

# CRIME PREVENTION AND THE FAMILY UNIT

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It has been said from several quarters both within and without the Australian Crime Prevention Council that it is facing a period in which it must either consolidate its activities at national level or allow the State Branches which have been formed since 1971 to develop individually the work which was undertaken by the Council since its inception in 1960. It is trite to say that crime is a national problem, but the fact is that each of the States and Territories face common problems in controlling criminal behaviour and because each can learn from the other, it is of greatest value to the community if methods of crime control have a strong measure of national consensus. Moreover, if innovations are assessed at a national level such an approach gives a better return to the community for the money spent on law enforcement, crime prevention and the administration of justice, because it minimises the fragmentation of crime control and law enforcement procedures which for historical reasons have been the general pattern through the nation since the settlement of the various Australian states. Co-operation is occurring with willingness, but changing the system can be slow.

There is a further reason why a national approach to matters which so materially affect the moral health and physical safety of the community should be dealt with at a national level, one of which is the acknowledgement of the fact that some matters which have previously been the field of the criminal justice system are now seen in modern society to be more a matter of social control, with remedies lying in social planning, rather than as matters fit for the attention of the criminal law. Reports by various parliamentary committees at both State and national level have, in recent years, recommended quite vigorously the decriminalisation of acts which have always been regarded as the province of law enforcement through the medium of the criminal justice system and I need not stay to enumerate some of these areas. More recently, a far reaching enquiry undertaken by the Royal Commission on Human Relationships has revealed attitudes in the nation which call for some re-appraisal of the application of the criminal law in some areas and this must be acknowledged whether or not the recommendations of that Commission are favoured or abhorred by the majority of the community.

One area which needs to be the object of expert assessment at national level is the role of the family in modern society and the trends which appear to be affecting it. The family as the basic unit of organisation in society has been under attack from various quarters. On the one hand it is contended that there has been a weakening in the family structure leading to a breakdown in its effectiveness and consequently presaging the breakdown of society as at present organised. On the other hand the family is criticised as a rigid, formalised entity whose chief basis for perpetuation is an outmoded and discredited method of social organisation and control. Perhaps the truth lies somewhere in between — there is no substitute for the family as the basic unit for the organisation and development of society, but the accepted and perhaps stereo-typed notion of family organisation and family inter-relationships is not adequate for this last quarter of the 20th century. Having had the opportunity to be involved in the administration of criminal justice at grass roots level over a period of twelve years, and having been involved in the administration of family law since a few weeks after the Family Court of Australia began in 1976, I feel confident to say that quite a number of the ills which beset society, ranging from the deviant behaviour of adolescent children through to drug abuse by young adults and thence to criminal behaviour by persons in the second decade of their lives, is more marked where the family to which the individual belongs has not been able to fulfil its function of giving support and guidance and imposing its own disciplines and controls. On the other hand, in cases where there has been deviant or criminal behaviour by a member of a family which is able to exercise control over its members and give them the measure of support which they need, then in general terms the recidivism rate is lower and the prognosis for social rehabilitation is encouraging.

We are fortunate to have the resources of the Australian Institute of

Criminology available in undertaking research in its specialist field on a national basis, and it is my hope that this Institute will be able to work in parallel with a body devoted to study of the family, its strengths and weaknesses and its role in the future development of this nation. I refer to the Institute of Family Studies which is to be set up by Section 116 of the Family Law Act 1975. The legislation provides that the Institute will consist of a director and four or more other members appointed by the Attorney General. The Act prescribes that "the functions of the Institute are that of promoting, by the encouragement and co-ordination of research and other appropriate means, the identification of and development and understanding of the factors affecting marital and family stability in Australia with the object of promoting the protection of the family as the only natural and fundamental group unit in society". The Institute has the additional function of advising and assisting the Attorney General in relation to making grants for research purposes and functions related to the Institute. It will be perceived at once that the Institute is to undertake its functions upon the premise that the family is the natural and fundamental group unit in society, a sentiment which is also expressed in Section 43 of the Family Law Act.

In the comparatively short space of time in which the Family Court of Australia has been exercising its jurisdiction, it has become apparent to those involved in the administration of the Family Law Act that the family has undergone a period of change, but that its resilience and its deep cultural roots and its inborn demand for its self-perpetuation will ensure that the family will continue to be the fundamental group unit in society. The apparent battering which it is receiving stems from the increased awareness in the general community of difficulties in human relationships in a climate where people are encouraged to speak their minds and follow their own bent irrespective of feelings of loyalty or considerations of restraint, but I think it is a mistake to regard manifestations of behaviour of this kind as indicative of the breakdown of the family structure — the structure remains but it has to fight harder to remain effective against the pressures of urban living, the economic bewilderment which modern society creates for its members, the earlier age of physical maturation of children, coupled with the lowering of the age at which children are regarded as adults which combine to create new and often rebellious forces within the family that must be contained and resolved. In some cases where these forces cannot be contained or resolved by reason of lack of experience or lack of patience, or unwillingness to admit the problem, much less confront it, the result is often enough deviant or criminal behaviour in the family members, whether it be one or other of the parents or their children who react in this way. This, it would seem to me, is part of the nature of the problem to which the Institute of Family Studies will direct its attention, and there is an obvious link to be formed between that Institute and bodies such as the Australian Institute of Criminology and the Australian Crime Prevention Council. This Council has the inestimable advantage of being comprised of and encompassing all aspects of the criminal justice system, and it does so at a level in which all its members has a voice to be heard and a contribution to make.