

ALSWA

No. 5 December 1997-January 1998

ALSWA CHALLENGE TO PRIME MINISTER: PUT UP OR SHUT UP!

ALSWA has challenged the Prime Minister to call an immediate election on important community issues rather than force an election based on race.

Chief Executive Officer Dennis Eggington said the Prime Minister's threat to go to a double dissolution if the Senate rejected the Government's proposed amendments to the Native Title Act was in no-one's interest. All it would do would be to escalate the race debate. He said if the Prime Minister was confident that, in such a circumstance, he would be re-elected then he should go to the polls now to test his theory. To use Indigenous peoples' protection of their rights as an election issue was politically divisive. "We as Aboriginal people are appalled that the Prime Minister views our legal rights as a tool to be used

(continued page 2)

Season's Greetings
from the
Management and
Staff of ALSWA

A publication of the
Aboriginal Legal Service
of Western Australia (Inc)
PO Box 8194 Stirling St East Perth WA 6849
Tel (08) 9265 6666 - 1800 019 900 (Toll Free)
Fax (08) 9221 1767



ALSWA Solicitor Tony Buti with Bessie Singer and Glenys Collard at the launch of the Stolen Generations Action Group

CEO WORRIES FOR FUTURE GENERATIONS

ALSWA Chief Executive Officer Dennis Eggington, speaking at the launch of the Stolen Generations Action Group, has appealed to Governments to act swiftly on recommendations of the National Inquiry into the Removal of Aboriginal Children from their Families.

He told a large gathering of Aboriginal and non-Aboriginal members of the recently formed group that it would be a tragedy if the unresolved effects of the inhumane policies that tore apart Aboriginal families were visited on the heads of future innocent generations of Aboriginal people. "Today is the first day in our campaign to resolve the issue once and for all" he said.

(continued page 4)

Focus on social concerns



State Minister for Aboriginal Affairs Dr Kim Hames with ALSWA CEO Dennis Eggington and Solicitor David Saylor during a visit to ALSWA Perth office. The Minister talked with senior staff and toured the office meeting a number of ALSWA employees. Discussions centered on social problems experienced by Aboriginal people and on how the State Government and ALSWA could work together to find solutions.

PUNDULMURRA FIGHTS TO SURVIVE TAKEOVER

ALSWA has criticised the Minister for Employment and Training, Cheryl Edwardes, for planning to subsume Pundulmurra College into Hedland College as from January 1, 1998.

ALSWA Chief Executive Officer, Dennis Eggington, said the plan would take away a valuable Aboriginal education facility that had been secured by the Aboriginal community in the area only after years of negotiations with former Governments.

“The Minister is intending to dispossess and disempower Aboriginal people at a time when the rest of Australia is talking reconciliation”

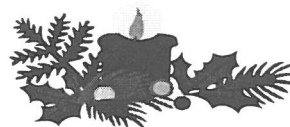
Mr Eggington said. “The action is typical of a Government intent on turning back the clock to the days when Aboriginal people were told what to do and how to do it by their supposed ‘betters’ within the white community. If she proceeds it will be an act of gross paternalism.” (see story page 5)

ALSWA AND WANTWG SNUBBED BY MINCHIN

The Western Australian Native Title Working Group (WANTWG) has expressed disappointment that Special Minister of State, Nick Minchin, who visited Perth to promote the Government’s Native Title Act amendments, refused to meet with key Aboriginal Native Title groups. WANTWG member Glenn Shaw said Senator Minchin had declined to meet with WANTWG or with ALSWA.

“These bodies have the day to day responsibility for Native Title issues and ought to have had the opportunity to put their position to the Minister,” he said, “If there was a genuine spirit of consultation then Mr Minchin would have met with Native Title bodies, as well as with the Commissioner of Elders which represents the Nyoongar people of the metropolitan area.”

Mr Shaw said Senator Minchin’s actions were a measure of the Government’s contempt for the views of Aboriginal people. The Minister’s visit was primarily to muzzle the Archbishop of Perth, Dr Peter Carnley, who was an outspoken critic of the Wik amendments. It was clear that the Coalition had no interests in constructive negotiations with indigenous people or their representatives.



Challenge to PM (from page one)..

to divide the country, and to use the excuse that it is in the national interest” Mr Eggington said, “The Prime Minister must put the Native Title Amendments aside, call an election based on all of the issues relevant to the whole community and see whether he has the support of the voting public, before he continues down the path of eradicating the rights of people based on age, union affiliation, or race. It is time for the Prime Minister to put up or shut up”.

WHEN A TREE IS NOT A HOME

Decisive action by Kununurra ALSWA Solicitor Margie Bourke has resulted in a previously homeless mother and children being allocated a Homeswest residence in Kununurra.

Ms Bourke wrote to Housing Minister Graeme Kierath after Homeswest had refused to grant priority status to the applicant 'due to (the fact) that her circumstances are the same as many other applicants waiting for priority housing'.

At the time the applicant and her three children were living under a tree, protected only by a tarpaulin (see photograph below).

After appealing the initial Homeswest refusal, Ms Bourke was advised by Homeswest that priority assistance was again declined on the basis that 'Kununurra is considered to be an area of high demand with many other applicants on the wait turn list in similar circumstances or worse'.

In her letter to the Minister Ms Bourke said her client was homeless, sick and supporting three children. She suggested that Homeswest would never allow a non-Aboriginal person to remain homeless without classifying their application as a priority.

Homeswest had indicated their belief that the client was not in unusual or urgent circumstances,



a claim that Ms Bourke said was illogical, presenting evidence to the contrary:

- ◆ The client was a single person supporting three children aged 5, 8, and 13 years;
- ◆ The client suffered from acute bronchitis;
- ◆ The children were prone to chest infections and pneumonia;
- ◆ The family were living under a tree with limited protection from a tarpaulin which the wet season had shown to be not waterproof;
- ◆ There did not appear to be any other person in the Kununurra area who was actually homeless and who had applied for Homeswest accommodation;
- ◆ The children's school attendance and performance was suffering because of their reluctance to go to school shabbily dressed, with no homework done, and without lunch; and
- ◆ There were no alternative housing prospects for the client. Previous accommodation was 20km from Kununurra and the client was without transport. This would preclude her from accessing medical services, and the children from accessing school.

Ms Bourke said Homeswest appeared to confuse living under a tree with substandard housing, but there were substantial differences:

- ◆ A tree has no waterproof, windproof shelter;
- ◆ A tree has no enclosures in which to keep supplies, particularly food, drinks and toiletries;
- ◆ A tree has no privacy for washing and changing;
- ◆ A tree has greater medical health risks (such as dehydration, nutritional problems) due to bugs, lack of running water, no protection from elements;
- ◆ A tree does not provide a safe environment for running electrical appliances; and
- ◆ A tree provides children with no protection from strangers, motor vehicles, etc.

Ms Bourke questioned the membership of the Homeswest decision-making committee and whether the appeal was conducted fairly.

ACTION GROUP LAUNCH

(from page 1)

“The recommendations of the Removal Inquiry must be heeded by Governments, and we must make sure they are heeded”.

Mr Eggington said he was pleased that the Action Group had attracted the support of high-profile and other very committed members. The strong sense of justice exhibited at the launch would greatly encourage and aid the Aboriginal cause.

He said the Stolen Generations Action Group was determined to encourage Governments and other relevant agencies to take full account of the important recommendations that came from the Report of the Removal Inquiry and to implement them with a sense of urgency.

As well, it sought to broaden the awareness of the general public as to the true nature of events that took place earlier in this State, and elsewhere, that had left a legacy of deepest anguish within the Aboriginal community.

It was this anguish that the recommendations, when implemented, would go some significant way towards ameliorating.

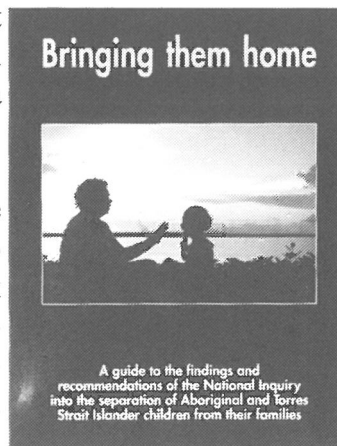
The truth was that the group could reasonably expect that Governments would be less than enthusiastic in accepting their responsibility. It was understandable to some extent that they would wish the matter to simply go away. But as the pain and trauma persisted, so the need and the responsibility to do something to alleviate it, grew and became more urgent.

In a message to the group, former ATSIC head Lois O’Donoghue said “It disappoints me not to be with you at the launch of this very important working group on the Stolen Generations.

“I am proud to be co-patron of the working group and I believe it has a very important part to play in the reconciliation process between indigenous and non-indigenous Australians. I believe, too, that it will significantly assist those persons who were removed from their families and their country to achieve justice.

“If we all work together I am sure that we can come up with answers and solutions to the problems that beset the Stolen Generations today. We cannot turn our back on them. I am one of them, and I speak from personal experience of the grief and trauma experienced by those removed from their families.

Aboriginal Actor Ernie Dingo, in a separate message to the group, said he was very proud to have been asked to be a patron of the committee.



“As an Aboriginal person I have witnessed first hand the sadness and grief within my community over events that took place in the past, but which linger in their bitter effects within the Aboriginal community of today.

“I strongly concur with the aims of this group which are to educate the general community on the deep and continuing suffering of my people caused by the removal practices and to effect strategies by which justice can finally be done.

“I urge all present at the launch of the Stolen Generations Action Group to support the endeavors of fellow group members as we strive to support those who continue to suffer the consequences of the removal practices”.

The launch ceremony, held at the Aboriginal Advancement Council on Monday November 10, was organised by group convenor ALSWA Solicitor Tony Buti.

It attracted a large crowd of members and supporters including Archbishop Peter Carnley, MHR Carmen Lawrence, and businessman Dennis McInerney.

MINISTER URGED TO TALK TO COMMUNITY

The Minister for Employment and Training, Cheryl Edwardes, has been urged by ALSWA to consult with the Aboriginal community in Port Hedland about the proposed takeover of Pundulmurra College.

ALSWA CEO Dennis Eggington was asked by the community to intervene in the dispute that will see Pundulmurra taken over by Hedland College in January 1998.

Mr Eggington said the Minister intended to subsume the Aboriginal Council into an overall management structure for Hedland College.

In a letter to the Minister he said "You may be aware that many in the Aboriginal Community generally, and members of the Council in particular, are unhappy with your decision and want you to place it aside until discussions have been held with both community and Council representatives.

"The community and Council believe that your proposed action will be entirely retrograde in terms of Aboriginal autonomy and empowerment in the important field of Aboriginal education.

"At a time when Federal and State Governments are talking reconciliation between Aboriginal and non-Aboriginal Australians, and when the official Federal Aboriginal Affairs policy is Aboriginal self-determination and participation, it is difficult to understand why you would take such a decision, particularly as the community has not been comprehensively consulted.

"I am aware that Pundulmurra College has experienced problems in the past, as have many similar organisations, but I am confident, with Council assurance, that these have been attended to and that the College is operating with increasing efficiency.

Lara joins Civil Unit



Solicitor Lara Yeremich has started work with the Civil Unit of ALSWA. Lara previously worked for Bradford and Company (solicitors for personal injury claims). She is currently involved in motor vehicle accident claims, personal injury claims, worker's compensation matters and deceased estates. Lara studied law at Murdoch University and became interested in how the law treated Aboriginal people differently. She is also interested in Aboriginal issues generally. Lara's first observations of ALSWA is that it is professionally organised with solicitors working hard and getting results.

"On behalf of our constituents in the region I ask you to delay taking the action you have proposed until consultations have taken place.

"You cannot possibly imagine the impact your proposed action will have on the self-esteem and well-being of Aboriginal people in the region if you do not talk to the people most affected".

THREE-STRIKES LAW IS NOT THE ANSWER

The President of the Australian Law Reform Commission, Alan Rose, has criticised WA's three-strikes-and-you're-in legislation as undermining children's human rights and claims it breaches Australia's obligations under the UN Convention on the Rights of the Child.

Mr Rose made the comments after releasing the report *Seen and Heard - Priority for Children in the Legal Process*, to which ALSWA recently contributed a submission.

Mr Rose said that the West Australian Government justified the 'draconian' legislation by reference to the State's high burglary rate, the traumatic impact of burglary on victims, and the fact that the legislation targeted a small number of repeat offenders. He said the law had a disproportionate impact on WA's Indigenous children. Indigenous children tended to enter the criminal justice system at an earlier age than non-indigenous children and for relatively minor offences.

ALSWA's submission, prepared by Solicitor Paul Dixon, highlighted a number of cases which have been referred to in the report. ALSWA has been highly critical of the three-strikes legislation since its introduction.

New Home For Client

(from page 3)

An 'independent community representative' on the panel was previously a Homeswest employee. There were (at the time) 91 applicants for Homeswest housing in Kununurra, few if any of whom were in such deplorable circumstances as her client.

She insisted that the Minister instruct the Department to overturn its decision and provide the client with accommodation. The response was swift and positive, and the client is now safely housed.

Damien takes on PR role

Former ALSWA administrative assistant Damien Yarran (pictured) has taken on a new role in the organisation as Public Relations Trainee. Damien successfully applied for training subsidy funding from the South Metropolitan Training Group. The Group will subsidise Damien's on-the-job training for a three-year period. He will also be trained in all aspects of media



ALSWA JOINS NATIONAL CAMPAIGN AGAINST VIOLENCE AND CRIME

ALSWA has been invited to participate in a National Campaign against Violence and Crime under the Federal Government's Law and Justice Policy.

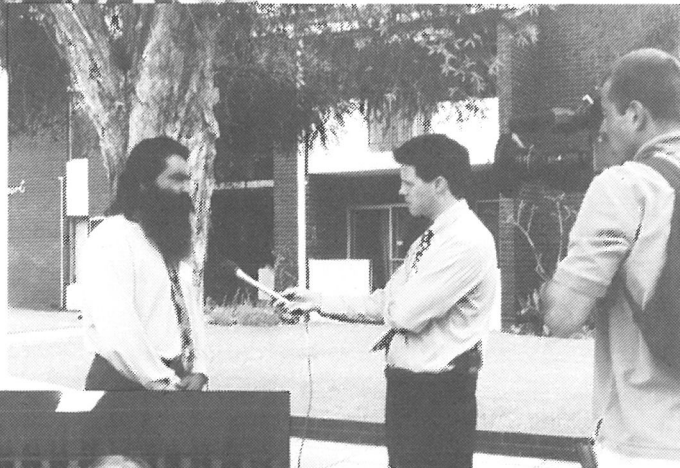
The \$13m campaign is geared towards development and implementation of a high profile national strategy to reduce violence and crime through working with disadvantaged and homeless young people. ALSWA is one of 200 contributors to a national database that contains details of services and projects aimed at achieving this objective.

The campaign features four broad areas of intervention - personal development; relationships and network development; systems transformation; and protective intervention. The latter, to which ALSWA's input will be directed, focuses on young people as either victims or perpetrators of criminal activity.

Please submit contributions for the February edition of ALSWA to Damien Yarran or Peter O'Brien in the Perth office, by January 23, 1998



**STOLEN
GENERATIONS
ACTION
GROUP**



Photographs taken at the launch of the Stolen Generations Action Group November 10, 1997.

From top left:
Convenor Tony Buti addresses the crowd; Dennis Eggington gives an interview; Archbishop Carnley with Executive members Glen Colbung and Clem Riley; Sally Morgan and friends; Sir Ronald Wilson talks to the media; Singer Kerriane Cox sings her own composition "Stolen Children".

NORTHBRIDGE GANG STORY RACIST AND UNTRUE: CEO

ALSWA CEO Dennis Eggington has responded angrily to allegations by a Perth City Councillor that Aboriginal juveniles are responsible for most, if not all, of the anti-social and criminal behaviour in the Northbridge area.

The councillor publicly blamed Aboriginal young people for 'the problems' being experienced in Northbridge after dark. He said 'gangs' of Aboriginal youngsters were bussed into Northbridge, especially on weekend nights, and allowed to 'run wild'. The councillor said Aboriginal youths were jostling and spitting at people and indulging in criminal activity.

Mr Eggington said the remarks were racist and simply untrue. Like all groups of people that frequented the Northbridge area, some Aboriginal kids misbehaved, but a vast majority came to the area to meet friends and socialise. They are naturally attracted by the bright lights and activity in the area, as are all

people who visit Northbridge" he said, "The problem is exacerbated by the fact that the suburbs provide few facilities to interest young people".

Mr Eggington said the councillor who made the allegations had revealed his ignorance and his prejudice. Aboriginal people were often targeted in the belief that publicly it was a popular thing to do. It appeared the councillor was prepared to 'join the racist bandwagon' to attract electoral support, just as Pauline Hansen had done so effectively with her One Nation Party.

He said it was noticeable that the response by police to the allegations was to call an 'urgent meeting' of senior police officers to answer criticisms that there was not a strong enough police presence in Northbridge at night. "You would think that the police, if they agreed with the councillor's allegations would involve ALSWA in seeking solutions. Typically, they have ignored the very people who are being so unfairly and wrongly attacked."

Mr Eggington said ALSWA liaised closely with the Police Department through a number of committees. But despite these involvements, which enabled ALSWA to closely scrutinise police operations in various areas, and despite the enhancement of ALSWA/Police relations at a senior level, he was dissatisfied with police response to ALSWA input. "As well as protecting their own reputation, the police would do well to speak out against the types of hysterical racist allegations made by self-interested persons like the councillor involved."

MEETING WITH CARMEN



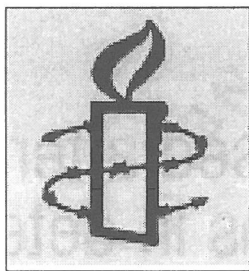
Federal MHR Carmen Lawrence with ALSWA's Colleen Hayward and Dennis Eggington at the launch of the Stolen Generations Action Group.

THE ANNUAL GENERAL MEETING OF THE ABORIGINAL LEGAL SERVICE WA (INC) WILL BE HELD AT 62 LIONEL STREET IN KALGOORLIE FROM 7.30PM ON THURSDAY NOVEMBER 27, 1997.

State Attorney-General visits for talks with CEO



ALSWA CEO Dennis Eggington demonstrates the wide coverage provided by ALSWA to Aboriginal people in WA to State Attorney-General Peter Foss. The visit by Mr Foss was the latest in a series by Government Ministers who have agreed to discuss areas of common concern.



ALSWA SHARES AMNESTY'S CONCERN ON HUMAN RIGHTS

ALSWA has publicly endorsed criticism of the Federal Government's Native Title Amendment Bill by human rights organisation Amnesty International. Amnesty this week expressed concern that the Bill, in its present form, indicated that the Australian Government was ready to accept yet another potential breach of international human rights standards.

In particular, Amnesty's concern was that the current Bill did not reflect expert human rights advice, available to the Government, that the Bill could contravene Australia's commitments under (for example) the Convention on the Elimination of all Forms of Racial Discrimination, as well as Australia's Racial Discrimination Act.

(continued page 10)

DCEO SUPPORTS 'LIVING IN HARMONY' STRATEGY

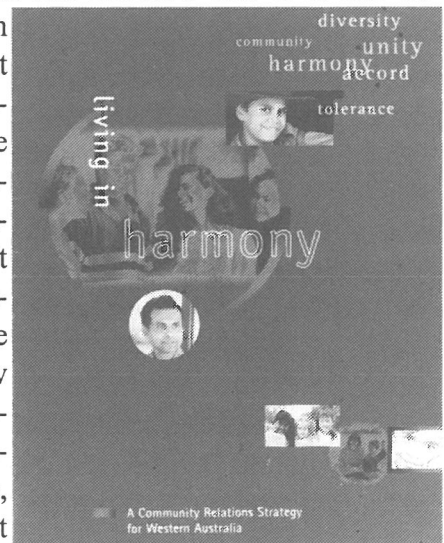
A State Government strategy aimed at raising public awareness about the benefits of good community relations has been applauded by ALSWA Deputy Chief Executive Officer, Colleen Hayward.

Ms Hayward said a refreshing aspect of the way the strategy was presented was the very definite understanding that living in harmony meant majority cultures taking steps to be inclusive rather than minority cultures taking steps to be mainstreamed.

The three-year strategy is aimed at all Western Australians, with an early focus on priority areas such as youth and schools, and a community awareness campaign.

The strategy, released by Multicultural and Ethnic Affairs Minister Mike Board, was a component of the Government's multicultural policy 'WA ONE' which was launched in March 1995.

The Government has stressed that it is not an anti-racism strategy and that it was not developed in response to Pauline Hanson's One Nation Party. It claims the strategy will be the catalyst for new initiatives between community groups, government agencies, local government, schools and the business sector to work together to strengthen community relations. A data base of innovative projects will be maintained so that good ideas can be recorded and adapted by groups and communities in the future.



AMNESTY'S HUMAN RIGHTS CONCERNS (from page 9)

According to human rights law experts, the Native Title Amendment Bill may have ramifications for racial discrimination in that it seeks to establish different property rights based on race in the form of lesser rights for indigenous Australians. Amnesty international's concerns on this matter are supported by, amongst others, Australia's national human rights commission and prominent UN-based Human Rights Committee member, Dr Elizabeth Evatt.

In Amnesty's experience, disputes over land often give rise to violations of human rights of indigenous people who, as in Australia, are frequently the most vulnerable group in society. Amnesty international does not take sides in disputes over land and resource use or ownership. It does not oppose special legislation affecting minority rights as long as it complies with, and protects, internationally accepted human rights standards.

Amnesty International has called on the Australian Government to consider options for bringing its Native Title Legislation in line with its commitments under national and international human rights law. This could mean, for example, inserting a clause into the Bill which clearly sets out the status of the Racial Discrimination Act in relation to the Native Title Amendment Bill.

Looking at indigenous rights in general, Amnesty also has continuing concerns about the Australian Government's lack of effective action to combat systemic discrimination of Aboriginal people in the criminal justice system, and about the government's refusal to formally apologise for past human rights violations against thousands of Aboriginal children who were forcibly removed from their families.

Amnesty International has wider concerns about the Australian Government's readiness to attack, or accept attacks against, international human rights treaties and the Australian Human Rights Commission.

ALSWA OPINIONS AIRED IN SBS FILM

Comments by ALSWA CEO Dennis Eggington, are to be featured in a film on Native Title being produced by Mirimbiak Nations Aboriginal Corporation. The film 'After Mabo' is to be screened on SBS television later this year.

The comments, along with those made by some ALSWA legal staff, were recorded during a National Indigenous Working Group meeting in Broome in October.

At that meeting, Mr Eggington was recorded as saying that ALSWA had looked at the amendments and was in the process of preparing briefing papers for the Executive Committee. He said many of the amendments appeared to be geared towards undoing ALSWA's wins in the Federal Court.

Family Law (from page twelve)....

the usual "status quo" principle in interim custody hearings applied. The Court takes the view in applying the "status quo" principle that the interests of a child will be best met by ensuring stability in their lives until there is a full hearing of the matter (often nine to twelve months after interim hearing). This principle says where the child has remained with one parent after the parties separate, the stability of the child will be ensured by continuing that arrangement, unless convincing proof is provided that the child's physical or mental health or moral welfare will be endangered by the child remaining in that home until the final hearing takes place.

In this case, the child had remained with the mother for ten months after the date of separation. In addition, as there could be no findings of fact in respect of the allegations and counter-allegations, the father could not point to convincing proof that the child's physical or mental health or moral welfare would be endangered by the child remaining with the mother.

CRIMINAL UNIT SUCCESS IN THREE-STRIKES CASE

Criminal Unit Solicitor Brian Devereaux recently succeeded in having a third-strike penalty of 12 months detention, that had been imposed on a client in the Children's Court, overturned in the WA Court of Criminal Appeal.

Mr Devereaux argued that a previous 'conviction' had been dismissed under Section 67 of the Young Offenders Act and did not count. This meant that another conviction (on a charge of burglary and other offences) would in fact be a second conviction and that his client was thus immune from a mandatory three-strikes penalty.

On his return to the Children's Court, for re-sentencing, the client received a lesser penalty of eight-months detention, but because of time already served in detention as a result of the initial three-strikes penalty being applied, the client was eligible for imminent release.

ALSWA PREPARING FURTHER LEGAL EDUCATION BROCHURES

ALSWA is in the process of preparing a number of legal education brochures for release in the new year. The titles include Bail, Domestic Violence, Restraining Orders and Understanding the Courts.

The brochures are part of series, four of which are currently available free of charge at ALSWA offices in Perth and the country. The brochures already published include Criminal Injuries, Going Surety, Criminal Records, and What to do if you are Under Arrest. They are in demand but small stocks are still available.

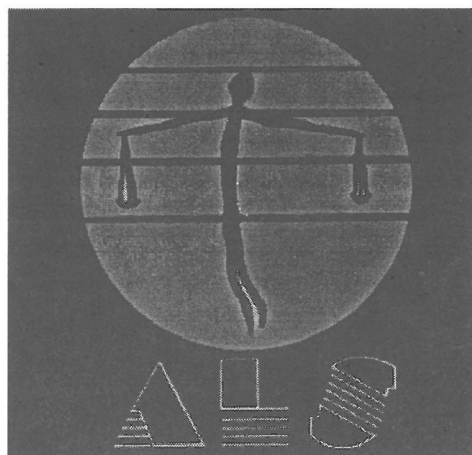
Others to be released in the future include Dealing with Homeswest, Making a Will, How to Deal with Discrimination, Consumer Rights and Responsibilities, and Using the Ombudsman.



Solicitor Christine Halls

From Stolen Generations To Native Title

Solicitor Christine Halls has joined ALSWA's Land and Heritage Unit to work in the area of Native Title. Christine moved to Western Australia recently after a period of work in Sydney on matters related to the National Inquiry into the Removal of Aboriginal Children from their Families. She studied Law at the University of Technology in Sydney. She says the Stolen Generations work fostered a desire to work more closely with Aboriginal people and she is pleased to have the opportunity that has been afforded her by ALSWA to work on Native Title claims.



Happy Ending in Family Law Custody Case

A Family Law case involving a custody dispute between a separated mother and father has been resolved in the mother's favour following a hearing in the Family Court. ALSWA Solicitor Paul Anthony represented the mother and her aunt against the child's natural father.

Mr Anthony said the mother and father had lived in an on-off relationship for about two and a half years. There was one seven-month old child to the relationship when the parties finally separated. Throughout the relationship the mother was the primary caregiver and the child remained with her after separation for a further ten months until the mother was admitted into Graylands Hospital because of a short illness known as a brief reactive psychosis.

This condition was not considered serious and is thought to be mainly stress related and of good prognosis. It was expected that she would only be in Graylands for a period of several days to two weeks before she returned to her usual, normal mental state. The mother had always enjoyed great support from her family in caring for the child, including support from her aunt. Plans were made for the aunt to care for the child in Perth while the mother was in hospital. The mother was still breast feeding and it was their intention that she have regular contact with the child while in hospital.

When the mother was first admitted into Graylands, she contacted the child's father and arranged for him to collect the child from the aunt and bring him to Graylands Hospital to visit the mother. Unfortunately, the father reneged on the agreement. He kept the child and immediately made an application to the Family Court for

interim custody. There were allegations made by the father against the mother, and counter-allegations made by the mother against the father, of violence, instability and alcohol and drug abuse. In response to the father's application, the mother and the aunt made a joint application for interim custody, the idea being the aunt would care for the child until the mother was discharged from Graylands Hospital, at which time the child would be returned to the mother's care.

An interim custody hearing is decided on the basis of affidavit evidence alone, and the Court is generally unable to make any findings of fact against one party or in favour of another party where there are allegations and counter-allegations. As the mother was at that stage still receiving treatment from Graylands Hospital, the Court took the view that the mother was unable to fulfil her role of full-time caregiver. It then came down to what was essentially a contest between the aunt and the father as to who should care for the child in the immediate future. The father

represented himself in Court and the Magistrate concluded from the affidavits, demeanour and attitude of the father that he was motivated by "a proper and real concern" for the welfare of the child and that he would be protective of the child and ensure his needs were met.



The Magistrate referred to a number of authorities which affirmed that the fact of parenthood itself is "an extremely relevant and significant factor" and proceeded to award the father interim custody. However, the matter had a happy ending. The mother was discharged the next day from Graylands and a full medical report was immediately obtained from the psychiatrist in charge of her case, verifying that the mother was fit to resume a full-time role as caregiver and mother.

The matter was re-listed for hearing within ten days to determine who should have interim custody of the child as between the mother and father. In this situation, once the mother had been certified as fit to resume full time care,

(continued page10)