

The theme of this issue of *Family Matters* is family law in its widest sense. Some of the challenges manifest in family law have implications far beyond any one piece of legislation or specific regulations. For example, issues about child support law immediately raise questions about the distinction between public and private responsibility for children that our society will accept. It is thus important to revisit debates such as those around child support and to explore how costs of children are divided between individual parents and the state.

Other areas addressed in this edition include strategies for intervention when parents are unable to solve conflicts about children, and a discussion of the Crime Prevention Committee's report on combating child sexual assault.

In preparing this issue of *Family Matters* we have been fortunate to be able to draw on the knowledge and expertise of a number of academics and professionals including The Hon Alistair Nicholson, Chief Justice of the Family Court of Australia, the Chief Justice's Senior Legal Associate (and former AIFS Senior Research Fellow) Margaret Harrison, and the Principal Director of Family Court Counselling, Dr Carole Brown. The issue was coordinated by Dr Kate Funder, an AIFS Principal Research Fellow; her thematic overview and introduction to the papers (on page four) highlights some of the salient debates in family law examined in the papers.

Quality in Child Care

Two major reviews of children's services in Australia have been announced recently. With a brief from the Office of Prime Minister and Cabinet, the Canberra based Economic Planning Advisory Council has established a Child Care Task Force that has broad ranging terms of reference but also a particular brief to advise on the future development of a child care service to meet



DIRECTOR'S REPORT

HARRY MCGURK

the needs of Australian families into the 21st century. In addition, the Council of Australian Governments (COAG) has established a State/Commonwealth Working Group to advise on the reforms necessary to the achievement of an Australian child care service which is effective, efficient, accountable and improves the outcomes for service users – both parents and children.

More than one million Australian preschool children regularly spend substantial parts of each week day in a variety of non-parental care settings. Over half of them are in informal care, being placed with relatives, friends or neighbours; the remaining 520 thousand or so children attend formal day care. In addition, large numbers of children who attend school spend part of each day in non-parental, out of school hours care settings. There also remains a substantial as yet unmet need for additional places in preschool and school age child care, including school vacation care.

Accordingly, outcomes from these two high level reviews have the potential to effect profoundly the future wellbeing of the nation's children and their families. They are likely to determine the agenda for the development of Australia's child care services well into the 21st century. It is important,

therefore, that the reviews engender and are informed by extensive, open dialogue and debate about the kind of service that will best serve the needs and interests of the principal stakeholders in Australian child care, the children and their families themselves, as well as society at large.

There are important questions to be addressed in this debate. One that should not rank high in the discussion, however, is whether day care is bad for children, or whether children should be spending *any* time in non-parental care. In every known society arrangements for the care and rearing of children have always been distributed between parents (primarily mothers) and other carers. Throughout most of history and for most children and families, these arrangements have been informal, the other, non-maternal carers typically being relatives (sometimes siblings) of the children involved. Shared care is normative and always has been; it is exclusive rearing by biological parents which is non-normative.

In traditional societies throughout the world, non-parental care for children has always been predominantly related to maternal responsibilities outside the home; alternative child care arrangements have been necessary to 'free' mothers to work, either on the land or in others ways, to provide for the material wellbeing of their children. Contemporary Western society is distinctive in that we are emerging from a *relatively brief* period in our development during which it was 'traditional' for child care and child rearing to be the primary responsibility of female parents not engaged in employment outside the home. The provision of non-parental care for children of working parents is therefore nothing new.

What is new is the extent to which, in Western societies, we are moving away from the use of informal networks for the non-parental care of children and increasing the extent to which we are reliant upon formal arrangements for distributing the care and rearing of young children between parents and others. As indicated above, that is not yet the predominant form of shared care. However, because of the economic pressures upon parents, mothers and fathers alike, to participate in the paid labour force, as well as the desire of women and men to combine the rewards of paid work and family life, it is likely to become so.

If formal child care is appropriately conceptualised as a sharing between parents and others of the tasks of caring for and rearing children, then it becomes important to clarify both the nature of parenting and what it implies for the nature of child care.

Entire volumes have been written on the topic of parenting. Here, however, I will try to encapsulate the process within a few sentences. Parenting, in brief, involves the creation of an environment of love and security of the kind that facilitates the emergence of the bonds of trust between child and carer that become, in turn, the foundation for the development of the child's physical, social, emotional and intellectual competence and wellbeing. Being a parent calls, in addition, for an unconditional, unqualified – what

CALL FOR RESEARCH PAPERS

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Australian Family Research Conference 1996

Family Research Pathways to Policy

Brisbane, 27–29 November 1996

The Australian Institute of Family Studies is inviting research papers for its fifth Australian Family Research Conference (AFRC 5), to be held at the Novotel Brisbane, 27-29 November 1996.

Papers on any aspect of family research including family trends, family life and relationships, children, family policies and economics, support programs and family law will be welcome.

We are particularly interested in receiving papers and presentations which address the theme of AFRC 5 – *Family Research: Pathways to Policy*:

- What is the relationship between research and policy?
- How does research impact on family policy?
- What types of research are useful to the development of family policy?
- What are the issues concerning research independence?

The Conference will provide a valuable forum for those who are interested or involved in family research and the development of family policy in Australia. The Conference will focus on family issues in Australia, with findings of the Institute's own studies and work from other researchers, government bodies and community organisations to be presented and discussed.

If you would like to present a paper at the Conference, please forward a 200-300 word abstract of your paper along with full professional details to: Dr Kathleen Funder, Australian Institute of Family Studies, 300 Queen Street, Melbourne, Victoria, Australia 3000. Phone: (03) 9214 7888, Fax: (03) 9214 7839.

Urie Bronfenbrenner called 'unreasonable' – commitment to securing the wellbeing of the children in one's care; every child needs at least one person in her or his environment who is so committed. In turn, there need also to be persons and systems in the parental environment to support parents in the discharge of their roles.

Thus defined, being a parent does not involve performing all the functions of parenting oneself; the fulfilling of these functions can be socially distributed and parenting can be shared. Where such distributed parenting is necessitated as a consequence of economic conditions and social policy then it also becomes a responsibility for social policy to ensure that there are structures in place to support parents in their commitment to securing the wellbeing of their children.

What implications does such a perspective on parenting and its sharing, have in the context of current reviews of child care in Australia? One is that child care cannot be simply a child minding or baby-sitting service, one that does no more than 'look after' children while the parents are absent. Construed as distributed parenting, good child care performs some of the functions of parents themselves, in particular, the creation of environments of the kind that facilitate the emergence of the bonds of trust between child and carer that become, in turn, the foundation for the development of children's physical, social, emotional and intellectual competence and wellbeing.

Another implication of the construction of child care as distributed parenting is that care providers must work with parents to create partnerships to ensure, together, the creation of a genuinely family-centred service. Child care is there neither to substitute for parents nor to tell parents how to rear their children. Child care must become a service the primary objective of which is to support parents in their role of securing the wellbeing of their children; it is providers who have to meet the needs of parents and children, not the reverse.

To secure a quality child care service for Australia, to ensure the emergence of a service fit for its purpose of sharing in the parenting of the nation's children will require it, among other things, to be fully staffed by professional personnel trained and experienced in early years care and education. To secure continuity and stability in retaining such personnel will require their conditions of employment and remuneration to be improved well beyond those that presently exist in major parts of the sector. We need also to ensure that group sizes and staff-child ratios are appropriate to the ages of the children involved. The research evidence indicates staff training and continuity, group sizes and staff-child ratios to be among the most important factors in the creation of a quality child care service.

These are some of the issues that should feature in current debates and reviews about the future of Australia's child care service. A service of the calibre envisaged here will not come cheap but, ultimately, it is the only kind of service we can afford.

Harry McGurk

What Australians Think About Parental Responsibilities

It is often in the face of change that we examine the obvious, the things we take for granted. The introduction of the Child Support Scheme in Australia challenged the common wisdom (which was not, in fact, common practice at the time) that parents give day-to-day financial support to children with whom they may not live.

And so it may be with notions of parental responsibility: everyone 'knows' what parents should do for their children, yet rethinking language and terminology highlights disparities in our understanding.

Imminent changes to family law, set out in the *Family Law Reform Act No. 1 (Children)*, will alter the way the law talks about parental responsibilities for their children after separation. The language of law shifts from using the words 'custody' and 'access', with their connotations of parental rights, to the words 'residence' and 'contact', which carry less baggage from common law notions of ownership and control.

Proposed changes are driven by the desire to place at the heart of the law the child's right to continuing care and nurture, to safety and reasonable peace provided by parents. The converse of this aim is to de-emphasise parental rights except in the service of the child's wellbeing.

The Attorney General's Department has commissioned the Australian Institute of Family Studies to evaluate the impact of the reforms to the Family Law Act on our understanding of parental responsibilities. To understand how Australians view the responsibilities of parents, the Institute is carrying out a random survey of Australian households. The survey will

include parents who have divorced under the current law and exercise their parental responsibilities under various conditions. We know little about what Australians think parents should do for their children; increasing our understanding will give us a yardstick to measure the appropriateness of the Family Law Act 1975 in current circumstances.

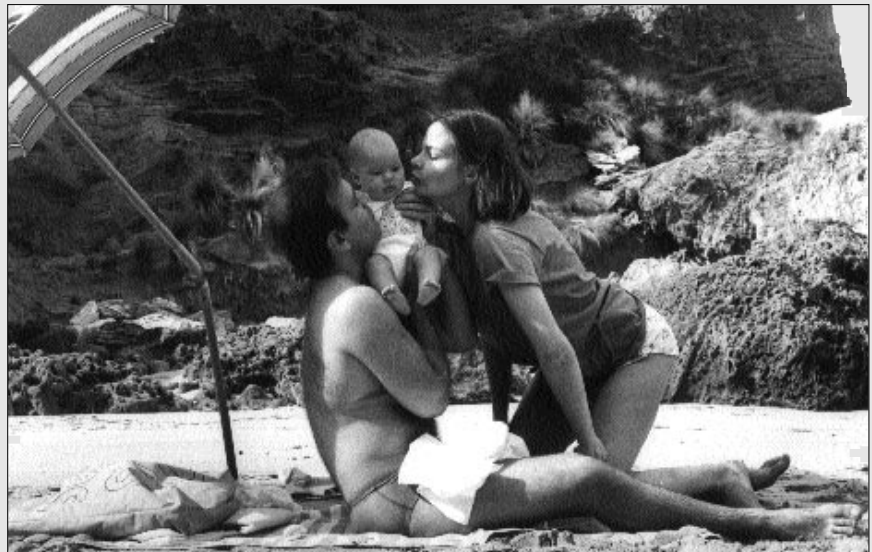
The central purpose is to ask a spectrum of people what they think parents are responsible for under different conditions of residence and contact. For example, they will be asked to consider the responsibilities of biological parents who live with their children and also those who live apart from their children.

When we put together this picture we will have a profile of how Australians expect parents to care for and nurture their children. This might be seen as a benchmark in Australian expectations and attitudes.

From this benchmark picture of parental responsibility, it is intended to repeat the survey to evaluate the impact of changes to the Family Law Act on our understanding of parental responsibilities. To assess changes the survey will be repeated about two and five years after the Family Law Act reforms have been in operation.

Whatever the repeated surveys show by way of change, the initial survey will provide a snapshot of our current understanding which will be a useful baseline for policy makers in a range of child and family services.

– **Kate Funder**
AIFS Principal Research Fellow



Picture: Howard Birnsthil