

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

ON THE BENCH

Girlie extends her congratulations to the latest appointment to the Court of Appeal in Victoria. Susan Kenny QC, was a newly appointed silk when she became Justice Kenny in July. Girlie recently heard one of her male colleagues at the Bar singing her praises, (prophetically) saying what a fine judge she would make if ever appointed, 'she's just brilliant'.

Other appointments

While Justice Kenny's colleague was quick to recognise serious Girlie ability to be applied in an important decision-making role, it seems that the current Federal Government need a bit of help. On 24 July they announced the appointment of three new full-time positions and two part-time positions at the Australian Broadcasting Authority, the body that regulates commercial and community broadcasting. All the appointments were men. The Government also announced that the Queensland appointee (a woman) to the ABC Board will be replaced by a QC from Queensland (a man).

This Government was responsible for stopping the register of women kept by the Office for the Status of Women, saying that, in future, government departments would be responsible for ensuring that there was a gender balance in recommended appointments. Perhaps the Department of Communications became lost in the mire of arguments about 'merit' and 'tokenism'; perhaps they need the list. Give them the list.

ISLAND PARADISE (NOT)

Girlie, hunkering through winter in Melbourne, was pleased to receive news from warmer climes, but her friend in Vanuatu had weightier issues than the weather to report:

Spare a thought for the women of Vanuatu. Domestic violence is prevalent but legal protection is not. One woman who successfully got her case to court was left wondering if she should have reported the assault at all. At the time of the court hearing she was living separately from her husband, having decided to end the relationship after a particularly violent assault. The magistrate hearing the

criminal assault case found the man guilty as charged and imposed a suspended sentence. He then ordered that the woman and her children return to the matrimonial home. The appalled and frightened woman sought legal assistance from the Vanuatu Women's Centre and an appeal was made to the Supreme Court. The acting judge, (a magistrate) who heard the case, ruled that the magistrate had erred in finding that this woman should return to the matrimonial home. However, he went on to say that such an order was not beyond the power of a magistrates court.

This ruling is clearly wrong in law on a number of counts, including its inconsistency with Vanuatu's constitutional guarantee of freedom of movement. It nevertheless stands as a precedent should any other violent husbands wish to apply to have their wives returned home by court order!

On a more positive note, the Vanuatu Women's Centre was set up in 1992 by local women to assist victims of violence. It operated with volunteers until it received funding from AusAid in 1994. For the last three years the Centre has been funded entirely by AusAid which also funds a similar centre in Fiji and has designated prevention of violence against women as a target area for funding. Even with the recent cuts to AusAid, the Women's Centre has maintained its funding levels. Establishing the Centre was, and continues to be, a very important political statement by the women of Vanuatu. AusAid should be commended for its ongoing support.

PROMISES, BROKEN PROMISES

In Opposition, the British Labour Party maintained a shadow ministry for women. Tony Blair's pre-election promise to establish a ministry specifically for women's affairs, once in office, was therefore not overly surprising. What *is* surprising is how dismal his attempts to keep that promise have been (or maybe Girlie is displaying remarkable naivete).

One of Girlie's recent email communications informed her that not only did the former shadow minister for women and the ministry itself not get a gurnsey in the new cabinet, it was proposed that

another female politician take over the portfolio, while maintaining her backbencher's salary. All care and responsibility, no status and remuneration. As one of the pseudo-minister's jobs would be investigating pay equity for women, she'd have no trouble looking for a place to start.

EQUAL OPP. UNDRRESSING

Please excuse the weather obsession, but don't you wish it was warm enough to roam the streets semi-clad . . . without being charged with indecency? Those whose only hesi-

tation in baring their chests in public is the threat of being charged with a summary offence will be interested to learn of recent legal developments in Canada. Girlie (more than fully clad) was roaming the internet, and happened upon the report of a court ruling in Toronto that overturned the conviction of a woman charged with indecency after she took to the streets topless on a hot summer day in 1991.

The court ruled that the law discriminated against women, since the courts are decidedly unclogged by cases dealing with all the blokes happy to whip off their shirts in a heatwave. The decision allows for women in Ontario to go topless in public, so long as it is not for 'a sexual purpose'. The report said that the recent onset of warm weather in Toronto has prompted a number of women to test out the new law, many being seen on beaches, rollerblading in public parks and in Canada's first topless retail outlet.

Not everyone is enthusiastic about the topless trend. A spokesperson for Canada's Justice Minister, Anne McLellan, was reported as saying: 'I think a lot of Canadians feel the same way about men going topless: it's legal but it's not particularly appealing and you kind of wish [they] would keep their shirts on as well'.

Underneath her layers of thermals, Girlie contemplates a summer offensive on the *Summary Offences Act* and says 'Be free, but don't forget the SPF 15+'.

Elle Nino

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