

LAW COUNCIL OF AUSTRALIA

FAMILY LAW SECTION

SECOND NATIONAL FAMILY LAW CONFERENCE

26 June 1986 Sydney

PEARL WATSON AND FAMILY LAW

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The Hon. Justice M.D. Kirby, CMG
President of the Court of Appeal of New South Wales
Chairperson of the Pearl Watson Foundation

THE FOURTH OF JULY

I get so few opportunities nowadays to address conferences on Family Law. Mind you, I recently received an invitation to deliver a paper on family law to the forthcoming Commonwealth Law Conference in Ocho Rios, Jamaica. Of course, I pressed upon the organisers the superior claims of hundreds of better informed family lawyers - many of them in this room. But you will understand the fact that I did not press them with excessive vigour. Even in the judiciary, self sacrifice has its limits. My paper for the Caribbean is on the subject of sex reassignment and family law. It is rivalled for exotica only by an address I once delivered, to the astonished lawyers of Zimbabwe, on breast-milk substitutes and the law. But these topics must be addressed. The fashionable areas of law may be different. But my topics - like family law - are vital to the lives of many people. Modern lawyers should not ignore them.

My purpose in this brief intervention is twofold. First, to invite a pause, in the midst of our busy lives, to remember a fine citizen and Christian woman who died as an indirect consequence of the administration of our family law. And secondly, to urge your support for a Foundation which has been

established to ensure that such a shocking act should not be forgotten - but remembered, though in a constructive and useful way.

The fourth of July is normally a festive day. In the United States, citizens celebrate with fireworks the start of a revolutionary struggle for freedom. This year, in this State it will mark a change of Premier - though it is rumoured that a mass exodus of butterflies from the State will not be joining in these celebrations.

For Australian lawyers, 4 July is the anniversary of the death of Pearl Watson in an explosion which was obviously designed to kill her husband, Justice Ray Watson.

Following this terrible event a proposal was made to establish a Foundation. The idea was readily agreed because, quite apart from being the wife of a progenitor of the new Act and a leading judge of the Family Court, Mrs. Watson had many admirers in her own right. She had been a marriage counsellor and was associated with numerous voluntary organisations in the promotion of family life.

WORK OF THE FOUNDATION

The focus of the Foundation is to fill a gap in the existing institutions. There is a great deal of ignorance about Family Law and the support structures that exist when personal relations are in crisis. What was needed was a bridge between the law and the community. Let us be frank, lawyers are not always skilled in public communication. Yet in this area of the law's operation so intense are the passions raised, that ignorance can do a great mischief and be the cause of much pain.

The Federal Government supported the Foundation with an

initial grant. This has been supplemented by private donations. In the space of little more than a year, the Foundation has-

- * opened premises in Parramatta;
- * recruited two enthusiastic and talented staff members;
- * initiated a program of seminars for social workers, to spread information throughout the community on family law facilities;
- * secured the publication of the Guide to Family Law, recently launched by the Attorney-General; and
- * Initiated steps for the translation of important sections of that book into major ethnic languages;

The basic theme of the Foundation is the prevention of unnecessary pain in family breakdown. It seeks to promote community understanding and knowledge of the law and the efficient use of the framework of agencies - particularly those set up to assist reconciliation and to promote the prevention of breakdown, where that is just and appropriate.

THE UNITY OF THE LAW

Far from being a threat to lawyers, the Foundation aims to give citizens basic information about what to expect from the Family Law system and how to use it effectively. Furthermore, by attacking community ignorance about Family Law, it is hoped that the Foundation will contribute to removing one of the causes of the unprecedented attacks on our Family Law and those who administer it.

Last week I was reading His Excellency's celebration of the 100th anniversary of Sir Owen Dixon's birth. In an essay worthy of its subject, Dixon is spoken of as "lighting the

path" through what Gibbon described as "the thorns and thickets of that gloomy labyrinth" - the Law. One of Dixon's central themes was the ultimate unity of the legal system. Though Family Law is, for the large part, administered separately, all of us in the law are part of the one service. That is why yesterday the Judges of Appeal of New South Wales and the Judges of the new Appeal Division of the Family Court met in my chambers to discuss the common interests we have in appellate techniques, efficiency and high standards.

Family law touches people in their most intense concerns. It is therefore a subject worthy of intense legal discussion. But wisdom suggests that it should also be a subject of community knowledge, dispelling prejudice and ignorance. An ear to the community's voice might also provide a flow of ideas about where the system can be improved.

I hope that the legal profession will support the Pearl Watson Foundation. Brochures are available to show how it can be done. And as the fourth of July approaches again, with its melancholy anniversary, we should respond not with anger or even defiance. But with a determination to remove ignorance and misapprehension. They provide the breeding ground for the irrational hatred that caused the needless death of a gentle person and left a stain on the administration of justice in our country.