

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

MADONNA'S GIRLIE TOUR

This time last year *Girlie* did a Madonna, revealing the entire contents of her Christmas stocking. How very kind of Madonna to reciprocate by naming her concert tour after this column! And how very churlish of the Almighty to chuck a tempest on the opening night of her Sydney concert. Indeed 1993 was a year in which direct action by the Divine was most apparent. The Pope produced *Veritas Splendor*, condemning artificial birth control, pre-marital sex, homosexuality and just about everything else which might conceivably be enjoyable. His Holiness, looking quite radiant in a long-line white gown with purple trimmings and a stunning hat, suffered an unfortunate fall from Grace when he tripped on the hem of his garment. In another incident of Divine Intervention, the Very Reverend Fred Nile went a cropper down the stairs at Parliament House, bruising his ribs, minutes before a Bill outlawing vilification on the grounds of sexual preference was due for debate. Fred was carted off to hospital and, in a fine gesture of faith in the Almighty, the Government adjourned the debate. On 18 November, Fred, disobeying instructions from his doctor and acting instead on direct instructions from God, appeared in the House in a wheelchair. According to Fred, God had expressly prevented the injuries from being more serious so that Fred could prevent the Bill being passed. He and Elaine then read copious passages from the Bible and following an immensely interesting, mammoth all-night sitting, the Bill was passed by one vote. Vilification on the grounds of sexual preference is now unlawful in New South Wales.

NEW AGE AIJA

1993 has been a year when the issue of gender bias rattled the scales of justice like never before, with miraculous results. In November 1992 the Australian Institute of Judicial Education formed a committee to investigate the feasibility of producing educational materials for judges and magistrates on issues of gender equality. The Committee sent a group of judges and magistrates to the Western Judicial Centre's 'train the trainer' program in Vancouver. Planning has also begun for a pilot program to be run in Victoria dur-

ing 1994. Progress will be reported in the *AIJA News* in April 1994 and in *Sit Down Girlie* shortly thereafter.

I SPY ... SOMETHING STARTING WITH 'P'

According to the *Sunday Age's* Spy column, a silent observer stood on the steps of Parliament House as the 'Reclaim the Night' marchers filed by in November. The march, according to the Spy column, was organised by 'jumpy' feminists (whatever does he mean?) and Mr Packer was eventually reclaimed by his chauffeur-driven limousine. It's a great pity really that we didn't notice him standing there all alone. We might have stopped and chatted a while about his publications, in particular *People* and *Picture* magazines. However, Mr Packer has recently been on a strict diet of mainly apples and we failed to recognise him. Sadly, the opportunity for meaningful dialogue and exchange of ideas was lost. Oh well, there's always next year.

MOIRA RAYNER

In a startling disregard for the principles underlying the need for independent statutory office holders, the Victorian Government has dumped Moira Rayner, the Equal Opportunity Commissioner. Moira had a duty to promote equal opportunities and to eliminate discrimination. This she did – too well it seems. Her demise clearly indicates that anyone who dares to criticise the Victorian Government is at risk. Moira was an outspoken advocate who was sometimes obliged to investigate complaints against the government. The proposed closure of Fairlea Women's Prison was just one example of this.

The Attorney-General, Jan Wade, pre-empted the recommendations of a parliamentary committee by introducing a Bill to abolish the Office of the Equal Opportunity Commissioner. The Bill originally included a provision making it mandatory for the Equal Opportunity Board to award costs against a losing party. Is there anyone out there who would be willing to complain of, say, sexual harassment at work, knowing that they run a very high risk of having thousands of dollars of costs awarded against

them – without the Board having any discretion in the matter? The Attorney backed off on that one and now costs are once again at the discretion of the Board. However, unsuccessful complainants still may cop the bill.

At the time of writing, the Attorney had not explained what was to happen with the federal jurisdiction administered by the Equal Opportunity Commissioner in Victoria. *Girlie's* advice is to write to the Premier voicing your displeasure and if you are the victim of discrimination – go federal – at least until democracy returns to Victoria.



WOMEN IN THE HOUSE

Fifty years ago Dame Edith Lyons and Senator Dorothy Tangney became the first women to sit in the Federal Parliament. In a book titled *Trust the Women*, published by the Department of the Senate, the slow but sure progress of women in the House has been documented. There are currently 30 women in Parliament, sitting with 113 men. The leader of the democrats and the Green Senators have shown that women can make a real impact and can avoid playing political games according to the boys' rules.

Indeed *Girlie* sat amazed in her television armchair during the budget debates when these three women were interviewed by the *7.30 Report's* Paul Lyneham. Now *Girlie* has some regard for her health and well-being and this includes protection against hearing loss. When Mr Lyneham appears on the screen, *Girlie* runs for the ear plugs. Mr Lyneham has a loud, and aggressive, voice. It was a sheer delight to hear these women responding in measured tones, thus influencing Mr Lyneham to such an extent that it was safe to listen without hearing protection. Sometimes these gentle impacts have profound results.

1993 was a year in which the Treasurer, John Dawkins, discovered that it is now officially unparliamentary to call a woman 'sweetheart', but the Speaker, Stephen Martin, has had occasion to ask one or two of the women parliamentarians to 'restrain themselves'. Bronwyn Bishop, for example, is not known to be the shy or retiring type.

Accent Age (29.9.93) reported that Senator Shirley Walters was once described by Labor frontbencher, Nick Bolkus, as 'Cocaine Walters', because 'she got up everybody's nose'.

Note also the map produced by the Inter-Parliamentary Union in Geneva which documents sexist Parliaments. There are 3626 women MPs globally, 10% of a global total of 39,683. The colour of the map indicates that men still dominate.

MILITARY FORCES

How very reassuring to know that the navy, which protects our shores from unknown invaders, is functioning so fairly as an equal opportunity employer. One Australian sailor reportedly requested a male colleague to jump on her leg to break it so she could escape from persistent and horrific sexual harassment on board HMAS Swan. The army hasn't got much to be proud of either, with 13 cases of harassment coming before the Human Rights and Equal Opportunity Commission in the nine years since the *Sex Discrimination Act* came into operation. The Commission has heard evidence of foul language, unwanted sexual advances, anonymous phone calls and innuendo. In November 1993, the Commission ordered a former army sergeant to pay \$5000 in damages to a civilian army employee he had harassed.

TIP OF THE ICEBERG

The Federal Government's Antarctic Division has finally acknowledged it too has a problem with sexual harassment on Australian polar expeditions. The Director, Mr Rex Moncur, had tended to brush it away as 'once-off' until he actually went to Antarctica himself last summer. Once there, he conceded that he had failed to appreciate the extent of the problem. Women have only been permitted to travel to Antarctica as part of the Australian team since 1974. Prior to that the medical officers assessing prospective expeditioners used to peer into their smalls to check for the presence of a penis and two testicles. Nowadays one in eight Australian expeditioners are women.

Although the Director claims that sexual harassment has only been a problem since women have been going south, expeditioners know this is simply not true. The predominant culture of the Australian team was one which nurtured behaviour such as serving chilled urine as a trick drink; drunken, naked chases around the vessel which takes the Australian team to Macquarie Island and to Antarctica; and the alcohol consumption rate has been legendary. *Girlie* recalls the doctor with a drinking prob-

lem who went to Antarctica for a year to escape the grog, only to be confronted with more than generous rations of same, supplemented by copious quantities of home brew. Some men have been complaining about the behaviour of their colleagues for years but the culture has been such that they have had to put up with it. As usual it's left up to the women to get something done.

The Australian Antarctic Foundation's International Conference 'Living in Antarctica - Women in a Man's World' recently discussed these vexed issues. It is unclear what steps the Antarctic Division is taking to alter an undesirable culture and provide a harassment-free workplace. Although Mr Moncur has endorsed the Conference's recommendations, it has been alleged that some well known offenders have been allowed to make repeat visits. Harassment against women has included vitriolic campaigns, visits from naked men at night and offensive remarks.

IT'S JUST A JOKE

The *Weekend Magazine* conducted a survey on Australian men and their attitudes to sexual harassment in the workplace. The findings were disturbing. Some have changed their attitudes, many still think it's a joke and others believe it's feminism gone mad. More complaints under the *Sex Discrimination Act* are filed on sexual harassment in the workplace than on any other subject, nearly all by women.

In the meantime a woman has been awarded \$12,000 compensation as a result of being sacked because she was pregnant. Marketeers (Australia) Ltd trading as Beaurepaire's hired the woman as a record keeper. They sacked her when she told her boss that she was 12 weeks pregnant. She first complained to the Victorian Equal Opportunity Board and, when that failed, took her complaint to the Federal Board where she was awarded one of the highest payouts made. In the 1992-93 financial year, the Human Rights and Equal Opportunity Commission handled 101 complaints of discrimination made by pregnant women.

WELL EARNED PRAISE

In October 1993, Lorraine Liddle made history. When she was 13 years of age Lorraine told her teacher she wanted to be a lawyer. The response was laughter - the idea of an Aboriginal girl becoming a lawyer in the 1960s was considered so ridiculous as to be funny. Lorraine is now a lawyer working with the Central Aboriginal Legal Aid Service and her story is celebrated in a book entitled *Local Heroes* by Helen Chrissyders. It

also recounts the experiences of nine other Aboriginal achievers.

MR 2000

In Sydney the search is on for 'Mr 2000' - 'the right man for the job' of organising the Olympic Games. The Government needs to be reminded of the work done by our foremothers in the 1950s when the Victorian Amateur Womens Sports Council (an organisation of 30,000 determined young women) sought the assistance of the Victorian Council of Women in gaining representation for women on the organising committee for the 1956 Melbourne Olympic Games. Although the OOC threatened to cut out women's events altogether if the women persisted, and in spite of determined opposition from the boxing lobby, the women prevailed. Sybil Taggart and Doris Carter were appointed to the organising committee, not as representatives of women's sport, but as delegates of the NCW. And guess which gender prevailed for Australia when it came to winning gold?

ON THE PILL GIRLIE?

A Sydney law firm has consistently been asking women graduate applicants for employment about their method of contraception. Other law firms refuse to have gays as partners. Some cannot understand why women become angry at blatantly sexist comments from judges. These, and worse, are the findings of a comprehensive examination of equality, or rather inequality, in the legal workforce in New South Wales, conducted by Jenni Mattila, for the Law Society. The *Australian* (4.12.93) reported that Ms Mattila was 'removed' as Chairwoman of the Society's equal opportunity committee three days after the release of the study. The study is in startling contrast to an article in the *US National Law Journal* (1.11.93) which documents the clout which the female bar is having in Philadelphia. In a city where brotherly love has prevailed, a network of women attorneys called sisters-in-law has organised, litigated, and captured enough important positions to have created female icons in the areas of discrimination and harassment. The women who have led the fight were not encouraged to do so. One has said:

My family told me to sit down and be quiet, my church told me to sit down and be quiet. And in law school I was told to sit down and be quiet.

When will they ever learn that the more they shout 'sit down girlie', the taller we stand.

Mary Christmas

Mary Christmas is a feminist lawyer.