

Using a change response model of union membership Peetz dissects the factors that influence union membership in Australia. The change response model relates to the changes in union membership that depend on the responses made to both micro and macro influences by the unions and other parties.

Peetz includes an informative and almost exhaustive background study of Australian unionism and related trends and issues. He identifies the relative stability of union membership and density in Australia before the 1990s and then the sharp decline during the later years of the Accord. Comparisons are also drawn internationally unravelling the myth that the government influence on wages policy is largely to blame for the decline in union membership. This was not apparent in the evidence presented from other countries.

The amalgamation of unions as a response to the inability of unions to operate effectively in the new economically rationalist environment is identified by Peetz. He is cautious in passing judgment on the amalgamation of unions but notes that very few of the aims of union amalgamation have been met. Peetz does not relate the failure of union amalgamation directly to the decline of unionism. He does, however, suggest that the interaction between management and unions is the primary indicator of either the increase or decrease in union activities in the workplace.

Structural changes in the workplace — casualisation of labour, the shrinking of the public sector and the increase in small business — have made it difficult for unions to maintain a high profile in workplace relations. More importantly the changes in employment strategies including the decline of compulsory unionism and the delegitimisation of unions by the government are blamed for the decline in union density in Australia.

Peetz has identified the Accord and ultimately the award system of regulating the labour market as both the weakness and strength of the Australian union movement: weakness because of the lack of need for strong union representation in the workplace due to institutional organisation; and a strength because the Accord gave government legitimacy to the unions. The effect of the Accord on the decline in union membership seems minimal according

to Peetz compared to the 'the employer and state offensive against unions' (p.173) contained in the *Workplace Relations Act*.

'Enterprise bargaining', as supported by the *Workplace Relations Act*, emerges as the crippling impetus behind the collapse of the unions. It is identified as the force that highlighted the vulnerabilities of unions which had been complacent for far too long. He identifies this paradigmatic shift from union-based workplace bargaining to individual agreements as 'the most testing period' for the unions in many decades.

Peetz relates the decline in Australian Unionism to three main factors: structural change in the labor market, changes in attitudes to compulsory unionism and the failure of unions' recruitment practices and associated policies to match these and other changes. He ultimately declares that the unions have to re-examine their responses to influences and change their attitudes toward union members.

*Unions in a Contrary World* is a wake up call to Australian unions and Peetz ultimately places the responsibility of the future of the union movement squarely with the unions themselves. He suggests that the unions must be more responsive and attentive to their members in order to maintain the viability of union involvement in Australian industrial relations.

While this is a good book that should be read by anyone who has an interest in maintaining and strengthening the union movement, it is not a book for the uninitiated. With a verbose writing style, Peetz will have difficulty in maintaining the interest of the general reader, which is unfortunate because this book has a lot to contribute to the understanding of the Australian union movement. In eight chapters Peetz discusses the Australian union movement from as many perspectives as possible but ultimately he concludes that union membership, strength, density, sympathy and instrumentality is strongly conditional on political, economic, legal and social circumstances and the unions must determine how to respond to those circumstances.

This conclusion is hardly startling news for any observer of Australian industrial relations in the past 20 years. It will however make some union officials very uncomfortable.

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## The Parental Obligation: A Study of Parenthood Across Households

**Mavis Maclean and John Eekelaar, Hart Publishing, Oxford, 1997; 170 pp incl. index and tables; \$75 hardcover, \$35 softcover. Australian distributor: Federation Press.**

*The Parental Obligation: A Study of Parenthood Across Households* will interest those engaged in research which reflects on the 'new wave' family law reforms that have sought to redefine the parent-child relationship, most notably, in the UK and Australia. Family law reforms in the last decade have evolved from policy developments which have been propelled largely by idealistic assumptions about what the parent-child relationship ought to be. Evaluative reports on the impact of the new ideologies incorporated into UK family law reforms have been thin on the ground. This book is a valuable contribution. It is a quantitative study investigating the perceptions and discharge of parental obligations in a variety of family configurations in which a child lives with only one biological parent. The study identifies clear differences between the study groups that have implications for policy issues which extend beyond the UK.

The authors' main objective is to ascertain whether the assumption inherent in legal policy making of the existence of social rules of parenting is legitimately founded on social practices. In addition, the authors test the hypothesis that the obligations of parenthood are becoming an increasingly significant focus for legal policy in regard to familial ties, in light of the 'legal emptiness of marriage' and the increasingly apparent inadequacy of marriage as the dominant framework for social and economic policies affecting children.

Chapter 2 lays the socio-historical foundations for the study with a discussion of changes in household arrangements during the course of the 20th century and also of the changes that might occur over the course of an individual's lifetime. The purpose of this chapter is to demonstrate the fluidity of living arrangements, with the suggestion that social and legal policy may be based on a static view of household

structures. Chapter 3 expands further on their assertion of this policy vulnerability by exploring the main contexts in which 'support' obligations occur and the ways in which they interact to provide new challenges to policy makers. These contexts are marriage, blood relationships and sharing a common household, and the authors argue that the dynamic ways in which these factors interact to generate obligations are becoming increasingly complex and more difficult to accurately engage with as legally enforceable obligations. The three contexts neatly co-exist for married people with children but the authors suggest that, for the most part, these obligations are shaped and regulated less by the imposition of legal rules and more by normative social expectations. Hence, it is the familial relationships and arrangements that fall outside the convenient conflation of the three contexts that complicate the indirect influence of normative social obligations and therefore require more direct legal rules of support obligation. On that account the authors gathered cross-sectional data and divided their sample into three groups: households including children who never lived with both parents together; children whose parents were cohabiting outside of marriage when the child was born; and children whose parents were cohabiting and formally married when the child was born. Each group was analysed for residential changes for the child, the extent to which contact was maintained with the non-resident parent, the main source and level of income of the child's household before and after separation and employment status of both parents.

The most salient factors that differentiate the groups are socio-economic circumstances, continuity of the relationship between the child and the non-resident parent, and payment of child support. The authors establish that on these measures the children in the group with formerly married parents benefit more than the other groups. The authors conclude that '... our evidence reveals marriage in a positive light as an institution which supports parenthood'. The authors outline three main reasons for this. First, children of marriages are likely to be older than the children of formerly cohabiting parents at the time of separation, allowing for a longer time frame in which to establish a bond with both parents. Second, married parents who are negotiating the separation process, usually require or

seek legal intervention to formalise the separation itself, but also child agreements and the division of property. Thus, the parental obligation after marriage breakdown might be strengthened by the perception that the obligation is legally, as well as socially, binding. Third, the more favourable socio-economic circumstances apparent in the 'formerly married' study group may itself be a contributor to greater relationship stability.

The authors present supplementary attitudinal data gathered from parents' views on child support obligations. This provides for an all too brief, but insightful discussion of 'social' and 'natural' parental obligations. The data and discussion neatly encapsulate the crux of the dilemma for legal policy decision makers dealing with the legal regulation of parenthood outside of its traditional social boundaries. Variations in response were clearly delineated by gender. Fathers indicated a stronger obligation towards 'social' parenthood, that is, children within their current household or social family, whereas mothers' responses demonstrated that parental obligation towards biological children is, for them,

consistent and continuous and that a father's child support obligations to his natural children should not be altered by subsequent social parenting obligations. I suspect that the predominant view of fathers expressed in the attitude survey springs from the resilient model of 'breadwinner masculinity' which propounds men as household provider and in Australia, at least, this view is supported by social security legislation but undermined by child support legislation. This dilemma is a clear indication that the authors are correct in asserting that social and legal obligations that directly and indirectly regulate extra or post-marital parental obligations, are frequently at odds with each other and that legal rules (particularly evident in the *Family Law Act 1996* (UK)) tend to marginalise the concerns of children of parents who fall outside the category of 'formerly married'.

*The Parental Obligation* is thought provoking, and as promised, the study 'does raise important new questions against which current knowledge should be viewed'.

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## Review of the Federal Civil Justice System

*Australian Law Reform Commission, Sydney, 1999; Discussion Paper 62.*

Commenced in 1995 the ALRC's inquiry into the federal civil justice system is drawing to a close. The final report is due to be presented to the Commonwealth Attorney-General in November 1999. This recent discussion paper is a synthesis of the ALRC's work on this inquiry to date and puts forward a series of detailed proposals for reform on which the ALRC would like to receive feedback. Topics include education, training and accountability of the legal profession, case management in the Federal and Family Courts and legal aid. Advance publicity suggested the paper was controversial in its criticism of the Family Court and concluded that there was no crisis in the federal litigation system, but this was not the case. The analysis of the Family Court is in fact less critical than the press release and the report is measured in its assessment of the civil justice system.

The ALRC's reform proposals are on the whole sensible and worthwhile. They do not suggest, for example, dramatic or major reforms that would be difficult to implement in an era of small government. Nevertheless

some of the proposals are odd. For example, disregarding the discussion overseas and in Australia the ALRC's Proposal 6.3 is for all lawyers to undertake mandatory pro bono work. It will be interesting to see how the legal profession bodies respond. Similarly the discussion of legal advice in Chapter 7 'Legal Aid' displays a lack of knowledge about the role of the Legal Aid Commissions and Community Legal Centres. That same chapter also sadly fails to consider the purposes of legal aid and instead addresses the old issues of cost, coordination and service delivery that cannot meaningfully be considered out of context of purposes.

Despite these quibbles, if you are looking for a state of the art analysis of the federal civil justice system this is undoubtedly the place to start. I encourage readers of the *Alt.LJ* to put in a submission in response. The closing date is mid November but the ALRC is likely to accept late submissions.

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