

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

Specific language

Girlie's sources in the publishing world reveal the unfailing commitment of the legal fraternity to inclusive and progressive language in its publications. Acknowledging receipt of a preface for a textbook from a certain Justice on the New South Wales Court of Appeal, the publisher noted that it would be appropriate to make mention of the gender specific language used in the book and asked him to amend his preface accordingly.

The publisher received a reply from the judge as follows: 'If you like, you might add the following paragraph to the Preface: "At our publisher's insistence, we wish to point out that the book is written in English".' *Girlie* always suspected that she was speaking a different language from most of the legal profession.

DPP on trial

Girlies in South Australia are delighted that the Women's Legal Service (WLS) there has launched an investigation into the DPP's handling of domestic violence cases. The investigation follows a number of complaints lodged with the WLS, including the very public withdrawal of the common law assault case against Labor MP, Ralph Clarke, earlier this year. The case was withdrawn after the DPP cited problems with the credibility of his witness, Mr Clarke's de facto partner, Edith Pringle. The SA media later revealed the transcript of a police interview with Mr Clarke in which he apparently admitted committing various acts of violence, doing so to 'calm her down' (was he worried about her stress levels, *Girlie* wonders?).

The WLS has since received a number of complaints about 'inappropriate handling' of domestic assault cases and identifies common themes such as extensive and aggressive cross-examination of the alleged victim on peripheral issues; stereotyping women as responsible for the violence they experience; and an inadequate understanding of the existence of

violence in family relationships. The WLS expects to receive more complaints once their investigation is publicised, so any SA Girlies should forward complaints or inquiries to Kaz Eaton, WLS Co-ordinator, 0413 874 952.

Rise in women's crime

A recent report in the *Age* reveals an alarming rise in the number of women being charged with serious criminal offences. Victoria Police statistics cite the number of women under 20 being charged with armed robbery jumping by 44%, with the number of fraud-related offences and assaults on police also on the increase. Similarly, the report indicates a worrying increase in drug and alcohol related homicides, with more women participating in, or being accessory to, particularly brutal killings: often taking enormous risks for their partner in the process.

While drug dependency has often been cited as a motivation for crime, police suggest that the increase in crime, particularly fraud-related offences, are gambling related. It seems to *Girlie* that this represents the increasing poverty and isolation of younger women. Exposed to and subjected to violence on a regular basis, violence is seen as an effective way of achieving results in a community that refuses to take responsibility for its young.

This increase, together with a significant change in Victorian sentencing laws, will see more young women being sent to prison for longer. Correspondingly, the report reveals that the proportion of women in Australian prisons has doubled in the last 10 years from 3% to 6%.

Girlie finds this particularly concerning, given the decreasing accountability in Victoria's private

prisons and the lack of funding for proper rehabilitation programs or support programs on release.

Consequently, women are being released into poverty, with the number of half-way houses for women offenders grossly inadequate in comparison to the services provided for men. Those working in this area report to *Girlie* that a significant number of women are dying from overdoses on release as a result of their decreased tolerance during incarceration and their lack of education about drugs. Most are at the very least unable to cope with the onerous task of finding employment or housing and inevitably reoffend and end up

back inside. *Girlie* suggests that this cycle indicates the lack of responsibility taken by the state and community for each stage in the lives of these young women and that the reasons behind these trends need to be understood and accepted before they can be turned around.

Yay, CJ!

Girlie would like to congratulate the new New Zealand Chief Justice, both the youngest CJ to be appointed (at 50) and — for the first time — a woman.

Sian Ellis CJ has vast experience in Maori issues and her commitment to this area together with her acknowledged intellect will hopefully set a shining example for her trans-Tasman neighbours. Ellis CJ has commented that her appointment does not mean there are no longer any barriers for women in the law. She reminded us that appointments 'are a different thing ... Until we can all walk through the doors we haven't made it.' *Girlie* would like to have been at her induction which included a Haka, and she looks forward to the day that some Girlies can perform a feminist ritual of their own at the induction of the first female Australian CJ.

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