

overwhelming complexity of Australia's anti-discrimination laws. Like other areas of the civil law, individuals carry the burden of enforcing their rights. Most matters are characterised by an imbalance of power between complainant and respondent, whether the relationship be one of student/teacher, employee/employer or government/citizen. Yet it seems the resources required to pursue a discrimination claim, particularly a claim of indirect discrimination, are far beyond the practical reach of most would-be complainants. It is impossible to consider these matters without reference to the ultimate example of power imbalance: where a respondent government has the power to exempt its actions from anti-discrimination law altogether, as occurred in relation to the suspension of the *Racial Discrimination Act 1975* (Cth) in the roll-out of the Howard Government's Northern Territory intervention. The Rudd Government is yet to rectify this crucial human rights issue.

An overwhelming strength of this text is that the authors don't shy away from a harsh critique of existing laws. All eleven chapters include cogent, detailed analyses of the strengths and frailties of different aspects of Australian anti-discrimination law. It is this critical approach, and the resultant recommendations for change, which lend the book a sense of hope.

While those without a legal background are likely to find the reading hard-going, larger employers and human resources workers will find the text a useful resource for detailed information about specific areas. Similarly, practitioners will particularly appreciate having the text and analysis of the seven key High Court judgments on-hand in hard copy. Most significantly, this inquiring and critical text will be thought-provoking material for the many undergraduate and postgraduate law students with an interest in the area who may well become the policy-makers and judicial officers of tomorrow.

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## MARIE CLAIRE

Hearst Corporation, Australian editor: Jackie Frank; October 2008, \$8.50 (cover price)

I was driving up Oxford St in Sydney. Above Taylor Square a billboard advertised the October 2008 issue of *Marie Claire* with a series of words and phrases, along the lines of 'Style' 'Travel' 'Human Rights' 'Fashion' ... Wait! Human rights?

My human rights reading, which I had previously considered wide-ranging, had not ventured as far as *Marie Claire*. In my occasional waiting-room flick through magazines of the *Marie Claire* ilk I had never seen a human rights article, although human rights issues are implicit — such as the working conditions of those who labour to produce (and model) fashion designs, the harm done to the environment by the production and packaging of luxury goods, and the sheer waste of resources, money and talent dedicated to superfluous consumer goods.

Had I been too quick to judge? Too smug in dismissing a glossy cover as incapable of containing a story of social relevance? I bought *Marie Claire* to find out.

The cover didn't look promising: 'Shoes and bags', 'Beauty myths busted', '528 sexy fashion finds', 'Why women prey on one another', 'Can you have great sex forever?' and 'We put organic food to the test'. Oh, and 'Win a Jimmy Choo bag'. (The beauty myths, by the way, are '20 fab facts you need (sic) to know'.) A couple of the teasers could, if you were reading generously, have a human rights angle: 'Green glamour: how to look good, feel great and make a difference' and maybe this one: 'Natalie on why it's cool to care'. I wondered who Natalie is.

Jackie Frank sets the scene in her 'Editor's Letter': '*Marie Claire* readers have always known that it's cool to care, but recently it appears the rest of the world has started to catch on'. Nothing in the following 300 pages suggests that the magazine trades in irony — it seems that Ms Frank really is claiming that *Marie Claire* readers are in the vanguard of a global movement of 'caring'. *Marie Claire* is right up there with 'campaigners like Al Gore and Bono' and

the change is hitting home: *Marie Claire* is 'being inundated with beauty products and fashion labels that flaunt their ethical credentials'. Ms Frank announces a caring theme, 'Fashion with heart', a logo for which will identify 'stories highlighting initiatives that aim to make a difference to the world'. I turned the pages in search of the logo.

The next five turns of the page takes me past Sharon Stone (Dior), Catherine Zeta Jones (Elizabeth Arden), Sarah Jessica Parker (an eponymous perfume), Cartier, and Penélope Cruz (L'Oreal), to the first 'Fashion with heart' logo, on a story about 'international designers [who] reveal how they make a difference to the world around them': Donna Karan's foundation to encourage holistic medical treatment, Giorgio Armani's donations to an AIDS campaign, Katharine Hamnett's organic cotton clothing, Ralph Lauren's support of breast cancer research, Stella McCartney's rejection of leather or fur in her designs, a Missoni heiress's money-raising for African orphans, Oscar de la Renta's charity work in the Dominican Republic, and '27 year old fashion wunderkind' Zac Posen's charitable work to support teachers. Fashion (millionaires) with a charitable heart it might be. Human rights it isn't.

I turn pages past Ingrid Betancourt's escape from capture in Colombia, a 'Celebrity Report', an investigation into organic food, an artist who makes baby dolls, and an account of 'expert advice (eg Yahoo Answers and a Tarot reader) — and of course past Revlon/Hilfiger/Lacoste etc ads — before I arrive at my next 'Fashion with heart' logo. It's about the admirable 'Fitted for Work', a Melbourne volunteer organisation that helps women to prepare, and present well, for employment interviews. There's a heart indeed, and fashion of a prosaic sort, in the fitting out of women looking for work. If one were trying to, it could be given a human rights spin — sex discrimination and the right to work, for example — but no-one was trying.

Onwards through the gloss, past 'Confessions' to a 'Special Report' labelled 'Fashion with heart': supermodel Christy Turlington Burns's diary of her trip to Peru as an ambassador for CARE. The captions

to photos of smiling Christy document the risks women in poverty face in childbirth, and the 'special report' is effectively an advertisement for CARE. Again, the heart is apparent, and the issues touched on in the story could be put in human rights terms, but they aren't. Next, I meet the Natalie of the front cover — Natalie Portman, who is concerned that we know she is not the intellectual she is said to be (!) but is in fact 'really mushy'. It's not at all apparent why this profile gets the 'Fashion with heart' logo.

These articles are not rights-based stories. They are not about people whose human rights are threatened, violated or realised. They are not about people who advocate for, defend, or even offend against, human rights. They about people who do 'good things' for other people — and what they do may or may not address human rights.

Even if, generously, a story on fitting out women looking for work is about sex discrimination and the right to work, what undermines any credible claim to *Marie Claire's* taking human rights seriously, or even understanding them at all, is its boast that 'it's cool to care'. What's cool, or not, is a question of fashion, and what is cool one day may not be the next. Human rights — and a commitment to them — is not a question of fashion. Human rights matter whether or not it is cool to care. The universality of human rights is fundamentally at odds with their being a matter of fashion.

The 'Fashion with heart' stories might have incorporated some commentary, or even analysis, informed by human rights, lifting them above being mere feel-good stories about glamorous people. But they didn't. Instead, the 'human rights' claim in the marketing of this issue of *Marie Claire* trivialises human rights, and patronises its readers. I am confident that among the readers of *Marie Claire* are people who, wealthy enough to consider paying \$2000 for a pair of shoes, are smart enough to understand that support for fundamental rights is not a question of fashion.

I am attracted by an argument that any forum that promotes understanding of and respect for human rights is worthy of support, even if (or especially when?)

jammed between the glamour ads. But until *Marie Claire* actually does that, the cover price of \$8.50 is better spent on a donation to CARE (thanks Christy).

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## POLICE VERBALS

### Mutant Death; Big Home Productions (EP) 1984

In Australia's punk music scene in the early 1980s, The Black Assassins were said to be 'Brisbane's Ugliest Band',<sup>1</sup> a reference to their appearance, not their music. Brisbane's loss was Sydney's gain when some members of the band moved down and formed the 'very obscure activist punk' band,<sup>2</sup> Mutant Death.

Mutant Death never gained the following of The Black Assassins, but many Sydney lawyers have good reason to remember them. Redfern Legal Centre's 1984 Christmas party was 'at home', in the Redfern Town Hall. The night was hot, the hall packed, the music loud. Mutant Death was undeterred by a threat from one of Redfern's lawyers to pull the plug on them and, in a tribute to their hosts, the band performed — a more apt word than 'sang' — 'Police Verbals', aka 'Redfern Legal Centre Blues'.

'Police Verbals' describes bluntly and vividly the notorious nature of NSW policing at the time, later the subject of the Wood Royal Commission.<sup>3</sup> Virginia Bell — now Justice Bell of the High Court — was counsel assisting that Commission, 13 years after Mutant Death had put on record her reputation for taking on the NSW police.

Seven-inch vinyls of Mutant Death's 'Police Verbals' occasionally become available from online sources.

I was sitting home watching my TV  
When three fat pigs came bustin' in on me  
'We got you red handed, with three grams  
and a gun'  
'Come on down the station, we're gonna  
have some fun'.

I was being verballed, I was being framed  
The cops had set me up, I was going down  
the drain.

I didn't know what was going on, I was in a  
state of fright  
Alone with three pigs, in the middle of the night

They said 'go with the detective, he'll treat  
you real nice'  
I'm not saying anything, till I get legal advice.

I was being verballed, I was being framed  
Had to get in touch with Redfern Legal  
Centre straight away.

I went with the detective, into another room  
There was no chairs or tables, I knew it was  
coming soon  
Then he took off his jacket, and he punched  
me in the face  
Said 'plead guilty to the charges or you'll  
never leave this place'.

I was being verballed, I was being bashed  
And the law couldn't help me 'cause I didn't  
have the cash.

I woke up next morning, still bleeding in my cell  
Got on to Redfern Legal Centre, spoke to  
Virginia Bell  
When she got on to the cops they said 'you  
haven't got a chance'  
'Your client signed a record of interview  
before we broke his hands'.

I was being verballed, I was being framed  
The cops had set me up, and I was going  
down the drain.

Next thing I knew, I was standing up in court  
The evidence was bullshit, and the witnesses  
were bought  
I told the judge and jury but the bullshit  
didn't stop  
They were gonna take the word of a lousy  
drug dealin' cop.

I was being verballed, I was being framed  
The cops had loaded me up, I was going down  
the drain.

The cops had done their homework, they  
knew they couldn't fail  
The jury found me guilty, I got 16 years in jail  
And now I know what justice is, but what a  
price I paid  
I should have read the law book from Redfern  
Legal Aid.

I was being verballed, I was being framed  
The cops had loaded me up, and I was going  
down the drain.

© Mutant Death 1984

SIMON RICE was a volunteer and employee  
at Redfern Legal Centre 1980–1988.

#### REFERENCES

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