

CHAPTER XWOMEN IN POST-SUFFRAGE SOCIETY.LEGAL POSITION.

Under the series of Acts passed by 1900, the Legal position of New South Wales women had improved immensely and where full equality did not obtain, this was often to the woman's advantage. Grounds for divorce by both sexes were virtually the same, but a wife still could not be attached for debt, married women were still only partially liable for bankruptcy, and although a wife had redress if a husband embezzled her property, the husband had no rights against her property and remained liable for any civil wrong-doing on her part. In addition a husband was prima facie liable for the support of his wife and children, unless a wife had means or the husband was disabled or had deserted her. A husband could not sue a wife for maintenance. On the other hand a woman could still pledge her husband's credit and in some degree he was liable for her ante-nuptial contracts. A woman's earnings were now protected, unless she worked closely with her husband in a business which was officially his. The possibilities of cheating a woman of earnings in this regard were quite considerable and frequently pointed out by the claimants for equality under the law. A husband was, however, still the lawful guardian and controller of children, and their

education, religion and upbringing could only be legally determined by him. The wife's guardianship could only be established if she could prove her husband totally unfit to care for them, and she was still unable to appoint guardians in her will unless she had divorced her husband. Illegitimate children were in the complete custody of their mother, and the father did not need to contribute to the support of the child. By statute, however, he could be compelled to come to the mother's aid before and after the birth. A subsequent marriage, provided there was no legal bar at the time of birth, would legitimise the child.

By will a man could ignore the claims of his wife and children, but certain rules applied in the case of intestacy. A father of deceased children, however, succeeded to their estate before a mother. In other cases, a wife was not responsible for lesser offences committed under the active coercion of her husband.

By and large these laws still aimed for a certain protection of women and were the relics of earlier legislation where adequate protection was deemed to be embodied in the person or presence of a husband.

To some extent feminists in New South Wales wanted to see these laws completely equalised, but their main efforts were not put forward so much in support of laws which had

already been considerably altered as in support of those which had not yet received much amendment or which had been ignored altogether or on which completely new legislation was needed. Women were seldom found behind the first moves, although theirs was often the first important adoption of a cause. Much more often their support was asked for by Ministers for Bills before Parliament, at which stage they frequently became the Bills' most articulate and enthusiastic supporters. The Old Age Pensions Bills, Family Maintenance Bills and similar social legislation came under this heading, although their most outspoken support went to Bills which were clearly aimed at removing some special evidence of victimisation of women. Custody of Infants and Age of Protection for Girls, came in this second group.

The passage of laws usually brought forth assertions from most women's organisations that they had been solely responsible for the Acts. They seldom if ever were, though their suggestions were listened to, and sometimes adopted. Once their support was gained they became a not unimportant pressure group indicating considerable areas of public support. Such support was, in fact, one of the most important *raison d'être* of some of the post-1902 organisations, but as the need for legislation diminished, so did the goals of many women.

From 1904, secondary education received considerable stimulus in New South Wales with the establishment of further
 1. high schools, a new approach to much of the subject matter
 2 included in the curriculum, and a planned system of teacher training, much influenced by the establishment of the college, "Shirley" in Sydney. There was still no marked encouragement of vocational education for girls or much interest in their training for the professions. High School courses for girls, however, differed very little from those of boys, though they were broadened to include training in domestic subject, which nearly every women's organisation, many school teachers and some prominent educationalists considered of prime importance. It was a period of much activity on the part of teachers themselves, both through the Teachers' Association and in a number of other organisations.

Notwithstanding the rise in the number of graduate women, however, women teachers still did not enthusiastically support the entrance of women into the professions. There was a

1. The number rose from four to sixteen between 1900 and 1914.
2. A.R. Crane and W.G. Walker, Peter Board and His Contribution to the Development of Education in New South Wales, Melbourne 1951. This book deals with the development of education in New South Wales in the period immediately before and after the beginning of the 20th century.

continuing belief that girls bore up less well than boys to academic work and as late as August 1909 a writer in the LIBERAL WOMAN was still able to wonder if higher education was good for girls. But even if it had no physical ill-effects, it was not encouraged. In the words of one teacher writing in 1907 -

above even intellectual attainments, our maxim is the training of character. We want good women first ... a tongue that speaketh no evil - a gentle voice, the loveliest thing in woman ...

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The same sentiment was expressed by Miss Chandler in June 1910 before the monthly meeting of the North Sydney District Teachers' Association whilst stressing the need to concentrate on cultivating a girl's love of literature and domestic arts.

The real direction of a girl's education, said Miss Chandler, must be towards the house. We are developing the home worker of the future in whose hands will be the well being of our nation.

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And in 1911 the Commission enquiring into Factory Conditions made a point in their report of stressing that factory girls frequently could not cook- implying a despair

3. AUSTRALIAN JOURNAL OF EDUCATION. December 1907.

4. Ibid. June, 1910.

for their futures - and their husbands' - when they left to be married.

There seemed, in fact, to be a widespread fear by both men and women that the inability to cook was the most serious lack in any girl's education - as indeed it was when her occupational future was still limited. But most would-be reformers were more intent on providing cooking instruction than in enlarging occupational scope. And this concern was strong among all sections of the community although reasons varied. Most women's organisations gave the impression that once courses in domestic arts were more widespread, the real educational needs of New South Wales girls would be more than adequately catered for. After 1904 instruction was extended in the schools, although domestic science and various forms of women's handicrafts had been taught in technical colleges for a number of years.

Any discussion of the tertiary educational sphere was rare; when it was the subject of debate, as in the case of the possible appointment of women to the Senate of the Sydney University, it often had the appearance of a feminist gesture made for its own sake, rather than a genuine encouragement of interest by women in University training. When University training most interested women it was in connection with the proposal which had the particular support of the Women's

Progressive Association, The Women's Central Organising Committee of the Labour Party, and to a lesser extent the Women's Liberal League, that Chairs of Domestic Science and Agriculture be established. They argued unsuccessfully for both of these for a number of years.

Usually, however, the pressure to improve domestic training was carried on at a lower level. One of the first moves was made by the National Council of Women at its November meeting in 1896 when Miss Louisa Macdonald moved -

that a knowledge of domestic arts be included in the curriculum for girls in the public schools.

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It was a frequent topic for discussion at the Council
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and in October, 1898 they deputed the Minister for Public Instruction on the subject. The Minister refuted the later accusations that the ladies' interest was anything less than
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public spirited, but as the National Council frequently

5. Manuscript Minute Book of the National Council of Women November 1896.
6. SYDNEY MORNING HERALD, 18 October, 1898
7. Not all the ladies in the deputation considered, or continued to consider their practical purposes. Rose Scott was a keen supporter of the scheme, but in a note among her papers, dated 1916, she wrote that she was not wholeheartedly in agreement that domestic economics should be an essential part of a girl's training. By then anyway, she would have extended it to boys.

bewailed the fact that members had difficulty obtaining trained domestic staff and as letters to the papers featured similar complaints, this is doubtful. There was a growing shortage of domestics, and although the 1901 employment figures were higher in this category than those in 1891, by 1911 they had declined to the point where the difficulties of finding household staff were very real. In 1894 the Women's Christian Temperance Union at its second Triennial Conference had urged mothers to teach their daughters there was no disgrace in honourable service; by 1907 the Young Women's Christian Association was attempting to recruit domestic servants and to operate a domestic training school, while the Lady Mayoress of Sydney was calling special meetings on the subject. Most girls had not forsaken domestic work for more skilled work; factory employment was the particular attraction for most. A Mr. Brown of Barraba had complained of this in a letter to Henry Parkes in 1893. Education, he believed had not had a good effect on the body of the people,

Hardly any girl of the labouring class, he wrote, who has gone the full course, will go out to service.

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8. SYDNEY MORNING HERALD. 17 June, 1904. At the first Congress of the National Council of Women in New South Wales in October, 1904, the loss of domestic servants was also emphasised.
9. Mr. Brown to Sir Henry Parkes, 28 August, 1893, Parkes Correspondence. A953.

The desire to keep girls in service, or at least well trained domestically, was not limited to the middle class members of the Women's Christian Union or the National Council of Women. Members of the Labour Party were just as enthusiastic, quite often for the same reasons. In 1907 a Mrs. Burdett, speaking at the Annual Labour Conference stated that :

It was better to teach girls how to cook
French beans than deal with French verbs.

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thereby putting girls, whatever their class, very firmly back in the home. Labour women, were on most occasions, advocates of free education at all levels from kindergarten to university, but the epitome of their ambition was usually the establishment of Domestic Science Colleges and if possible, Agricultural

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Colleges. Where the reasons for their support differed from women in other organisations, it was because they were approaching a problem from an entirely opposite viewpoint, whilst wanting the same result. They had a sure desire to see the status of domestic servants upgraded and they particularly desired to do something for those they considered most naturally to be the future wives of Labour members.

10. THE WORKER. 7 February, 1907

11. See speeches of Mrs. Kate Dwyer at Sydney Labour Council, reported in THE WORKER 1 February, 1906 and 23 March, 1907. On the other hand by 1914 the State Liberal Party was also backing proposals for a Chair of Domestic Economy. See SYDNEY MORNING HERALD 24 June, 1914.

The need to upgrade the status of domestic work proved over the years the potent argument in favour of vocational domestic science training, but it was not based on the class conscious arguments of the Labour Party so much as on a reassessment of the nature and possible scope of the work itself.

Nevertheless before 1914 the general attitude towards education for girls concentrated on cooking and sewing and the emphasis on the importance of women's home duties. It is not surprising therefore that women's working activities were very little different from those in the twenty years before. This emphasised the general limitation of vision, and in even the most politically minded of post-franchise women in New South Wales, the strength of the grip of social background.

WORK

INDUSTRIAL

There was no noticeable enlargement of women's working interests in the first ten years of the 20th century. In 1911 their employment, according to the Commonwealth Census of that year, was still confined to the same general categories in which they had been grouped for the previous twenty years, with the exception of the fact that more girls in the 15-25 age group had forsaken agriculture and domestic service for

12. The status given it varies from state to state.

industrial employment. The practice of work before marriage was well established by 1900, both for economic reasons and as an accepted social convention. The bulk of industrial employees were still in the clothing trades, but as the Royal Commission which investigated working conditions in factories found in 1911, they were also employed in a variety of food packing and bottling plants, in chemical works, laundries, wire factories, cardboard box and paper making factories, and in printing works. Their positions ranged from the relatively highly skilled to the extremely unskilled, and working conditions, in spite of factory legislation, were often bad. Nevertheless, by 1911, the proportion of women factory employees had grown, mainly at the expense of those in domestic and agricultural labour.

PROFESSIONAL AND COMMERCIAL.

In both these categories there was a small but steady rise in employment, but not on a scale to suggest that New South Wales women in possession of the vote and a higher standard of education, had suddenly glimpsed new working goals. Professional employment still included a high percentage of teachers and nurses, and in 1914 Sydney University had only 500 women graduates.

In both professional and commercial categories, the highest percentage of women were in private employment, although

there was a continuance of the encouragement into the public service which had begun after the passing of the Public Service Act of 1895. Women had begun to fill an increasing number of clerical vacancies in the State Public Service at the turn of the century and by 1913 a number had also been employed as draftsmen. Apart from the appointments of the first Shop and Factory Inspectors, however, the initial public service appointments at a higher level were in the medical services. Dr. Ada Affleck became a junior medical officer at the Coast Hospital at a salary of £250 a year in 1901, and other appointments followed in the next few years. Medical appointments were particularly called for by women's organisations and the deputation to the Public Service Board by the Women's Progressive Association in 1904 was followed by the appointment of Dr. Agnes Bennett to Callan Park. In fact, most of the Board's appointments of women medical officers were to institutions for which general competition was probably far from heavy. A. Dr. Talbot was appointed to Callan Park in 1909 and there were similar
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additional appointments in the next few years.

13. 1911 - Dr. C. Smith appointed Junior Medical Officer in Lunacy.
- 1912- Dr. B. M. Lawson appointed Junior Medical Officer in Lunacy.
- 1912- Dr. Edith Fox appointed Junior Medical Officer,
Government Asylum for the Infirm.
- 1914- Dr. E. J. Hamilton-Crowne appointed Junior Medical Officer
at Newtown Asylum for Infirm.
- 1914- Dr. E. Pascoe appointed Junior Medical Officer in Lunacy.

Women doctors also filled school lecturing positions; the first appointment went to Dr. May Booth and a number of other positions had been created by 1914.

In 1907 Lady Windeyer's daughter, Margaret, and Miss Florence Rutherford, a member of the American coaching family, were appointed as the state's first women librarians.¹⁴ The first woman School Truant Inspector was appointed in 1909 - an appointment supported by most women's organisations with particular fervour - and by 1916, the Board was seriously considering the appointment of women school inspectors,¹⁵ and inspectors under the State Children's Relief Act. Both appointments were pressed for by women's groups.

MARRIED WOMEN.

The proportion of dependent women over 25 increased between 1891 and 1911 with a corresponding drop in most employment categories.¹⁶ Here there was not only no general enlargement of interests, but an active discouragement of work at all.

14. Miss Windeyer had gone to New York to study at the Library School there and worked as a volunteer in the Boston Public Library. Miss Rutherford was an Arts graduate of Sydney University.
15. A Miss M. Simpson was the first appointee in 1917.
16. See tables, Chapter VII, p.120. The drop was not so noticeable in professional categories.

Women were, as workers, still considered as something apart despite the general acceptability of a short period of working life. The highly protective cast of the 1896 Factories and Shops Act had been dictated by this attitude, as much as by feelings of humanitarianism.

In common with the views of most men about then, women looked on themselves as interim workers, whether professional or industrial. As professionals they suffered more from discriminating practices backed by law than industrial workers¹⁷ and they were actively disbarred from entry into some professions. A large work force of women whether industrial or professional negated the ideal of woman as a homemaker and general opposition to the idea explained the lack of support for higher education shared at the time by all classes. Higher education for girls implied women's intention of working, perhaps permanently, and at this point, the majority of men and women did not consider work more than a temporary phase or an economic necessity which in time might be overcome. The abolition of economic necessity, held of course, greater significance for the working woman,

17. Noticesably to the legal profession. Special provisions were introduced in later years into some offices calling for married women to resign. This restriction was rarer in factories.

than the middle class woman because they made up the bulk of the female work force, but it came in time to hold even greater significance for the working man. The traditional home role of the middle class women came to represent the necessary ideal role of the working class woman also and it became the practice of social legislation and court rulings after the turn of the century to reinforce this national ideal.

Though there was also a strong economic fear of women as labour competitors at all levels, the parallel idealistic strain in the attitude of both men and women became progressively stronger. As middle class men, or the majority of them, were the sole providers for their families, so the working class man hoped to follow suit. As a result they came to fear working women not only as competitors but as threats to their personal standing. For this reason many of the court judgments brought down under both State and Commonwealth Arbitration Acts took pains to stress the social desirability of men remaining, or becoming, the sole providers of a household.

18. In the Silver Jubilee Souvenir of the Labour Women's Central Organising Committee, Sydney 1929, Robert Ingersoll wrote: "It takes a hundred men to make an encampment, but one woman to make a home. I not only admire women as the most beautiful creature that was ever created, but I reverence her as the most redeeming glory of humanity, the sanctuary of all virtues, the pledge of all perfect qualities of heart and head ...". This ideal was well established in Labour thinking before 1914.

In 1912 for example, the President of the Commonwealth Arbitration Court, while delivering a judgment on the wages of women fruitpickers stated:

Fortunately for society, however, the great number of bread winners are still men. The women are not all dragged from home to work while men loaf at home..

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This was an attitude which successfully checkmated the introduction of equal pay, no matter how often the proposal was publicly debated or how often the principle was later endorsed. It was also an attitude which discouraged the entrance of women into more working fields, professional as well as non-professional, and which, despite professed interest on the part of the Labour Party in women workers and the very real efforts of women union organisers, inhibited the general growth of unionism among women.

A married working woman was a woman clearly out of her correct sphere. The fact that she worked was not so much a slur on the economic system as on a society where men and women might change places. No matter how hard or earnestly some members of women's organisations, especially the leading members of the Women's Central Organising Committee of the Labour Party worked to secure equal pay, equal opportunities to become

19. Commonwealth Arbitration Report, Melbourne 1912. Vol. 6
p. 72

Members of Parliament, municipal counsellors or jurors, in the sphere of actual employment, they were far less practical and much less sympathetic. They were vitally interested in the betterment of working conditions, but just as vitally concerned to see women economically secure in their own homes practising the Victorian virtues of feminine dependence as soon as possible.

While there was a particular adherence to the belief that married women should not work, men were inclined to express their views particularly forcefully. In a letter to the CATHOLIC PRESS, influenced perhaps by the 1891 Papal Encyclical on the Conditions of Labour, one correspondent wrote -

... the government instead of showing a bad example [by encouraging women to work should] make it illegal for any married woman to earn wages by working for others...

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It is difficult to say to what extent this religious pronouncement affected thinking on the subject, but undoubtedly it contributed to the general antagonism.

20. CATHOLIC PRESS. 29 June, 1911.

Labour and non-Labour interests had, in addition, other very definite reasons for opposing the employment of married women and these were most clearly stated by the Royal Commissioners in their Report in 1911 into the Hours and General Conditions of Employment of Female and Juvenile Labour. The main points they made, apparently the views of all the Commissioners, put their objections squarely in a social context, but with a special emphasis. They stated six main objections for keeping married women, other than those motivated by sheer necessity, out of working life, these were :

1. It is an encouragement to the practice of prevention. 21
 2. It involves risk of miscarriage.
 3. If a married women has children, the necessary abandonment of breast feeding leads to an increase of infant mortality.
 4. The day's energy is given up to making money in the factory to the neglect of the home.
 5. The practice encourages idleness and extravagance in men. 22.
 6. The influence of married women with the unmarried girls is often far from good. 23.
21. A polite euphenism for birth control.
22. Commonwealth Arbitration Report, 1906. p. 64 The President granted the necessity of women working, but hoped to see the introduction of a wage system which would overcome this. " I cannot, he wrote, accept the philosophic theory that marriage is a luxury. "
23. Report of the Commission of Inquiry into Hours and General Condition of Employment of Females and Juvenile Labour Sydney, 1911. p. XLIV .

These six points emphasised a very important Court consideration. By 1911 the New South Wales birthrate was at one of its lowest points before the depression years of the 1930's. Since the 1870's the live birthrate per thousand of mean population had been declining from 40 to 24. 24. to 27, and in 1904 it had been the subject of a New South Wales Royal Commission. Diversification of interests on the part of women played little part in this; in fact these had not noticeably altered by 1913. Economic reasons had contributed, notably the depressed years of the 90's, but the decrease in birthrate had mainly coincided with the increasing manufacture and use of contraceptives.

24. Based on information in the New South Wales Statistical Registers, 1941-1961 and an Official Year Book of New South Wales No. 53, 1950-1951.

1881	38.19	1921	25.91
1886	37.65	1926	22.64
1891	34.82	1931	18.67
1896	28.88	1936	17.31
1901	27.78	1942	18.47
1906	27.21	1946	22.83
1911	28.67	1951	21.72
1916	27.53	1956	21.29
		1961	22.07

25. Royal Commission on the Decline of the Birthrate and the Mortality of Infants. Sydney 1904. p. 14ff

The Rev, T.R. Malthus's book of the last century, "The Principles of Population" had, among other things, sparked off international interest in birth control and its effects had been felt very strongly by the 80's. A celebrated pamphlet by Mrs. Annie Besant, the English trade unionist, entitled the "Law of Population; its Consequences and its Bearing Upon Human Conduct and Morals" had brought her to Court and it had had its repercussions as far away as Sydney. The Royal Commission into the Decline of the Birthrate, had deplored the public discussions of birth-control, but in December, 1888 Mr. Justice Windeyer (later Sir William) delivered a favourable judgment in the New South Wales Supreme Court on the right of the public to discuss the expediency and the possibility of preventing over-population by artificial checks. The judge declared the Besant pamphlet not an obscene publication. The subject was apparently discussed publicly reasonably often in the 1890's and a Mrs. B.Smythe of Melbourne was delivering regular lectures on contraception.

A great deal of the blame for the growing disinclination for large families was laid squarely on what was considered a general tendency by parents to selfishness; to the placing of pleasure before home making and the desire of married women to work.

The six reasons put forward by the Royal Commissioners in 1911 to prevent married women from working, may also be taken as a comment on these suspected attitudes, and most probably represented some strong private opinions as well. The Commission was set up by the Labour Party which had not so far actively encouraged women to work, and one of its most vocal members was Mrs. Kate Dwyer, the President of the Women's Central Organising Committee of the Labour Party. She was also a prominent Roman Catholic with a reputation as a home-maker. The threat to the birthrate, from both inside and outside causes was of considerable concern to her. She was one of the three Misses Goldings, all of whom were connected with the Labour Party. She trained as a school teacher and married the headmaster of a State Public School. Her parents had been active in public life and she ascribed her interest in Labour politics to the effects of the strikes of the 90's.

27. Royal Commission on the Decline of the Birthrate and the Mortality of Infants. Sydney 1904. p.17 and 34. This Commission found young girls engaged in the manufacture of contraceptives in factories. The members were not only shocked by the discovery and by the indelicacy of the work, but also by the implications of "race suicide".

Despite her continued advocacy of equal status for women and her marked interest in women's working conditions, she did not say a great deal to encourage women to enter in new employment fields, though she did not wish to see them barred from any. In particular she was loth to see married women teachers dismissed. Mrs. Dwyer had been associated with the Newtown Branch of the Women's Suffrage League and with the Women's Progressive Association.

I am not one of those, she was quoted as saying in 1911, who look for the millennium in the sweep of a broom nor in the overturning of an axiom. A little will do me till I can get more, but my starting point is a fair and reasonable wage for all workers, with equal pay for equal work and every avenue of employment free of access to men and women alike. Is that a revolutionary requirement ? "

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The prevention of married women working was one method of raising the birthrate and the Labour Party's fear of possible mass Asiatic migration, made this particularly desirable.

28. THE WORKER 23 February, 1911. The St. Leonards Political Labour League called for restrictions on the employment of married women teachers.

29. LONE HAND, 1 January, 1911. p. 30



MRS. KATE DWYER.

EQUAL PAY.

Equal Pay was raised as a subject of discussion on a number of occasions and by a number of organisations, but never became a serious issue. Soon after the turn of the century there was a slight chance that it might have been considered, perhaps reluctantly and in the same spirit as women's suffrage, if the concept of a fair living wage for both sexes had not taken so firm a hold. At the 1902 Trades Union Congress the South Australian delegate, F.W. Coneybeer, during a debate on a motion calling for equal pay, wished it clearly understood that while the Congress had no desire to force women out of the avenues of employment, while they competed with men it should be demanded that for equal work they should receive equal pay. This was a possibility in which not only the Labour Party believed. The DAILY TELEGRAPH in 1900, discussing wages declared that women's would have to be raised if they were not to prejudicially effect men's. The principle of equal pay had also had an early and outspoken champion in the socialist, May Hickson, who wrote in its favour in the pages of the socialist paper THE PEOPLE before the end of the 19th century.

30. Commonwealth Trades Union Congress. Sydney 1902. p.28

31 DAILY TELEGRAPH. 13 October, 1900.

At no time did women's organisations take action any stronger than declarations in favour of the principle. A deputation to the Public Service Board did take place in 1901 and the subject touched on by the National Council of Women and the Women's Central Organising Committee of the Labour Party on occasions, but not strongly pursued.

Social pressures were, however, too great for the adoption of equal pay, but any possibility of introducing it was most effectively overcome through industrial settlements and an agreed basis of adjustment between the wages of men and women. In positions affected by Federal law, the full adoption of equal pay has been avoided to the present day.

THE ARBITRATION ACTS.

The ideas embodied in the 1901 New South Wales Conciliation and Arbitration Act were not new. Attempts to regulate wages and settle disputes had been made in England as far back as 1730 and in 1867 an English Statute provided the basis for the New South Wales Act of 1892. This Act divided the State into industrial districts under Courts of Conciliation representing employers and employees, but it did not operate successfully.

The 1901 Act provided for the registration and incorporation of industrial unions, the making and enforcing of industrial agreements and the constitution of a Court of Arbitration with jurisdiction to hear and determine industrial disputes and to enforce its ultimate awards and orders.

The Court it set up was basically a Court of Record with a President, and members nominated by and representing employers and employees. In effect, it had limited jurisdiction and the Industrial Disputes Act of 1908 was passed to overcome these. This Act preserved the Court of Arbitration, though it provided instead for it to be constituted by a Supreme Court or District Court Judge, appointed for a period of seven years. Boards, representing employers and employees, were set up under the Act to determine the conditions of employment in industry.

Further removal of impediments to the working of the system was tackled in the Industrial Arbitration Act of 1912 which repealed the earlier Acts. Under it, a Court of Industrial Arbitration vested with considerable jurisdiction was set up, to be constituted by judges not exceeding three. The industrial boards were retained, but the number of members was reduced.

In the Federal field, a Commonwealth Conciliation and Arbitration Act of 1904 was passed to establish a Court to settle industrial disputes extending beyond the limits of any one state. This Court was, like the Court established under the 1901 New South Wales Act, a Court of Record, with a President appointed by the Governor-General from among Justices of the High Court.

Under these Acts, what became the approach to the question of a fair wage for women was tried cautiously at first, and with more definite conviction over the years. Judgments in time set the precedent for the settlement of industrial disputes in which they were concerned. The 1901 dispute of the Tailoresses' Union³² with the Sydney Clothing Manufacturing Association, was based on the assertion that the Association had originally agreed to an award by consent. The President asked, and it was agreed, that this be made a common rule. Later agreements were negotiated with Mark Foys and Anthony Horderns. The judgment provided for recognition of the Union and stipulated an award of £1 a week for women, a sum which in many avenues of employment appears to have become the norm.

In 1906 the same union^{33.} protested against the prices paid by the firm of Jackson and Eckers for the manufacture of denham sacs [bags]. The judgment delivered included the setting out of the rules on the training and payment of apprentices, the establishment of set hours and the restating of the £1 a week for adult women workers.

32. New South Wales Industrial Arbitration Court Reports and Records, Sydney, 1902 Vol. 1. p. 63

33. New South Wales Industrial Arbitration Court Reports and Records, Sydney 1906. Vol. V. p. 215.

Wash house employees received the same £1 a week ruling in the course of an action taken by the Factories Employees Union against the firm of L.H.Wilson in 1906.³⁴

In 1908 similar wage judgments were given in the case of the Factory Employees Union v the Jam Manufacturers Association and in a later claim against the Biscuit and Cake Marketing Board.³⁵

One pound a week was clearly believed to constitute a fair living wage for women and seemed reasonable to both the Federal and State Arbitration Court Judges. There were no large scale protests by women or for women, other than in regard to the intermittent requests for equal pay.

The Commonwealth Arbitration Court dealt firmly for the first time with the problem of the payment of female labour when it had to decide the wages for men and women fruit pickers and packers at Renmark in 1906. The Judge was reluctantly in favour of equal pay when the majority of pickers were men; but in occupations such as packing where women were considered better than men, he believed he had to find a fair minimum wage which would cancel their danger as competitors.

34. New South Wales Industrial Arbitration Court Reports Records. Sydney 1907, p.121

35. New South Wales Industrial Arbitration Court Reports Records. Sydney 1909 p.47 and p.365.

Judges frequently had difficulty defining a fair living wage for a woman, but taking it as normal that working women were single women the statement in 1906 by the New South Wales President, was the one fairly often followed :

It means, he reported, in the case of a man, enough to enable him to marry and live with his wife and family in the degree of comfort fairly attaching to his class. In the case of a woman, it means enough to enable her to live singly according to the same standard.

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It was not assumed women would support a family, but that the wage was needed to provide personal food, clothing and shelter only. It was also assumed with a degree of truth which gave some semblance of reasonableness to the wage, that most single women lived at home.

CONCLUSION.

The granting of the franchise certainly did not contribute to any of the legislation affecting women in educational or working spheres after 1900. Indeed much of the relevant legislation pre-dated it. There was, however, a greater awareness of women and their needs and,

36. THE WORKER. 21 May 1914 The paper reported the Judge's decision that year when the New South Wales Arbitration Court followed this principle. Giving a judgment as a result of the application by the Pastrycooks' Union for variations of award to some women, girls and juveniles, the Judge found it difficult to assess adequately the case of women living at home. He considered 2/3rds of men's wages reasonable.

in some cases, their capabilities. Women were by 1914, taking a much greater part in active moves to improve working conditions. But there was still no awareness by women of wider working possibilities and no desire by either men or women to encourage their awareness or to protest at discriminating legislation. Nevertheless, few, if any, women or men had in their possession useful material about the occupational backgrounds of their overseas counterparts upon which to draw comparisons and no knowledge of the disciplines - still evolving - by which to gather and study such material. No New South Wales women's organisation appears to have considered it important or necessary to make any enquiries or institute any particular investigations into the question of women working, other than in connection with actual working conditions. The opening of new fields hardly interested them. There was far less personal ambition among New South Wales women - ambition for its own sake - than in many overseas women, almost certainly because social attitudes and traditions were as strong and persistent as they were. As a result the professional woman remained a rarity in 1914 and equal pay a pipe dream for considerably longer.