

# Editorial



It would be remiss of this journal not to look at the issue of unemployment. The obvious relevance of unemployment for the readers of this journal is the effect it has on children and their families.

In looking at the issue of unemployment, it is useful to explore the legal concept of "duty of care". The application in the law of this concept was extended in England in 1932. Briefly, for non lawyers, the actual case involved a person who bought a bottle of lemonade alleged to suffer psychiatric illness after claiming to find a snail in the bottle. The drink manufacturer denied liability, stating that whether a snail was in the bottle or not was irrelevant, what was relevant was that the manufacturer had no liability in the situation as the bottle had already left his care.

This case was argued through to the House of Lords, where a majority decision led by Lord Atkin found that "duty of care" to one's neighbour was present, and defined one's neighbour as anyone who may be affected by a breach of duty – even if the person concerned did not know the neighbour existed. This decision has formed the basis for argument of negligence (even though a subsequent court hearing established there had been no snail in the bottle).

If one extends the concept of duty of care to one's neighbour from legal to moral duty, this case provides a useful analogy when looking at how decisions to provide family welfare support are made. If individuals lose jobs (or are unable to obtain them) due to "necessary" structural changes in society, is there not a moral duty of care to provide for them?

It appears as if the unemployed have to prove disadvantage to the satisfaction of the community before they secure adequate support. Using the analogy, they have to first prove there is a snail in the bottle and then it is considered whether the community has any liability for duty of care.

Why is it necessary to prove that unemployment is deleterious to individuals and their families? Do all individuals not have the right to participate equally in society? If the right to work is denied, do they not have the right to adequate compensation? Compensation which would enable them to continue to participate equally with the employed?

Yet somehow this right is denied or hidden. The most the unemployed person can expect is inadequate financial benefits and some sympathy. But sympathy alone does not help the disillusioned unemployed school leaver, or the despair and helpless rage of the adult denied the opportunity to fulfill his or her role in providing for their family, both financially and through the other social and psychological benefits work provides in this society.

How can children hope for the future when they see their parents or brothers and sisters denied their right to participate fully in society?

There are various committees and task forces (e.g. Victorian Task Force) examining the social effects of unemployment and other issues. But it is important that all who work in family welfare agencies and see the effect unemployment has upon families write about this effect – through the task forces, through this journal, to members of Parliament, to large business organisations, trade unions, the public media. It is important to determine the full aspects of adequate compensation and help the unemployed to obtain them. Child and family welfare in Australia is depending upon positive action.

In this issue, in her article on child abuse, Florence Lieberman warns people against accepting cut backs in welfare programmes as part of her recommendations to promote family welfare and prevent child abuse. Another article looks at the response of the school system to child abuse, and another describes a home based intervention programme for behavioural problems. J.M. Turner defines the limits of the concept of "duty of care" in relation to the unborn child and the child born with a disability. Christopher Brown and David Brunt describe a programme for Homeless Youth, and suggest that "if their (youth's) plight reaches the proportion of a public and political issue . . . this may form one indication in our contemporary society that young people in general really matter."

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Publisher – The journal has a new publisher, Mr. Jeffrey Elsum, Yarra Valley Press Pty. Ltd.

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