

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

GIRLIE IN THE HOUSE

Girlie stands accused of deriving a perverse enjoyment from picking on the poor judges so for a change this issue picks mainly on politicians, most of whom are men. Attempts by people like Joan Kirner and Carmen Lawrence to increase the number of women who get a seat in the House have not yet succeeded. In May this year the Prime Minister, Paul Keating, who is said to support the idea of more women in the House, refused to endorse a request by Labor women to enforce specific quotas. Using arguments along the lines of 'it's a good thing but not yet', Mr Keating told Channel Ten's *Meet the Press* that there are not enough women in public life but quotas are 'a complex issue' and 'an organisational issue that I can't simply embrace or dictate'. Any reader who can understand what that means gets Girlie's Gobbledygook Prize.

In June, a federal parliamentary committee rejected a proposal for an inquiry into the reasons why there is such a low representation of women in our parliaments. The Joint Standing Committee on Electoral Matters said that long sitting hours, a male-dominated confrontational atmosphere and pre-selection procedures are deterrents to women entering politics. But the Committee also decided there was no need for an inquiry because the major parties are already fixing things up.

HEALTH MINISTER SWEARS IN PARLIAMENT

In her maiden speech to the Federal Parliament, Carmen Lawrence, Minister for Health, (who bears an uncanny resemblance to Harvey McHugh's mum, Monica), challenged women to 'put up your hand and demand that you participate'. Quoting Sarah Henderson she said, 'all the strength you need is within. Don't wait for the light to appear at the end of the tunnel. Stride down there and light the bloody thing yourself.' Dr Lawrence criticised the rules of pre-selection which benefit a 'legislative elite' and ensure that few women are chosen to stand for election. She declared that: 'this is the time for us to reassess our position in this society on

the way women are represented in Parliament and throughout the community'.

LADIES ONLY

The New South Wales Liberal Women's Council has prepared a guide for prospective women parliamentarians. Entitled, 'Take Your Seats, The Guide For Women Seeking Selection in the NSW Liberal Party', the document advises women against being abusive, selfish, sexist, vain, impetuous or emotional. They should be, intelligent, honest, self-confident, self-disciplined, have a high energy level, a sense of humour and a thick skin. Liberal women are advised to stand in unwinnable seats to broaden their political skills, to become better known and respected and to make significant work contributions to election campaigns. Women are 'marketable political commodities' and the aim should be to have them take up to 50% of the seats in the New South Wales Parliament. Well, what can Girlie say to that? Liberal women are certainly expected to be different from Liberal men but how on earth are they going to meet the 50% goal by standing in unwinnable seats behaving like ladies and looking like rhinoceresesses?

MORE HOUSEHOLD PROBLEMS

A practical example of male dominated confrontational behaviour occurred while a Victorian Parliamentary Committee inquiring into rape questioned workers from the Centre Against Sexual Assault (CASA). The Chairman criticised CASA workers for not insisting that victims who come to them for counselling report the offence to police. CASA workers attempted to explain their position to the all male panel which was sitting on the day, by noting the failures of the legal system to deliver justice.

The Chairman responded: 'So it depends on how bad the system is. If either of you two ladies were raped, you

would go to the police and proceed through the courts?'

[Witness One]: 'I do not know whether I can answer that in this situation.'

[Witness Two]: 'We work within a legal system where, if you are raped by a stranger, if that stranger can be found, if it is in circumstances where you have not been drinking and if you are wearing purdah, you are more likely to believe it is possible that you will achieve justice. If I were raped in those circumstances I would be more likely to report.'

The Chairman: 'You said before that a rape is a rape.'

[Witness Two]: 'But the system does not respond to a rape as a rape. The system has different ways of responding to rape - the rape of a wife by her husband compared with the rape of a woman on the way home from mass on a Sunday. The system treats a woman who is raped at a nightclub differently from a child who is raped coming home from school, for example. It makes distinctions based on those processes.'

While the witnesses handled the line of questioning very well, it is disturbing that the women were asked to personalise the issue. Would a male witness be asked if he would report a rape?



'PROBLEMS' WITH STAFF

The resignation of Terry Griffiths, New South Wales police Minister, has revealed a callous and indifferent approach to possible victims of harassment by most of the mass media. According to the *Herald-Sun* in Melbourne (28.6.94) the Minister quit because of 'problems with female staff'. These 'problems' which the women encountered were of little concern in comparison to the possible damage done to the Government. In her column in the *Australian*, Gabrielle Can (28.6.94) wrote solely about the embarrassment Griffiths has caused the Government, not one word of concern or sympathy for the women involved. It was reported that

the 'shock' resignation came only after five women had to leave their work because of 'stress'. The media reports have mentioned 'problems', 'unspecified difficulties' and 'dealings with staff'. The headlines in the *Australian* (28.6.94) announced: 'Griffiths quits after 5 women staff take leave' making it sound as though the women had nipped off for a trip to the beach.

Ex-Minister Griffiths made an extraordinary appearance on the ABC's *7.30 Report* in July. He agreed that he did touch, kiss and cuddle staff regularly, but that's just the sort of guy he is. He likes to touch people. He also conceded that he was short-tempered and a disciplinarian whose behaviour might have been interpreted as intimidatory. The New South Wales Police Association's Peter Remfrey is reported in the *Australian* as saying: 'It is a sad day when any person in public office is forced to resign, and though we didn't always agree with him, he was a person that was fairly honest in his dealings'.

By late July it had become apparent that the 'difficulties' were not just those encountered by working for someone demanding or abrasive. Sian Powell, the *Australian* (14.7.94) explored 'the driving forces of loyalty and secrecy involved in working for a senior Minister' and queried the role of the women by asking, 'How did they keep it quiet for so long?' Indeed a major emphasis in the entire story has been to blame the women for being victims in the first place and then for refusing to come to the media party. Girlie can only speculate about the media frenzy which might have occurred if five men were forced to leave their jobs because of illness induced by 'difficulties' with a female Minister.

WHO WEARS THE PANTS?

The policy of the Western Australian Parliament that women *Hansard* reporters must not wear trousers to work has been reversed following press coverage revealing how silly the rules were. But not before individual women were forced to confront the issue - not an easy thing to do in the workplace. Although women MPs have worn trousers in Parliament, *Hansard* reporters who did likewise were warned and threatened with suspension from duty. The rules were changed only after a complaint was lodged with the Equal Opportunity Commission. When will the day come that women can just get on with their work without having to fight the same old battles over and over again?

AS A POLITICIAN SHE'S A GOOD SINGER

The Melbourne *Age's* 'Ms File' has reported that Nana Mouskouri has been elected to the European Parliament. The singer apparently admitted that she knows nothing about politics: 'There's no question of my getting involved in politics, which frightens me', she is reported as saying. Nana (or should that be Banana?) ended up in this awful mess when she stood on a right wing New Democracy ticket in support of a friend.

WOMEN JUDGES SHOOT UP

While feminist scholars debate the complex issue of whether women judges will really make a difference the 'El Club Gordoniz Decapite' blasts another head of a hapless quail. The shooting takes place on the 38,000 acre property of Judge Carolyn Garcia which the *National Law Journal* (25.4.94) describes as 'secluded South Texas brush country near Laredo'. The club, which translates as 'The Headless Quail Club', is made up of ten United States women judges and attorneys (at least one of whom is a nominee for federal judgeship). Forget about your stereotypes and concerns that women judges may not be tough enough, these women are in for the kill. But they cannot be accused of killing merely for sport. The cleaned birds graced their dinner table as 'jalapeno cornbread stuffed quails with a black bean and corn relish and acho chile sauce'. Why it sure sounds better than Flo's pumpkin scones!

Judge Garcia, who is described by the NLJ as a 'sassy brunette' was a supporter of the recent 'Women and the Law' Conference in Austin, Texas and she's fed up with men having all the fun. The Club, also known as, El Club Gordoniz Sin Cabeza, is planning a salmon fishing trip to Alaska and an elk hunt in the fall. The purpose of the club is stated as: 'To facilitate bonding among female lawyers and jurists, to obtain fresh game for post-hunting trip celebrations, to get out into the great outdoors and find out why men have been hunting together for millennia'. The NLJ claims that the male reaction has been: 'OK with me as long as they take guns and not knives'. Girlie will not insult the intelligence of her readers by clarifying that unsubtle allusion.

In Australia women judges are far more refined. Judge Rosemary Balmford of Victoria's County Court is a keen ornithologist who is conducting the definitive study of the flame robin and is a

keen supporter of the Nursing Mother's Association. Sally Brown of the Family Court enjoys reading and collecting fine porcelain. Girlie was so overcome with this rivetting information that she abandoned her research, however reader contributions on the subject of interesting judicial hobbies will be entertained.

GENDER BIAS, COMMUNITY ATTITUDES AND THE JUDICIARY

The quotation below from Young, J in *Parker v Parker* (1993) 16 Fam. L.R. 869 was sent to Girlie by a reader with an invitation to lampoon it. Thank you reader but Young J needs no assistance:

'The law and the attitude of the community to persons living outside wedlock and having children has varied tremendously over the last few hundred years. Three hundred years ago the law would solve the present situation simply. The community would have shown its disapproval of the conception of children out of wedlock by having the plaintiff stripped to the waist and publicly whipped outside the parish church after morning prayer before being transported to America with her children. The defendant would have to pay to stop the children being a charge on the parish until transportation and would thereafter be left to carry on his life. Nowadays the plaintiff argues that she is entitled to two million dollars from the defendant and to be supported by him in the lifestyle to which he made her accustomed.'

WOMEN, PARLIAMENT & THE PUBLIC SERVICE

The entire April 1994 of the *Canberra Bulletin of Public Administration* is devoted to women, parliament and the public service. Articles include the smashing the glass ceiling, escalators and elevators, activism, metaphors and conquering the frontiers of inequality, occasional triumphs, pushing working and struggling for change. Authors include, Carmen Lawrence, Margaret Reid, Cheryl Kernot, Rosemary Crowley, Jan Wade, Marie Tehan, Faye Marles, Ann Morrow, Sue Walpole and many many more. It's a ripper issue, don't miss it.

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