

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

Flexible women

Girlie was pleased to attend the launch of Victorian Women Lawyers' Flexible Work Practices Guidelines last month. Entitled 'Living and Working Together: Looking to the Future', the tastefully purple booklet was launched by Jan Wade at the Law Institute to a large crowd and some much appreciated champagne and pastries (nothing like champagne at 10 a.m. to get the day going). Ann Sherry, General Manager of Human Resources at Westpac, gave a fantastic and inspiring speech.

The booklet includes suggested guidelines for leave entitlements and part-time work; a series of real life examples of people involved in flexible work practices; various case studies and model policies on sexual harassment and occupational health and safety issues when working from home. Endorsed by the Law Institute, the Office of Women's Affairs and the Victoria Law Foundation and sponsored by a number of law firms, the booklet involved a great deal of voluntary time by the VWL committee who compiled it. Now all that has to happen is for Victorian law firms to embrace it with open arms and *Girlie* suggests that her readers make delicate enquiries of their employers as to whether they would like a copy of the booklet if they don't already have one!

Compensation at last

A rather peculiar rift has erupted between Melbourne law firm Slater & Gordon and Sydney's Cashman & Partners over compensation payments offered by Dow Corning to Australian and New Zealand women who have suffered as a result of breast implants. In a deal negotiated by Slater & Gordon on behalf of the 1500 claimants they represent, Dow Corning has offered a total of \$66.5 million Australian, extending the offer to all claimants regardless of their representation. Slater & Gordon estimate that payments would range from \$1000 to \$125,000, depending on the level of impairment and state that the benefits of their scheme are that it would be administered locally, reviewed by an independent tribunal and that local claims would be settled within

approximately three years. However, Cashman & Partners, who represent approximately 2000 claimants, have been critical of the scheme, arguing that it will leave Australian and New Zealand women with significantly less payment than their US counterparts. They are continuing to fight for equal treatment for 'foreign women', despite Dow Corning's announcement that 'foreign women' should only get 60% of the US payments. Hopefully both strategies will see a satisfactory end to what has been a drawn out and painful process for so many women worldwide.

Thank God for small mercies

Girlie has no doubt that her readers will be breathing a collective sigh of relief at One Nation's relatively poor showing at the recent election. As if Pauline's extraordinary views on immigration, indigenous Australians and single mothers were not enough, that charismatic little devil David Oldfield decided to approach one of *Girlie's* favourites, the president of the Lone Fathers Association to run as a One Nation candidate for the Senate. Although Barry sadly declined, many of his organisation's policies formed the basis of the One Nation 'policy' on child support. The party very specifically chose to target the 'non-resident parents' who have, according to various Men's Rights groups, felt let down by both major parties.

Something to be equally thankful for was the defeat in the seat of Dickson of independent MP Tony Smith. Equally fond of the Lone Fathers Association, Mr Smith wants to scrap the Family Court and believes that the domestic violence and counselling 'industries' are undermining families. While Mr Smith concedes that this is not necessarily entirely the fault of Family Court judges, he feels that the judges are biased and that hearing only family law matters would 'deaden the mind, [making] him (the judge) cynical and tired'. Mr Smith wants family law matters to be heard by tribunals attached to magistrates courts 'as magistrates have a

more balanced view of society'. Sadly for Mr Smith, Federal Parliament will have to endure a slightly more progressive voice in his place and stead. Well done Cheryl!

Don Juan for PM?

Like many feminists, *Girlie* readers may well have been following the Clinton/Lewinsky saga with mixed feelings. Apart from the predominant feeling of nausea, many feminists have felt conflicting sentiments, outraged at the potential abuse of power that Clinton's actions suggest yet loathe to see a President who has overseen significant improvements for US women impeached and replaced by a conservative. In addition, feminists have been alarmed by the return of the adage we have fought so hard to resist, being that sex is a purely private affair and should not be subject to scrutiny, political or otherwise.

Relatively silent for many months, a coalition of US feminists eventually spoke out in support of Clinton. The coalition was represented by the Presidents of the National Organisation of Women, the National Council of Negro Women and the Feminist Majority, amongst others. In a joint statement, the group argued that it did not serve American women to hound Clinton out of office when 'the real obscenities were poverty and violence'. Despite her greatest efforts, *Girlie* cannot imagine that either the sheer animal magnetism or the progressive policies of our current leader will present a similar problem at home. However, she does wonder how Australian feminists would respond to this kind of situation, and to the demand for a particular 'feminist position' that the US media seem to expect about an issue fraught with conflicting interests. Perhaps we should be grateful that our own Canberra Cassanovas are unlikely to stir the desire, political or otherwise, of many Australian women.



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called for the MP to stand aside despite the fact that the MP had not been interviewed by police in relation to the allegations, let alone been charged. The MP refused to resign and, at the time of writing, the MP has not been charged with any offences. The Criminal Justice Commission is investigating the circumstances surrounding the leaking of the investigation details. It is disappointing to see Premier Beattie forget the importance of the presumption of innocence.

Citizens initiated referenda

Key Independent MP Peter Wellington proposed a model for Citizens Initiated Referenda (CIR) which drew strong criticism from the major parties. Under Wellington's model, a successful referendum would automatically result in relevant laws being changed. Former Premier, Rob Borbidge described the Wellington model as 'loopy' and suggested it would 'usurp, denigrate and destroy' the role of government. In response, Wellington told the media that Borbidge had made his comments without being briefed on the detail of the proposed model. CIR will remain on the agenda in Queensland with the National Party, Liberal Party and One Nation all indicating that they intend to propose CIR models in the near future.

Drug trial proposal

The Beattie Government has proposed a trial of the heroin treatment drug Naltrexone which is used in controversial treatment programs in Israel. This proposal was apparently prompted by widespread media reports about Sydney-based drug dealers moving into the Ipswich area and targeting children as customers. The former National/ Liberal Coalition Government had also proposed trials of Naltrexone prior to the State election. • JG

VICTORIA

No gas zone

The Victorian gas crisis, apart from demonstrating the resourcefulness of many Victorians, has resulted in potentially the largest class action suit in Australian history. The early stages of the crisis saw front page reports of individuals refusing to allow their gas supply to be turned off and at least 410 Victorians had their gas meters disconnected for contravening gas bans. At

the same time, hotels, city pools, office buildings and some Victorian residents were offering hot showers (BYO towel) to all those unlucky enough to have the options only of cold showers or bucket baths.

Cold showers were the least of many Victorians' worries as factories, manufacturers, restaurants and other businesses shut down and were forced to stand down workers. Industries in New South Wales and South Australia were also affected and losses to the Australian economy have been predicted to hit \$1.4 billion.

The legal ramifications of the gas crisis became evident early. Slater & Gordon lodged an action in the Federal Court alleging breaches by Esso of the Trade Practices Act, the Fair Trading Act and Esso's common law duties in negligence. The action has been lodged on behalf of one Plaintiff, Johnson Tiles, but Slater & Gordon intends to seek to expand the claim into a class action. Maurice Blackburn also commenced an action against Esso, as well as the Victorian Energy Network Corporation (VENCorp) and several gas companies. The Maurice Blackburn action is on behalf of four classes of litigants: householders, stood-down workers, restaurants and industrial users of gas. It names five Plaintiffs, with the intention of including more.

The legal action prompted an accusation from Jeff Kennett that the law suits were in 'bad taste' and that the law firms were behaving in a 'totally inappropriate' fashion. Kennett's response was ironic in light of the Victorian government's refusal to offer financial assistance to victims of the crisis. Treasurer Alan Stockdale has defended this position by suggesting that victims seek redress for their losses through legal avenues.

Other issues arising from the crisis include: the responsibility of insurers for losses to individuals and businesses and the possibility that those who violated the gas bans, as well as having to pay fines of \$10,000, may face criminal prosecution.

Gas supply will have been restored (although not fully) by the time this is published, but whither Victorians' faith in their utilities? • MC

DownUnderAllOver was compiled by Alt.LJ committee members Maddy Chiam, Natasha Cica, Jeff Giddings and Sonja Marsic together with invited writers listed under their contribution above.

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Ernie awards

Last month saw the staging of the 1998 Ernie Awards at Parliament House in Sydney. Organised by NSW MP, Meredith Burgmann, the Ernie Awards are an annual event attended by the cream of Sydney feminists, and are named after a former member of the AWU in recognition of the outrageously sexist comments he made to Ms Burgmann and her friends. Apparently a fairly drunken affair, nominations for the awards are made by all invited and a 'boo off' is then held to determine the winners in the various categories. Those men who deliberately go to great lengths to get nominated are precluded from winning.

Some of the awards included the Political Silver Ernie, which was a tie between the aforementioned Tony Smith for remarking that 'women have a duty not to provoke men into domestic violence' and Iain Maclean, a Western Australian MP, who said during the abortion debate that '[women] think they are the centre of the universe and will abort a baby just because it is inconvenient or summer is approaching and they want to wear a bikini'. The 'Clinton' award for repeat offenders went to John Howard (although surely not, as suggested above, for the same kind of thing?); the 'Elaine' for unhelpful remarks from women to Bettina Arndt for, not surprisingly, 'just about everything'. An honourable mention went, amongst others, to Bruce Ruxton for asking 'Mr Chairman, what's gender balance?' and the Gold Ernie to one Judge Clarke who when giving a man who had abused his 12-year-old stepdaughter a two year suspended sentence said 'indulgence is a pleasurable, curiosity-seeking activity by an intelligent precocious girl'. *Girlie* is restraining herself from even commenting on this last one.

Girlie would like to hear about any other awards ceremonies taking place around the country and suggests that feminists in other States might like to start their own. We can be fairly assured that there will be no shortage of candidates, nor a shortage of reasons why feminists should gather together to eat, drink and generally have a good time!

Sally Brate

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