the "new law" by which Dr Star means the *Family Law Act* 1975, "...was, and remains, the most contentious legislation ever passed in Australia on family matters" (at 51). This is probably true, though, if particular amendments to the *Social Security Acts* 1947 and 1991 were scrutinised, then, in this writer's view, that might not have been accurately the case. Much of the commentary to be found in Chapter 3 is very much informed generalisation (or impressionistic pop sociology). However, she mentions the operation of the notion of the matrimonial offence on which the 1959 Act (above) was based. In that regard, I have always wondered why the ground of desertion was continually the most popular recourse in Australia; whereas, in England, where there was analogous legislation, adultery continually proved the most popular. One can only wonder whether that represents some difference in national character or in climate! The fact is that adultery was a ground immediately available with no time limits being applicable whilst desertion, by statutory definition, involved a three year wait. Nevertheless, Chapter 3 is an interesting, if journalistic, discussion and especially valuable to those who were not involved in the debate itself.

Chapter 4 discusses the *Family Law Act* 1975 itself: the early part of the discussion is taken up with the particular roles of the late Lionel Murphy and of Ray Watson (both later judges of the High Court of Australia and the Family Court of Australia respectively). Both, it must be said, were remarkable people and the attention paid to them by Dr Star is wholly

deserved. It is also clear, from this and subsequent parts of the book, that its author subscribes to the view, with which it should be said I agree, that history is shaped by individuals. She also notes (at 81) the general public support for change to the ground for dissolution of marriage. Elsewhere, (1990)18 *Anglo-Am L.R.* 7, I have analysed the operation of the ground for dissolution to be found in ss 48, 49 of the *Family Law Act* 1975 and concluded that it has worked well and, in its application, the Family Court of Australia has sought to preserve family values which are regarded by many as traditional and desirable. The way in which the ground has operated can, I believe, stand comparison with parallel developments in other jurisdictions: thus, the two year period of separation in New Zealand, I would regard as unnecessarily long. Law reform is, inevitably, bespattered with disasters such as the English *Family Law Act* 1996 which could well see marriage becoming a minority activity! Dr Star details the passage of the Bill, as it was then, through the Commonwealth Parliament. Some of the issues which arose have considerable poignancy today, well over twenty years later: thus (at 87), she notes Senator McClelland's view of the social philosophy behind the concept of maintenance as expressed in October 1994. Then, Senator McClelland had taken up a comment which had been made by Professor L.N. Brown, (1968)31 *M.L.R.* 121 at 137 that maintenance, "...will have to be abandoned as socially undesirable, frequently ineffectual and wholly uneconomic [in] the hounding of spouses through the courts for non-support of their families. Non-support by spouses or parents will be rouged alongside other vicissitudes of life - unemployment, sickness, industrial injury, child birth, death itself - for which social insurance should make provision." I remember that I took up Brown's view in a rather different context (that of divorce costs) when I suggested, (1972)46 *A.L.J.* 392 at 401 that dissolution of marriage might well fall within the same group of societal misfortunes. Neither Professor Brown nor myself could have possibly foreseen the way in which society was to develop to the nature and extent to be found in John Howard's Australia of 1998. Today's society does not compensate people for societal misfortunes, but rather seeks to penalise them (or help to create them). In the event, Senator McClelland, inevitably, took the view that, at the time, abolition of maintenance would be unacceptable. No one, similarly, could have predicted today's rate of marriage breakdown and consequent dissolution.

The nature of opposition to the Bill is also considered: as someone who strongly supported the Bill, I was quite aware of the quantity and quality of opposition to it. Dr Star (at 89) refers to the efforts of Senator Gietzelt who had commented that, from the letters which he had received, three out of four Australians supported the Bill, whereas opposition had largely taken the form of a massive letter writing campaign: members of the Senate, he said, had been, "...bombarded with letters containing the same phraseology and the same point of view." The Senator was especially critical of the Church of England in that regard (an organisation

which, historically, if rather cynically, he described as a "...church that grew out of bigamy..."). I wonder. My dislike of organised religion is wholly ecumenical, but I am reminded of an incident, roughly coterminous with the events Dr Star describes, where an attempt to relax abortion law in, I think, the Australian Capital Territory, was met by a similar campaign clearly orchestrated through the schools of a particular religious group which suggested that any such reform would lead to euthanasia. The recipient was particularly surprised to receive about thirty letters stating that the reform would lead to "youth and asia." It is obvious that the teacher should have written the letter on the board rather than dictate it! (I should say that I regard abortion as a means of birth control as both irresponsible and immoral).

Dr Star also notes (at 93) s 41 of the *Family Law Act* 1975 which provides for the possibility and, indeed, desirability that States should, ultimately, establish their own Family Courts. To the time of writing (and, probably, permanently) only Western Australia, largely for geographical reasons, has done so. She does not mention that, rather later, the Queensland government, during the Premiership of Johannes Bjelke-Petersen, did, actually and publicly, consider so doing with the avowed aim of destroying the Act through the appointment of politically appropriate judges. Critics of the present High Court of Australia might do well to remember that incident!

The author also notes (at 95), and this is a fundamental issue which is still with us today, the broad criticism of the Act that too much in the way of discretion was given to the judges of the Family Court of Australia. The author does not deal with the conceptual problems which attach to the use of discretion in relation to children and property. It should be said that various amendments to the Act (below) have sought to reduce the levels of discretion, but its very existence has had considerable effect on recognition of family law as both an area of practice and as an academic discipline. As someone who has written, taught and acted as a policy maker in family law matters for all but thirty years, I have become hardened to comments that family law is not "law." If it is not, then one might legitimately ask what it is - after all, it is contained in an Act, in rules and regulations and in cases. Even if it does consist largely of structured discretions, then practitioners must monitor and utilise the ways those discretions have been used for the benefit of clients. Likewise, academic and policy makers must monitor and criticise them for future benefit. What has to be ensured is that the way in which discretion is exercised is based on proper information. As Finlay, (1976)2 *Monash U.L.R.* 221 at 241, has commented in relation to the early years of the Act, "...an uninformed discretion is worse and can be more dangerous than no discretion at all." (There is, incidentally, no reference to that article in the book). It might be possible to reduce still further the operation of discretion but, as Dewar has noted in a recent monograph (*Reducing Discretion in Family Law*, 1997, at 25), "...if we were to introduce firmer rules as a framework for private

ordering, we would need to cement some agreement over what they should be. We may be a long way from that sort of consensus." The factual problem, quite apart from what Parker, (1992)55 *M.L.R.* 311, has described as "ethical impulses," is that families, especially those which become the object of family law proceedings, are effectively never organised in respect of property and children in identical manner. This is why discretion is needed.

Chapter 5 is entitled, "The Family Court of Australia: The Beginning." At the outset, I should say that there can be no curial body which has been so traduced in such subjective and opprobrious manner than the Family Court of Australia and its officials. In view of the nature of this criticism, it is a continuing source of amazement to me that there have only been two reported cases - *Wade and Faull v Gilroy* (1986) F.L.C. 91-722 and *Fitzgibbon v Barker, Gardner and Leader Associated Newspapers Pty Ltd; Re Schwarzkopff* (1993) F.L.C. 92-381 - on the variety of contempt of court normally referred to as scandalising the Court. (For comment, see F. Bates (1994)13 *Civil Justice Q* 241).

At the same time, there can be little doubt that the Court, for various reasons, did not fulfill expectations, and it is surely the case that an unfulfilled expectation is worse than not having the expectation in the first place. (The same, incidentally, could be said about marriage itself; see A. Reid, *The Woman on the Verge of Divorce* 1970, at 8). Dr Star deals with the vicissitudes of the early days of the Family Court with style and wit as well as with the conceptual problems it faced with a legal profession who were used to notions of matrimonial fault and adversarial proceedings. Particularly, matters which could have been determined in a short time seemed to be unduly prolonged; though, it should be said that that was not an especially new experience. Thus, for instance, in *Davis v Davis* (1962)3 F.L.R. 507, what appeared to have been a straightforward petition based on the ground of adultery had taken eight hearing days! She also refers to the failure of successive governments adequately to fund the Court; a situation which, of course, is ongoing.

Chapter 6 is entitled "Coming of Age" and deals with events surrounding the developing Family Court. Central, of course, to this discussion is the appalling record of violent acts committed against Family Court personnel and Court premises themselves. As the author properly points out (at 145), the rage which the murder of a judge and the attempted murder of two others, "...was directed not against whoever committed the murder and against such senseless destruction, but against the Family Court." The resultant behaviour of the press was, indeed, as she documents, truly outrageous with many newspapers being overtly sympathetic to the behaviour of the perpetrator(s). A major thesis of the legal journalist Evan Whitton's book, *Trial By Voodoo* (1994) is that, in relation to criminal law and its administration, the role of lawyers has been effectively wholly baneful whereas that of journalists has been entirely beneficial. That thesis cannot be anywhere near appropriately sustained in

relation to family law and Dr Star has done well to remind us of that. It is the more disturbing that it was not only the unapologetically scabrous Murdoch tabloids which were culpable but generally more reputable and regarded organs - a point likewise made by the author.

In this part of her discussion, it is clear that Dr Star is sympathetic to the situation, and rightly so, of the inaugural Chief Judge of the Family Court. As the author notes (at 149) Elizabeth Evatt worked under unbelievable difficulties which included disloyalty from judges and staff of her own Court. It is good to read (at 150) that her, "...philosophical legacy is of major importance. She thought deeply about the interdisciplinary approach so important to the functioning of the court and how a balance between the legal and social arms of the court could best be accomplished. That a comprehensive solution was not achieved by Evatt does her no discredit - such a revolutionary legal entity as the Family Court could not possibly find all the answers within a few years." This is a view with which I profoundly agree!

Chapter 7 is called "New Directions" and begins with the appointment of Evatt's successor, Alistair Nicholson. Since *Counsel of Perfection* was written, Nicholson CJ has emphatically proved to be anything but the conservative adjudicator and commentator that prior critics of the Family Court might have welcomed. In August 1996 at a conference at Murdoch University (in which your reviewer participated), the Chief Justice urged a far greater legal recognition of some gender relationships (the address may be found at (1997)11 *Aust.J.Fam.L.* 13). One of the statements which he made in that address was that, "One of the fundamental misconceptions which plagues the issue is the failure to understand that heterosexual family life in no way gains stature, security or respect by the denigration or refusal to acknowledge same-sex families. The sum social good is, in fact reduced, because when a community refuses to recognise and protect the genuine commitments made by its members, the state acts against everybody's interests. This is because it alienates ordinary people whose commitments represent an investment in the shared social order and the values which are promoted by it." That, and the remainder of the address caused national reaction which was far from atypical of reactions to public comment on family law matters. There were demands for the Chief Justice's resignation, particularly from within the jurisdiction where the address was given. There had never been anything so radical emanating from his predecessor.

In Chapter 7, the author refers to, and discusses, a variety of substantive topics which came under legislative, curial or public scrutiny: in a review of this nature it is impossible to analyse the author's commentary on all of them; however, it is desirable to mention some of the more contentious areas.

First, she notes the *Family Law Reform Bill* (No 2), which seems, at the time of writing, to have been cast into some kind of legislative limbo and refers to the Australian Law Reform Commission's Report *Matrimonial*

Property No 39 (1987). Elsewhere, I have been critical, (1989)17 *Anglo-American L.R.* 46, of that report in that, unlike existing legislation, it fails to take account of the multiplicity of ways in which couples organise their financial affairs. Presumptions of any kind ought to have little relevance to the resolution of a problem which has caused problems in every jurisdiction, whether common law or not, with which your reviewer is familiar.

The author goes on to refer (at 161*ff*) to child maintenance and support and then (at 167*ff*) to child sexual abuse. The discussion of the last topic is not really adequate and she seems uncritically to accept the decision of the High Court of Australia in *M v M* (1988)166 C.L.R. 69. She was not, of course, to know that courts in Australia (see, *In the Marriage of D and Y* (1995) F.L.C. 92-581; *G v M* (1995) F.L.C. 92-641) and England (*Re H and ors* (1996)1 All E.R.1.) have since been attempting to distance themselves from the "unacceptable risk" test as laid down in *M*.

Dr Star continues (at 168) to mention domestic violence but, although she notes the changes made in the new Part VII of the *Family Law Act*, she does not seem to be aware that the changes are very much in the continuing mainstream of Australian judicial thought (see, for instance, *In the Marriage of J.G. and B.G.* (1994) F.L.C. 92-515; *In the Marriage of Patsalou* (1995) F.L.C. 92-580). The author continues (at 170) to consider briefly the issue of international child abduction and she briefly refers to the Bahrin/Gillespie case (for detailed comment, see F. Bates (1994)3 (2) *Asia Pacific L.R.* 33). In that context, she notes (at 171) that problems particularly arise when Australia is dealing with countries which are parties to the *Hague Convention on Civil Aspects of International Child Abduction*. This is true, but the High court of Australia, in *Z.P. v P.S.* (1994)122 A.L.R. 1, has made it very difficult for matters involving both children and an Australian element to be decided outside Australia. Hence, the High Court's earlier decision in *Voth v Manildra Flour Mills* (1990)171 C.L.R. 538 did not apply to cases involving children. Even when the Convention is applicable, its drafting and application can lead to complex and controversial case law, as is well illustrated by the recent decision of Lindenmayer J. in *Director General, Department of Families, Youth and Community Care v Thorpe* (1997) F.L.C. 92-785.

Rather curiously, in my view, Dr Star states (at 176) that, "Perhaps the most controversial new direction in family law is the continuous attempt to extend the jurisdiction of the Family Court to include medical treatment." The two instances to which she refers are, inevitably female genital mutilation (in respect of which the Family Court has not sought jurisdiction) and sterilisations performed on young women with intellectual disability. The author seems, perhaps with some justification in my opinion, to be critical of Nicholson CJ for seeking jurisdiction in respect of the latter - even though he had the strong support of most of the High Court in *Secretary, Department of Health and Community Services v J.W.B* (1991)175 C.L.R. 177. However, in view of the expertise, speed and cost-effectiveness in the use of Tribunals, such as Guardianship Boards, a strong case

can be made out for their use rather than the Family Court. Dr Star also mentions (at 179) the Family Law Council's report *Sterilisation and other Medical Procedures on Children* (1994). For the first time in its history, that report led to a major and obvious disagreement between the Council and the Court in the Full Court's decision in *In the Matter of P* (1995) F.L.C. 92-615.

Finally, in Chapter 7 (at 179), she refers to "chronically difficult access cases" and goes on to refer to the Family Law Council's report *Patterns of Parenting After Separation* (1992) which was to form the basis for the 1995 reforms to the *Family Law Act* 1975 in respect of children. Her comments on new developments such as *parenting plans* in attempting to ensure that parents maintain contact with their children after separation are, perhaps, a little grudging. It yet remains to be seen how these amendments will work in practice but, as someone who had a hand in their genesis, I must be optimistic, though the first decision of the Full Court of the Family Court of Australia, *B and B: Family Law Reform Act* 1995 (1997) F.L.C. 92-755, was not, though probably for the wrong reasons, publicly well received.

Dr Star calls her eighth, and final, chapter, "Counsel of Perfection Revisited." Her main concern is to detail the more recent changes, and related problems, which have occurred in relation to the organisation of the Family Court itself. She, for instance, discusses the formality/informality debate and suggests (at 187) that, "...the ethos has suddenly shifted and the similarity between the Family Court and other superior courts has been enhanced." One wonders. Although in the cinema and on television, lawyers and judges look rather like ordinary mortals, any person who suggests that the legal system in the United States would be improved by adopting Anglo-Australian trappings would not find much support there. (Indeed, my own United States students were shocked and amused when I showed them pictures of the opening of the Legal Year in Victoria, rather than being impressed with the majesty of the law).

That apart, she considers that the most important substantive aspect of the Family Court's developing role was the extension of its jurisdiction, of which mention has already been made (above). There is, of course, the well known Latin maxim, "Boni Judicis ampliare jurisdictionem." Cross-vesting powers have, as she notes, brought matters before the Family Court which would not otherwise have been there and *vice versa*. She does, though, comment (at 211) that the most hazardous enterprise undertaken by Nicholson CJ has been, "...his continuing and unrelenting attempts to increase the jurisdiction of the Family Court." It is difficult to assess the author's attitude to Nicholson CJ : she seems to suggest (at 200) that his response to criticism has been intemperate and that he has discouraged open discussion of the Court's operation. At the same time, as she seems less ready to point out, some of the criticism to which he and the Court generally have been subjected is itself both intemperate and, more particularly, ignorant.

The author also considers (at 205*ff*) problems relating to the enforcement of orders and contempt powers. It should be reiterated that problems relating to enforcement clearly predate the *Family Law Act* as Kovacs's study - (1974)1 *Monash U.L.R.* 67; (1973)47 *A.L.J.* 725 - on maintenance obligations amply demonstrates. She, likewise, properly notes that the so-called "helping court" had been provided with paradoxically draconian contempt powers. Readers, however, will remember the earlier reference (above) to the restrained use of, at least some, contempt powers.

The author examines (at 207*ff*) the review of the act which took place in 1992 and accepts the dangers of too ready an acceptance of submissions made by single interest groups - a phenomenon which has characterised many of the activities of the Court itself and related agencies, such as the Family Law Council. One of the characteristics of the common law is that general principles are derived from single instances but, at the same time, it is clearly wrong for policy making bodies to derive policies from particular *ad hominem* (or *ad mulierem*) arguments. Not to do so, though, may well cause resentment amongst groups or individuals and, therein, lies yet another paradox facing the family law reformer.

In her conclusions, Dr Star (at 212*ff*) states that, "Courts of law are not static institutions. With dynamic leadership, they carry within themselves the power to accommodate to changing social conditions. Lionel Murphy's concept of the Family Law Court is in abeyance. Currently the court is led by a forceful chief justice whose philosophy about it may well be ahead of, rather than parallel with or behind, social mores... As a counsel of perfection, it provided an excellent working model; as a court of law, enmeshed in perhaps the most difficult of all legal areas, the model of perfection has fallen short in significant ways." One of the joys of academic life which are still permitted to us, I continually remind myself, is that we can suggest intellectually perfect solutions to particular difficulties which have legal implications. Dr Star writes that the Family Court was brought into being at a time characterised by social euphoria with its supporters claiming it to be a near perfect institution which would eradicate the human misery caused by marriage breakdown. It may not have succeeded (can anything or any body do that?) But the fact that it was attempted represents, it seems to me, a far healthier social attitude than much of that which pertains today. In other words, how would F.A. Hayek, Milton Friedman or, particularly, Richard Posner approach the Family Court today? Would Baroness Thatcher have reduced it to an agglomeration of localised monopolies? How far could Al Dunlap have legitimately downsized it?

Dr Star also states (at 213) that, "...there are some areas of human experience that cannot be dealt with by law." That may be true, but the fact of the matter is that the law is forced to deal with them as there are no other agencies which can do any better. Adherents of the individuals noted in the previous paragraph talk in terms of "quality assurance" and "continuous improvement," but, in the end, "quality" and "improvement"

are subjectivisms which are incapable of proper measurement. The success or failure of the Family Court of Australia is really no different.

At the very end, Dr Star writes that, "The best that the Family Court can realistically hope for is that its constant emphasis on the improvement of justice in general and the improvement of client services to each individual are successful, and that those services are carried out with the dignity, low cost and speed that its originators envisaged. This is the closest model of perfection that the court is likely to achieve." If that, ultimately, is the case, then it will be a very fine model and one close to the best that the law and its institutions can provide. Dignity and low cost, alas, are commodities not too highly regarded these days!

Although one cannot agree with everything in *Counsel of Perfection*, it is a book of very considerable interest to, I hope, a wide variety of groups and individuals. Many law students were not born in 1975 and cannot fully appreciate the beginnings and development of an institution which has become a part of their studies and their lives. The book, hence, should be useful for them. It may also make involved, sometimes entrenched, interests more aware of the vicissitudes of the body which they have vilified. It helps to remind those of use who are older of the great and visionary future which, in 1972, we thought could come about. "Never" as Philip Larkin (MCMXIV) wrote, "such innocence again." The individuals whose names are found regularly throughout this book - Lionel Murphy, Ray Watson, Elizabeth Evatt and so on - should always be remembered as a part of Australian legal history.

Overall, *Counsel of Perfection* may not be a definitive history of the Family Court of Australia, but it is an interesting, valuable and nostalgic book. I enjoyed it, as I have enjoyed her other legal history book (above).

Frank Bates