

# 'SIT DOWN GIRLIE'

## Legal issues from a feminist perspective

### MOTHERS AT WORK

On the topic of women, children and the work thing, *Girlie* noted a recent report by Bettina Arndt that finds the proportion of women working full-time has hardly advanced in the last 30 years. She also states the good news is that many women want it that way. Writing in the *Age* (21 April 1998), Bettina notes that in recent years the trend of more working women, which began in earnest in the 1950s, has stalled. In 1955, 15% of women aged 15-64 were working and in 1990 this had jumped to 61.5%. Since 1990, however, the proportion of employed women has grown by less than half a per cent. As economics Professor Gregory of ANU has observed, 'Australian women have fallen into stable employment patterns very much shaped by their family responsibilities. The pattern now is that most young women prefer full-time work while childless and, once the ankle-biters appear, women return to part-time work or withdraw from the workforce altogether. A significant number of those who do change to part-time remain so for the rest of their working years. Statistically speaking this means that in 1966, 26.9% of women over 15 were full-time workers and in 1998, 27.3% are. Not much of a difference for 32 years of women's lib is it? Arndt continues to write that the numbers are not necessarily a reason to despair because a number of studies have shown that these work patterns are very much based on women's own preferences rather than simply the available opportunities. Well tell that to the woman who cleans your office tonight!

### ANTI-ABORTION 'THUGGERY' DEFEATED

While pro-choice Australians rally in support of decriminalising safe abortions under the various State and Territory Criminal Codes and Crimes Acts, American activists have scored a legal victory over anti-abortion 'racketeers' who they claim have for years engaged in a nationwide conspiracy to deny women access to abortion clinics. On April 20 the feminist group, National Organization for Women (NOW) announced it had won its 12-year battle for a permanent injunction to prevent

anti-abortion supporters from continuing their campaign of violence against medical clinics and their clients — including blockades, extortion, arson and firebombing.

With the aid of some creative lawyering, NOW's successful suit in *NOW v Scheidler* was brought under the *Racketeer-Influenced and Corrupt Organizations (RICO) Act*. The court ruled that the Act could be used not only to combat your usual goodfella pastimes, money laundering, kick-backs and arms deals, but to stop criminal enterprises that have a political rather than an economic motive. (*Girlie's* mind boggles at the possible applications of an Australian RICO Act.)

*Girlie* supports NOW's lead attorney, Fay Clayton who has been quoted as saying '...the use of threats and force by one group to impose its views on others cannot be tolerated'. She also looks forward to the outcome of claims for triple damages by the plaintiff abortion clinics against the defendants. The additional emotional pain suffered by the individual women harassed and otherwise violated on their way into the clinics will be compensated only by the knowledge that the court injunction will go a long way towards protecting other women from being forced to adhere to aggressively held, narrow views about abortion.

### INDEPENDENT COMMITTEE REVIEWS AFFIRMATIVE ACTION ACT

An independent regulatory committee charged with reviewing the *Affirmative Action (Equal Employment Opportunity for Women) Act 1986* is currently conducting public consultations around Australia and taking written submissions from interested parties. At the Melbourne consultation, the Women's Electoral Lobby (WEL) reports that discussion was shaped around a few main questions, including: Is affirmative action still needed? (Does discrimination still occur?) What are the costs and benefits of the Act — to society as a whole and to organisations?

*Girlie* is all in favour of community consultation, but she would have thought the answers to some of these questions are as obvious as the polka dots on her stockings. She also supports WEL in questioning the economic efficiency focus of the review, whose terms are obviously not independent of the current bottom-line mentality of Australian governments. To have your say and put the out-of-favour notion of social justice back on the agenda, call the secretariat of the committee on (02) 6243 7158.



### PART TIME DICK — PART TIME MOTHER?

The *Age* (11 April 1998) reports that a landmark discrimination case is presently being heard in the Victorian Anti-discrimination Tribunal (ADT). Debra Robertson is fighting for the right to be a detective in the Victorian Police Force and an available mother for her three children. Ms Robertson has brought a case against the Police in the ADT claiming that she has been discriminated against on the basis of her sex and parental status because the force refused her application to work part-time four days a week. Detective Robertson has been stationed at a suburban CIB for nine years and had applied for part-time work so that she could spend some time with her children. When she queried why she was unsuccessful, she was told by the District Detective Inspector that she would have to return to uniform duties in order to become part-time. He also allegedly told her she would have to decide whether she wanted to be a detective or a mother and that he did not propose to have part-time detectives.

Detective Robertson's case rests on the fact that of the male detectives she worked with, one had worked part-time for ten weeks following the birth of a child; another had one day off a week for two years for firearms training, and others were regularly granted part-time rosters in order to play in or watch their football team. A former officer in charge of Detective Robertson's CIB,

*Continued on p.88*

didn't see a lot of his charm. He was certainly a political mover. He had allies, though . . .

**Bill Hayden:** What a lonely and confused man: monarchist one day, full Monty republican the next. A lonely chap.

Will that do? There were a lot of Big Personalities there. I liked mixing with them on terms of equality. Mind you, Jeff didn't say hello that day. Can't think why not.

**Q:** *What do you see as the biggest challenges facing the Republican Movement in Australia today?*

**A:** The Australian Republican Movement (ARM) will have to persuade people to vote for a model of a republic that gives all the power to the Prime Minister and doesn't let them select their own president, using a leader who puts his case in a condescending and often unwittingly offensive way. This is not just a question of personalities. The people don't like being talked down to and told what is good for them. And if the referendum doesn't get up in a majority of States, Turnbull would be devastated and would probably take his money elsewhere, and they will have to regroup. Mind you, I am sure the Australian people will vote for a republic. Just not this model, perhaps — I may be wrong. If so, the model is remediable — if the second Convention is held, 2–5 years after the republic is launched. And it will be necessary.

**Q:** *Who are/were the people in your life that have been your role models and why?*

**A:** Hard to say who my role models were. Probably the strong, sarcastic women in my mother's family, and women who achieved mightily in other fields who I was taught about — Elizabeth I, Marie Curie, Joan of Arc — the characteristic feature is that they all did what they were told they couldn't do as mere weak women, with great fortitude and a sense of purpose. I have always thought that apparent defeat can be seen, with the wisdom of hindsight, as a great success (e.g. artist who died in penury but whose works are now masterpieces). And my maternal grandfather, a Presbyterian minister who always stood for what was right, and often alone. I loved him. So did my father, and he is certainly a kind of role model. Not many women of my age were blessed with a feminist father who said I could do anything and insisted that I didn't ever become dependent on a man for my economic, social and emotional

happiness. When my marriage broke up he turned up on my doorstep with a present: a box of my very own tools, so I could do my own repairs. What a man.

**Q:** *Where do you see yourself in five years time?*

**A:** God knows where I will be in five years time. I have never planned my career. I hope that I am working in an area that captures my entire imagination. I would think it probable that I will not be in Australia, and I would like to work in Europe or the UK, preferably in the human rights area, or with children. I will not, I think, be a rich woman. I hope I have a dog.

**Q:** *What advice can you give to young women attempting to achieve success in fields that traditionally have not been areas in which women have been as successful as their male counterparts?*

**A:** My advice to women going into non-traditional fields is to assume the worst and plan for it; never take personally the insults and knockbacks you will receive — it is political; surround yourself with supportive and loving friends, if not family, who will nonetheless tell you the truth about yourself and what you are trying to achieve; and strive to be excellent in what you do. You should also ensure that you help other people who are disadvantaged — not just women, but people from different cultural backgrounds, with disabilities, whatever — not just out of charity but a sense of solidarity. Discrimination knows no favourites. Use your own experience, and you will have it, to understand. Many young women think that they haven't been and won't be discriminated against. It took me a long time to realise that much of my early success arose from my unique status (very few women in the law at the beginning) my intelligence and the fact that I did not, at that stage, challenge the establishment — and my good looks. When the looks go (the bloom fades quick) and your experience and confidence mounts, the challenges to you will become a lot more serious. And retain your sense of humour.

I don't know that planning your career is especially helpful. I never did. But you do need a sense of purpose, and a centre — a feeling that you are, whatever your fragilities, worthwhile. In my own case I also had to learn to forgive myself for my own mistakes. I don't know that I have ever really done it successfully.

**Q:** *If you could change only one thing in Australia, what would that be?*

**A:** Where do I start? I would like to change the attitude of Australians to children — they 'love' them but won't insist that government provides their families with what they need; regard their rights as some kind of a threat to political stability and the position of the earth's axis; and actively detest adolescents — especially if they are Aboriginal. That streak of child-hating, and racism towards Aboriginal kids particularly, is simply vile. And if I can't change that, then I'm willing to spend the rest of my life trying.

**Q:** *When you do get away from work, how do you relax?*

**A:** I never get away from work; some work is, however, a delight (writing particularly).

I love walking the dogs in the morning (at about 5 a.m.).

I love reading the papers on Saturday — for at least a couple of hours.

I love the opera — and rarely get to it, because I travel so much. I am going to the Ring Cycle in Adelaide in November — that will be terrific. ■

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*Sit Down Girlie continued from p.85*

gave evidence on her behalf saying: 'I think if you are prepared to give people time off to play football, you should give them time off to look after their children, especially ...when she is an excellent policing person and a very switched-on detective'. *Girlie* agrees!

**Dickless Tracey**

*Dickless Tracey is a feminist lawyer.*