

Indigenous People, The United Nations and Human Rights

Sarah Pritchard (ed.); Zed Books Ltd: The Federation Press 1998; \$29.95

What's in a name? Not nearly as much as is in the book.

There are very good reasons why an excellent guide to human rights law and practice should be associated with indigenous people's rights: the title of this book is a simple, and simply powerful, statement of the desirability of using the United Nations, and Human Rights Law, as means to advance the rights of indigenous people.

To change the name of the book would detract from that, so perhaps Zed Books and The Federation Press could reissue the book as a companion volume to itself, titled simply: 'A User's Guide to The United Nations and Human Rights', for that is exactly what the book is.

The greater part of the book is an overview and explanation of the operation of the United Nations' system of charters, treaties, complaints and reporting. The rights of indigenous peoples are used from time to time to illustrate the more general explanation, and the final part of the book focuses specifically on indigenous peoples.

This book is a remarkable collection of readable and informative essays by some of Australia's most authoritative human rights practitioners. Despite the specific focus of its title, it should be in the hands of every person with an interest in human rights activity.

Simon Rice

Simon Rice, Australian Lawyers for Human Rights.

Feminists Fatale: The Changing Face of Australian Feminism

by Jan Bowen; Harper Collins, 1998; 229 pp; \$17.95 softcover.

Feminists Fatale, the latest of Jan Bowen's many books, is a collection of interviews with prominent feminists of different ages, ranging from 84 to 25. Bowen explores the questions: what are the generational differences between Australian feminists and what has feminism got to offer today's young women? After 25 years of activism, what does feminism mean today? Is it dead in the water because women refuse to identify themselves with the 'f' word? Are we still hung up on issues about whether one can be feminine *and* feminist?

Is Anne Summers right when she accuses young women of taking for granted all the rights the second-wave fought for, such as control of one's fertility and the right to meaningful education and work? What about Helen Garner's admonition of the young women who complained to the police when Ormond College abjectly failed to deal with their alleged sexual harassment by an older, powerful man? What about 'Generation F' or DIY Feminism? Have we lost the passion and the collectivity of those heady sixties and seventies? Are we all just 'Sisters, doin' it for ourselves'? Have we fallen for the trap of individualism at the cost

of collectivity and consciousness-raising?

Of the interviewees, I found the chapters on Poppy King, Geraldine Doogue and, of course, Helen Garner, most intriguing. Eva Cox, Anne Sherry, Wendy McCarthy, Quentin Bryce and Dur-e Dara are among the other interviewees. Poppy King is somewhat reluctant to identify as a feminist because she sees some streams of feminism as largely individualistic and self-centred at the expense of a truly altruistic, visionary movement. Further, she thinks the feminist movement has lost momentum, not having a collectivist vision for macro reform. Geraldine Doogue advocates that women, while still striving to be ambitious, capable career women, must not lose sight of the importance of 'nurturing'. She sees the role of mother and caregiver as tremendously valuable, such that they shouldn't be under-emphasised at the expense of ambition and career. She pursues a delicate balance between mother, caregiver and part-time, high profile work.

Helen Garner is just as infuriating as she was in *The First Stone*. While she reveals that the furore led to much painful soul-searching and self-doubt, she

doesn't resile from her position that the young women were unduly 'punitive' in going to the police, having lacked the capacity to stomp on the alleged groper's foot with a 'well-placed stiletto'. She doesn't address the irony of her self-confessed inability to confront a masseur who made an unsolicited advance. Yet in her case, there was nothing like the power differential that existed between the young female law students and the Master of Ormond College. She confesses she has not read any feminist theory and isn't interested in doing so (surprise, surprise!!) She sees herself as having been too 'bohemian' and 'bourgeois' in the seventies to be interested in 'practical' political causes such as the Women's Electoral Lobby. Perhaps she was never one to join feminist political campaigns, such as the one pursued on behalf of the Ormond College complainants.

Eva Cox is, as always, controversial but invigorating. Her call to arms to advocate for lasting structural change, not just a high status job and a BMW, is wonderful.

Helen Brown

Helen Brown is a legal academic, a poverty lawyer and a mum.

Making Sense of the Family Court

Leonie Star; Choice, 1998; 132 pp; \$16.00 softcover.

The *Family Law Act 1975* has been subject to multiple and ongoing reforms since it came into force more than 20 years ago and it is no easy task to steer a clear path through all its provisions. This book, however, is a very thorough guide for anyone who is contemplating divorce in Australia. It leads readers through what they need to know about family law and the legal process and gives them step by step instructions for dealing with not only divorce itself but also the more difficult issues surrounding children, finances and the division of property. In addition, there is plenty of practical information such as where the Family Court is located throughout Australia, the roles of Court personnel and who to ask for assistance. The book is written in plain English which is accessible to lay readers and the author is to be commended for the clarity of her detailed interpretation of what people involved with the Family Court can expect to

encounter. It will, therefore, be useful not only for Family Court applicants but also as a reference for counsellors, social workers and mediators.

The book is divided into 12 chapters beginning with an overview of the steps in the divorce process and explanations of legal terms. This is followed by chapters which describe in more detail the functions of the family court, the principles of the Family Law Act, how de facto relationships are managed and what readers need to know about children, finance and property. In addition, there is a very useful section on the operation of the Child Support Scheme which few people understand thoroughly. The author also devotes a chapter to resolving disputes without going to court before finally describing 'the litigation pathway' in terms of costs and procedures. The penultimate chapter on alternatives to the court system seems to be oddly placed in the book and might possibly have been better nearer the beginning but this is minor criticism.

Although the language of the text is accessible, the overall style of the

writing is somewhat detached and legalistic. This makes the text rather 'dry' and depersonalised. For example, while legal terms are explained in the first chapter and in the glossary, detailed descriptions of procedures can, at times, sound a little pedantic. The book is therefore a DIY manual to be dipped into when needed rather than read from cover to cover. This characteristic distinguishes it from other books on divorce which are about dealing with the personal, practical and emotional, as well as legal, events of the separation and divorce process.

Nevertheless, this is a thoroughly detailed and useful guide to the law and the legal requirements of the divorce process in Australia. It contains a comprehensive index for quick reference purposes and will be a very helpful handbook for those who must apply to the Family Court. It is also a necessary addition to the 'divorce' library of academics, students and workers in the field.

Jenny Burley

Jenny Burley reaches legal studies at Flinders University.

Working the System

A Guide for Citizens, Consumers and Communities

Public Interest Advocacy Centre/Pluto Press Australia (reprinted 1997); 107 pp; \$19.95

Working the System is one of the outcomes of a project by PIAC which aims to 'enhance responsiveness and representativeness' in our democratic institutions and improve the accessibility of the legal system. As part of the overall project, *Working the System* is 'specifically designed to help citizens, consumers and communities improve their capacities to be effective advocates'.

The book is both descriptive and prescriptive in that it explains, in easy accessible language, how our parliamentary and legal systems work and illustrates ways in which citizens can use the system to influence policy and law.

Section One gives a brief overview of the changing cultural, social and economic environment in which the modern advocate must operate. The corporatisation of our institutions and government, the rise of consultancies and professional lobbyists, require a more sophisticated understanding and approach by those wishing to promote public interest issues. As the authors

point out, 'understanding how law and public policy is developed is an essential first step in effective participation and advocacy'. As daunting as this may appear, the authors provide actual case examples where ordinary citizens — in contrast to lawyers and professional lobbyists — have successfully navigated their way through the system and won.

Section Two focuses on the Parliamentary law making process and how the public can influence that process through Question Time, petitions, parliamentary committees and lobbying. Tips for successful lobbying, how to form a delegation, picking the right forum and whom to target, provide the novice advocate with a step by step exposition on the fine art of advocacy and the 'ladder of participation'. To illustrate the effectiveness of good planning and choice of strategy the authors provide a detailed account of the process adopted by the Disability Safeguards Coalition who won their battle to establish an independent forum to hear complaints and monitor service delivery.

The government and public service are the subject of Section Three. Subtitles include community consultation, complaints bodies and government inquiries, and most importantly for the community activist or public interest advocate, how to challenge government decisions. The latter outlines the various ways in which an individual or group can challenge government decisions. These range from a simple phone call, a request for an internal review through to external bodies such as the Administrative Appeals Tribunal, other specialist tribunals and the Ombudsman. Procedures and legal rules applicable to the different forums are explained as are the likely costs associated with your choice of venue.

Section Four turns to our much maligned legal system. It provides an overview of the court system and alternative dispute mechanisms. It addresses those apprehensive questions: Do I need a lawyer? How do I find legal representation? Am I eligible for legal aid? Further, it covers options, costs and benefits, as well as, 'six hints for working with a lawyer', and questions to ask your lawyer.

The final section contains a glossary of the legal and political terms used in the book and a directory of community legal centres, investigative and review bodies, as well as legal and government information services.

The format may seem a little simplistic for lawyers and trained advocates, but it needs to be remembered that the book is aimed at community groups and the general public. As such this 'how-to', 'can-do', format achieves its purpose. The book's only drawback is that its focus is NSW and thus the directory only covers that State.

Anne O'Rourke

Anne O'Rourke is a Melbourne lawyer currently working at the Consumer Law Centre of Victoria.

Editing/proofreading

For writing, editing or proofreading, contact:

Lynn Buchanan
(03) 9484 4439

Specialising in clear, easy-to-understand law-related information. Many years experience with the Lawyers Practice Manual (Vic) as well as project work with Victoria Legal Aid and Victoria Law Foundation.