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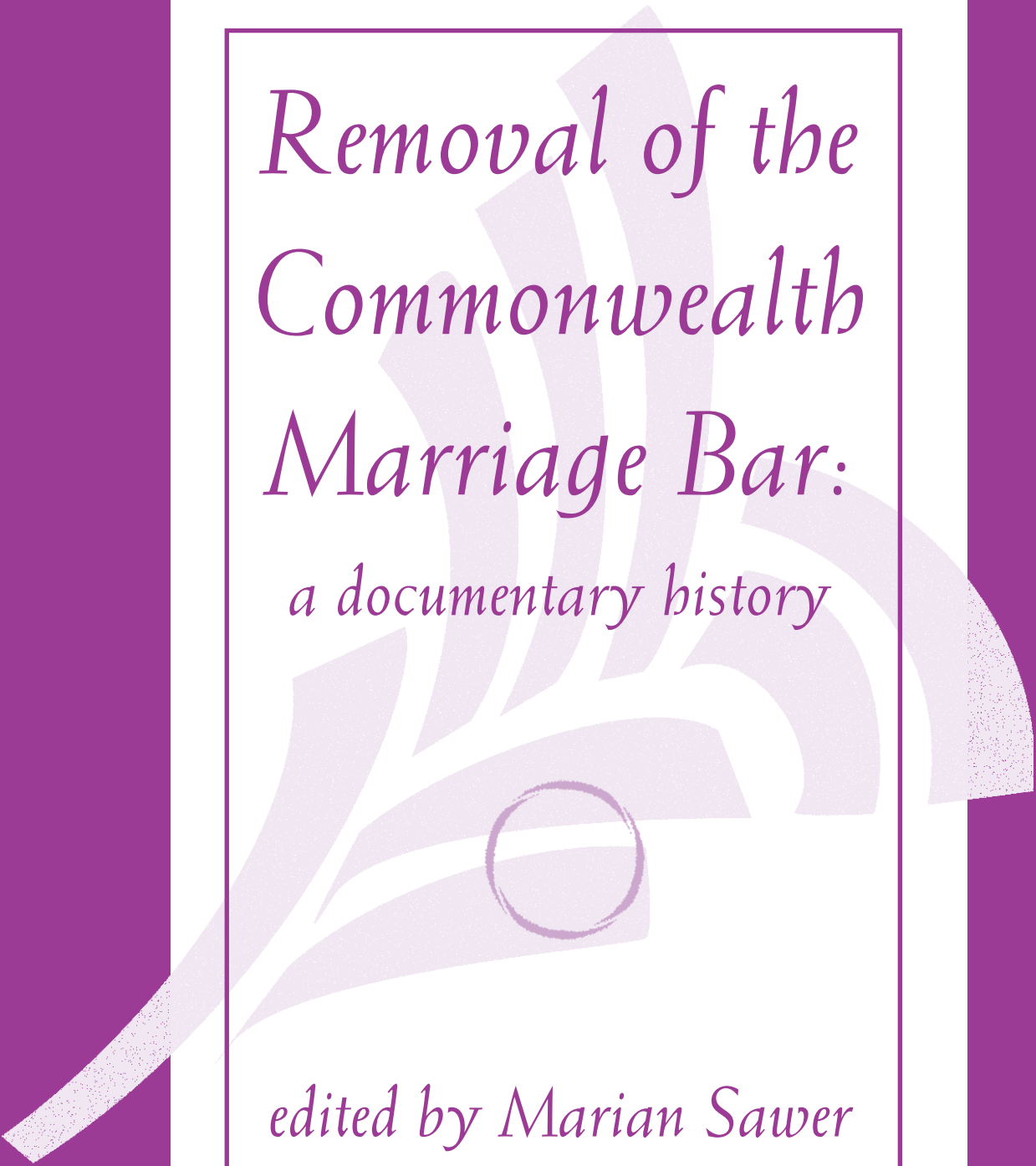
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*Removal of the
Commonwealth
Marriage Bar:
a documentary history*

edited by Marian Sawer

Removal of the
Commonwealth Marriage Bar:
A documentary history

Removal of the Commonwealth Marriage Bar

A documentary history

Commissioned by the Women's Electoral Lobby (ACT) to commemorate the 30 year anniversary of the lifting of the marriage bar from the Public Service Act.

Edited by Marian Sawer

CENTRE FOR RESEARCH IN PUBLIC SECTOR MANAGEMENT
UNIVERSITY OF CANBERRA

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The final version of the history has been prepared for publication by Zoe D'Arcy of the Centre for Research in Public Sector Management and Dr Fran Gray.

In the interests of authenticity, all documents are reproduced as they originally appeared .

Introduction

Marian Sawer

Today the concept of a ‘marriage bar’ is difficult to comprehend—the idea that marriage alone could justify women losing hard-earned jobs. But 30 years ago the long struggle for equal citizenship rights for women was far from won. On marriage women lost most of their rights as paid workers. In the public service they were forced to ‘live in sin’ or conceal their marriage if they wanted to keep their job. This was particularly hard at a time when marital status had much greater significance for social status (at least for women) than it does today. Spinsters were to be pitied. The stress of leading a double life also took its toll.

An informer or pregnancy or an accidental revelation might bring the deception to an ignominious end. Merle Thornton tells a story of how a friend at the next desk to hers in the Department of Social Services was disposed of in this way. She had secretly married and, soon after, a caller to the section asked for her by her married name (Thornton 1996: 2). No help could be obtained from the union—it was amongst the strongest supporters of the bar.

Until 1966 Section 49 (2) of the Commonwealth Public Service Act read: ‘Every female officer shall be deemed to have retired

from the Commonwealth service upon her marriage...’. Australia was one of the last countries in the world to lift this ban—even the United Kingdom had got rid of it in 1946. It should be noted that although the term ‘marriage bar’ appears gender-neutral it never applied to men, who suffered no employment penalty for entering a married state. Indeed, for men, marriage was sometimes encouraged; it was seen as making them more stable employees.



Ian Sharpe, *The Canberra Times*, September 22, 1996

Typists, as they did work regarded as unsuitable for men, were allowed to come back after marriage as temporary staff members. Only permanent officers could occupy supervisory positions, however, meaning that the possibilities for married women were extremely limited. As temporary employees, married women had few entitlements and forfeited their superannuation rights. Many were sacked as a result of the horror budget of 1951. Single women missed out on training because it was assumed they would marry and any training would be wasted.

Meanwhile, in the late 1950s the Menzies government established the Committee of Inquiry into Public Service Recruitment known as the Boyer Committee, after its Chairman. The Committee also included Robert Parker, then Reader in Public Administration at the ANU, now Emeritus Professor, who was an acknowledged expert on public service recruitment and responsible for much of its content.

The Canberra Association of Women Graduates (now the Australian Federation of University Women-ACT) decided to make a submission to the Inquiry. The idea came from Professor Fin Crisp, whose wife Helen was active in the Association. ‘It had not occurred to any of us’ (Crisp 1994)—an interesting reflection of the era. The Association conducted a survey of women graduates in the Third Division (there were none in the Second Division) to strengthen their submission. They found that the marriage bar and the lack of equal pay were major issues of concern, along with reigning prejudices such as that it was inappropriate for women to supervise men. Senior officers in the Department of Supply also reported to the Boyer Committee that they were embarrassed by their inability to promote good female clerks because of their restriction to positions without supervisory responsibilities, particularly for males.

Helen Crisp was one of the two representatives of the Women Graduates Association who appeared before the all-male Committee and left the hearing ‘full of hope’. She also wrote two follow-up submissions. On reflection, however, she was inclined to believe that their good reception was due to the fact that the Committee already intended to recommend the removal of the marriage bar and was glad of their evidence and support (Crisp 1994). In fact, as is clear from the Minutes of the Committee,¹ it was the evidence of the Association which resulted in the Committee taking up the issue of women’s employment and asking Parker to prepare a paper on the subject. The Committee decided, however, that equal pay was outside its terms of reference as, ‘While unequal pay for the sexes obtains in the private sector it cannot be regarded as a deterrent to employment in the Public Service’ (Minutes 28 March 1958).

Before the Report of the Boyer Committee was delivered (November 1958), Parker foreshadowed its recommendations, including that on the marriage bar, in a paper to a national conference on public service recruitment. This conference was organised by the Australian Regional Groups of the Royal Institute of Public Administration (now the Institute of Public Administration Australia)

and was its first national conference. The only woman present, among over 100 delegates, to hear Parker's views on female recruitment was, again, Helen Crisp. Her husband was then the President of the Institute's Canberra Group. The Conference was formally opened with the salutation 'Mrs Crisp and Gentlemen'.

In his paper, Parker stated:

In so far as the peculiarities of females render them unsuitable or uneconomical to employ in certain occupations or certain positions, the public service may have perfectly rational grounds for limiting their employment in those positions, on the valid principle of suiting persons to jobs. But it is perfectly clear that some public service authorities—or at least some governing legislation—go further than this, and presume to decide whether women in accepting employment are evading their domestic responsibilities. In my view, this is a matter for individuals, not the State to decide (*Parker, 1959: 13*).

He later referred more forthrightly to the 'arbitrary wastage of female talent in the community'. While Parker was still referring to peculiarities which might limit the kinds of jobs for which women were suited, he was firmly contesting the use of the Public Service Act to enforce a certain kind of public morality which laid down home duties as the only appropriate occupation for married women. This was a great leap forward from the thinking expressed in his 1942 book *Public Service Recruitment in Australia*. In that book he had argued for the creation of separate classes for routine and other clerical work in the public service:

...such a system would be less wasteful of money and ability than the present practice of employing on such work officers capable of and destined for more responsible tasks. An obvious point which presents itself is that here is one advantageous sphere for the employment of women in the Service. There is some evidence that they are more adaptable to monotonous work than men. Women are still prepared to undertake such work at comparatively low salaries, and their retirement upon marriage is still an important factor ensuring rapid turnover, thus mitigating the problem of blind-alley employment (*Parker, 1942: 223*).

Later in life Parker acquired three step-daughters who never adapted to monotonous work, and all of whom filled prominent positions in public life. One of them (Dr Meredith Edwards) became Deputy Secretary of the Department of Prime Minister and Cabinet. His work had helped make such career possible for women.

Among its wide-ranging recommendations for the modernisation of public service recruitment, the Boyer Committee did indeed formally recommend the removal of the marriage bar. It is also notable that the Boyer Committee put the argument in terms of women's citizenship rights, as well as advantage to the service. However, while other recommendations were legislated for in late 1960, action was deferred on married women, pending a report from the Public Service Board. One objection was the precedent it would create for State public services, which had no desire to remove their marriage bars. The exception was NSW, which did not recruit married

women but allowed women who married to retain their permanency and superannuation (although they were not entitled to a pension of their own if they married a public servant).

The Public Service Board supported the Boyer recommendation in its 1961 report to Cabinet. Cabinet, however, decided to take no action on the matter.² The reason for the 1961 decision, and a subsequent 1962 reaffirmation of it, was the belief that: 'the Australian social structure would be best served if there were no change, and that the Commonwealth Government should not lead in encouraging married women away from their homes and into employment' (Notes on Cabinet Submission No. 1124, November 1965).

While Cabinet had taken its decision on 12 September 1961, this decision was not for public consumption. Prime Minister Menzies replied to a Parliamentary Question on 26 September that the Board's report was 'still under consideration'. At a subsequent Cabinet meeting on 24 October it was decided that the government's line for the purposes of Parliament and for the forthcoming federal election was that 'the question is one to which the Government has been giving some consideration but concerning which it has not yet come to a conclusion'. As John Bunting, Secretary to Cabinet and head of the Prime Minister's Department put it, Cabinet decided to lie low for the time being, rather than provoke the feminists and others (Bunting to Prime Minister 3 April 1962).

Even when Bunting pressed the Prime Minister the following year to indicate publicly that a decision had been taken, Menzies was careful not to arouse 'the feminists' by alluding to the Cabinet view that removal of the marriage bar would exacerbate the neglect of children. In April 1962 the four government women Senators made representations to him concerning equal pay, equal opportunity and the marriage bar. In response, he cited the view of the High Council of Public Service Organisations on the marriage bar (relating to effects on employment) rather than the Cabinet view.

The Administrative and Clerical Officers' Association (ACOA) had strongly opposed the removal of the marriage bar. ACOA opposed the employment of married women on the ground that 'sufficient numbers of juniors will be available for the adequate staffing of the Commonwealth Public Service in the foreseeable future'. ACOA conceded a role for women in routine clerical duties but stuck to its position that 'the majority of Commonwealth public service positions above the base grades will remain inherently more suitable for male officers'.

The National Council of Women, on the other hand, strongly supported the Boyer recommendation, passing resolutions on the subject at national conferences in 1960, 1962 and 1964. NCW was spurred on by ACT members such as Kath Bourke (later an ACT Citizen of the Year) who had lost her permanency and superannuation when she married while working for the War Cabinet Secretariat. A delegation including Bourke pressed their case with Prime Minister

Menzies, without success. The Australian Federation of Women Voters was also pushing for implementation of the Boyer recommendation, writing to the Prime Minister and to women Senators in 1960 and rating candidates on the issue in the 1961 federal election.

The story of the removal of the marriage bar now moves to the apparently unrelated issue of women's right to drink in the public bars of hotels. In March 1965 Merle Thornton and Ro Bogner, both 'university wives', chained themselves to the public bar in the Regatta Hotel in Brisbane, from which women were banned. There was enormous media coverage of this direct action, with reports appearing as far away as Moscow and London and an interview on the new and influential Four Corners Program on ABC television. Merle had been forced to resign from her job with the ABC when halfway through her first pregnancy, after two years of concealing her marriage. She took advantage of the publicity and the large number of people who had contacted her, to found the Equal Opportunities for Women Association (EOW), the primary goal of which was the removal of the Commonwealth marriage bar. A public meeting was advertised to take place in a hall belonging to the Congregational Church in central Brisbane. The booking was cancelled when the Rev. Cumming-Thom realised these were the women who had demonstrated in a public bar, but those attending were redirected to a room opposite belonging to the Union of Australian Women (UAW).

EOW duly acquired a constitution and office-bearers of both sexes (George Palmer was Treasurer). It set about lobbying and producing material relevant to its case, such as 'A Note on the Implications of Maternal Employment'. It was necessary to contest arguments concerning the impact of maternal deprivation on children and of maternal absence on juvenile delinquency. Helga Alemson, Secretary of EOW (and later Queensland Parliamentary Librarian), also collected the personal testimonies of women whose lives had been damaged by the marriage bar. As Merle has pointed out (Thornton 1996), this emphasis on the authenticity of women's own experience foreshadowed, as did the direct action on behalf of women's rights, the arrival of women's liberation later in the decade.

Bill Hayden, federal member for Oxley, was recruited into the Association and armed with EOW's research and arguments began doggedly raising the issue in the federal parliament, including a major speech on 14 October 1965 and a Private Member's Motion on the subject on 2 December 1965.

Meanwhile, unbeknownst to EOW, moves were being made behind the scenes in the bureaucracy. The Chairman of the Public Service Board was the formidable strategist, Fred Wheeler (later Sir Frederick). Wheeler had spent the 1950s in Geneva as Treasurer of the International Labour Organisation and so was very familiar with international standards on issues such as the employment of married women. He had recommended, unsuccessfully, to Cabinet in 1961 that

the marriage bar be lifted. He now suggested to the head of Labour and National Service that the latter department might again raise the matter with Cabinet. Significantly, although the Public Service came within the Prime Minister's portfolio, he did not try this route.

The Minister for Labour and National Service, William McMahon, duly put forward a Cabinet Submission on 30 November recommending removal of the marriage bar on the grounds of labour shortage and the international embarrassment it caused, particularly with the ILO. The submission cited those urging removal of the bar as including sections of the Liberal Party, the Liberal women Senators, National Council of Women and other women's organisations. The Federal ALP Conference had adopted its removal as part of its policy and major public service organisations such as the Professional Officers' Association and the ACOA were also in favour. In fact the ACOA had withdrawn its opposition to the retention of married women as permanent officers, but still objected to the recruitment of married women.

In a personal memo to the Prime Minister, Bunting noted it was the Prime Minister who had responsibility for the Public Service Act, not the Minister for Labour and National Service. He also noted that McMahon had not been an advocate of the removal of the bar when it had previously been before Cabinet, suggesting it might represent the views of the head of department rather than the Minister. Despite these reservations Bunting suggested that the best course was to circulate the submission. 'How soon you call it onto the list and how it is dealt with when it gets there are questions for a later time' (11 November 1965). The continuing pressure from Hayden helped to decide this question.

Briefing by the Prime Minister's Department suggested that the submission was somewhat skimpy in its treatment of the consequences of removal of the marriage bar. For example, the submission suggested that a decision in favour of married women would clear up the misapprehension on the part of women's organisations that the government's opposition to equal pay was due to prejudice against the employment of women. The briefing came to the opposite conclusion that a decision in favour of employment of married women would 'add to the pressure towards equal pay'.³ The briefing also queried the provision of paid maternity leave as proposed by the Board, regarding it as special treatment for married women officers and a departure from the principle of equal treatment otherwise supported by the Board.

Another concern was that married women, with their divided loyalties might not be fully efficient: 'Given that married women may at times have a conflict of loyalties between work and family responsibilities what regulating action can be taken to ensure that the Service does not come off second best?' The briefing also drew attention to the distinction between retention of married women and their active recruitment 'in competition with normal recruitment' (Notes on Cabinet Submission No. 1124, 26 November 1965).

Cabinet followed the line suggested by the briefing, accepting the principle of permanent employment of married women ‘for the purposes of further detailed examination and not for announcement’. An interdepartmental committee was to examine consequences of such a decision within the Service and impact on outside industry. Practical issues to be investigated included the types of employment from which married women should be excluded (for example in the Post Office and Foreign Affairs) and questions of the marriage allowance and maternity leave. Some argued that the lifting of the marriage bar would mean the loss of the marriage allowance previously paid, which some might be relying upon to pay for honeymoon or trousseau (Schroder 1996). Paid maternity leave was even more divisive. The question had been raised in Cabinet concerning whether paid maternity leave would not give married women more than equal treatment (Cabinet Decision No. 1416, 30 November 1965). The interdepartmental committee was split down the middle on the issue. The eventual compromise was that women would be able to draw on sick leave for the purposes of confinement.

Hayden persisted with his parliamentary questions. The retirement of Menzies in January 1966 removed a major obstacle to progress. Leslie Bury, the new Minister for Labour and National Service presented a Cabinet Submission in August 1966 reporting on the findings of the interdepartmental committee and recommending action in the current session of parliament. Cabinet at last agreed on such action on 24 August 1966.

The Minister unsuccessfully recommended paid maternity leave—Cabinet preferred the sick leave compromise. The Minister also recommended that the Act make it clear that ‘married women officers are subject to the same conditions as other officers and therefore subject to dismissal if, on account of domestic responsibilities, they fail to observe those conditions’(Cabinet Submission No. 414). Cabinet concurred.

The Treasury Circular which announced the removal of the marriage bar in the United Kingdom in 1946 had contained a similar provision:

H.M. Government has taken this decision on the understanding that steps will be taken to dismiss from the Civil Service any married woman who on account of domestic responsibilities or for any other reason fails to observe the conditions of service of her grade according to normal departmental agreements and practices—e.g. regular hours of attendance, liability to transfer within the United Kingdom or overseas, liability to work overtime when required etc. My Lords request that all Departments should act accordingly (*Treasury Circular 28/46*).

Married women were to be treated like everybody else—there was not yet any consideration of the need to review employment arrangements to ensure they did not discriminate against officers with family responsibilities. That had to wait for two decades. Moreover retention of married women was regarded in a different light from their recruitment—the latter was to be kept under review. The interdepartmental committee, like the Boyer Committee before them, allayed fears

that the removal of the marriage bar would lead to a sudden or substantial increase in the number of married women employed. ‘Overseas experience’ suggested that most women resigned from employment on marriage; of those who remained, most resigned on approaching maternity or soon after (Report of Interdepartmental Committee, 13 May 1966).

In October 1966 the bill removing the marriage bar and introducing confinement leave was finally introduced by the Minister who, as a backbencher, had spoken out against the marriage bar when the Commonwealth Banks Bill was debated in 1959. The Bill completed its passage through parliament on 28 October, just before the 1966 federal election. It came into effect on 18 November 1966.

In debate Clyde Cameron pointed to the role of Hayden’s private member’s motion in finally galvanising the government into action. Interestingly, Hayden fails to mention his role as an active member of the Equal Opportunities for Women Association in his 1995 Autobiography, in which he is anxious to distance himself from ‘political correctness’.

For its part, EOW failed to achieve its objective of the reinstatement of women who had been victims of the marriage bar, but contributed significantly to the raising of awareness concerning women’s rights to equal opportunity. This was one sign of the stirrings of the mid-1960s—Madge Dawson’s *Graduate and Married* of 1965 was another. Merle Thornton wrote of the nexus between institutional archaisms such as the marriage bar, the under-education of Australian women, their lack of confidence and employment in low-status jobs. Girls were encouraged to believe that their adult status and standard of living would derive from the man they were able to attract, rather than from the development of their own potential. Thornton drew on Alice Rossi in calling for a new androgynous society where ‘men would not be ashamed to cook, or to be kindergarteners; women would not be ashamed to be aggressive, or unmarried, or childless, or undomesticated, or intellectual’ (Thornton, 1966: 46).

This collection of documents tells part of the story of the removal of the marriage bar. It touches on the polite lobbying conducted by Australian women’s organisations over many years, as well the new styles emerging in the 1960s—the transition from the staid to the stropic. The 30th anniversary of the removal of the marriage bar is a good time to remember the role of women’s agency in such struggles for justice—and the need for the struggle to continue.

Notes

1. The Boyer Committee Minutes are available in the Parker Collection (MS 8200) in the National Library of Australia.
2. Cabinet material relating to the removal of the marriage bar comes from Australian Archives (ACT): A4940/C3548.
3. In 1966 the interdepartmental committee had a bob each way on the implications for equal pay. It expected pressure for equal pay to increase but lifting the marriage bar might 'lessen the feeling within women's organisations that it is prejudice against the employment of women which lies behind the rejection of their applications for equal pay' (Permanent Employment of Married Women in the Commonwealth Public Service: Report of Interdepartmental Committee, 13 May 1966).

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Documents

Excerpts from the Boyer Committee Report, 1959

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.
REPORT OF THE COMMITTEE OF INQUIRY INTO
PUBLIC SERVICE RECRUITMENT**

Presented by Command, 19th February, 1959; ordered to be printed, 26th November, 1959.

[Cost of Paper—Preparation, not given; 920 copies; approximate cost of printing and publishing, £968.]

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Chapter XI

Some Additional Sources of Recruitment

... 238. These resignations [of married women] are compulsory under section 49 (2) of the Public Service Act which provides that every female officer shall be deemed to have retired from the Service upon her marriage unless the Board certifies that there are special circumstances which make her employment desirable. On the other hand, section 49 (1) prohibits the employment of an already married woman either permanently or temporarily, unless the Board gives a similar certificate.

239. These provisions may be considered from two points of view: that of the advantages and disadvantages to the Service of employing married women, or continuing them in employment, and that of the rights of married women as citizens and as officers of the Service.

240. From the point of view of the Service, removal of the restriction of section 49 (1) would probably have little effect on the numbers available for permanent employment. Owing to the lowest limits governing permanent appointments, comparatively few women already married would be eligible for employment. However, an unnecessary curtailment of rights would be redressed. In the case of temporary employment the age limit is normally 51 years, so that if section 49 (1) were removed married women in general would have the right to apply for such employment, and the Board would be free to employ as many as were needed. Subject to the qualifications mentioned in paragraph 244 below we think there would be a balance of advantage to the Service, as well as an equitable extension of the employment rights of married women, in

removing the present restriction.

241. From the point of view of the rights of women officers, section 49 (2), according to evidence before us, entails certain anomalies. In the first place, retirement upon marriage is obligatory for female permanent officers, but not for temporary employees. Secondly, a permanent officer so retired may in practice be re-employed in a temporary capacity in some categories of position (which have been exempted from the requirements of section 49 (1)), but not in others. This results, for example, in the situation that a permanent typist on marriage is re-employed as a temporary typist, but a professional officer is not re-employed to continue her professional work, and so is lost to the Service. Thirdly, supervisory positions above base-grade level are usually allocated only to permanent officers. They therefore cannot be occupied by married women, while temporary employment is generally confined to the base grade. As a result, an experienced officer in a supervisory position may, upon marriage, be re-employed in a subordinate base-grade temporary position, under the control of a less experienced single woman. In preference to this, many such officers transfer to private employment where similar restrictions do not apply.

242. It is probable that a substantial proportion of women employees would resign on marriage even if this were not compulsory. But when the Service is short of qualified people, even the small proportionate losses entailed by the present section are scarcely justifiable, while there is an unknown additional loss of potential recruits from among married women and from single women who are deterred by a knowledge of this section from seeking a career in the Service. This is at a time when increasing numbers of women are gaining professional or other qualifications for employment, and when employment is increasingly sought by married women, especially those without children, whose children have grown up, or who need to be breadwinners on their own account.

243. Apart from these considerations, section 49 reads strangely in a country which has adhered to the I.L.O. Convention for equal employment rights for men and women. We have also been told that a U.N. Economic and Social Council Report, prepared for the Commission on the Status of Women in 1951 indicated that at that time Australia was one of only 5 countries out of 44 supplying information which had a "marriage bar" in their public service legislation. The United Kingdom Civil Service removed the "marriage bar" (in both the senses of our section 49) in 1946.

244. Section 49 was inserted in the Act in 1922, replacing a similar section in the 1902 Act. The Committee considers that sub-sections (1) and (2) are now anachronistic and that limitation upon the employment of married women, rather than such employment itself, should be exceptional. However we recognise that the regular employment of married women would

entail the extension of certain special privileges, such as confinement leave. The latter is already in force in the case of temporary employees. We also concede that special circumstances and possible changes in economic conditions might make it desirable, as a matter of policy, to limit the employment of married women at certain times and under certain circumstances.

We recommend, therefore, that sub-sections (1) and (2) of section 49 be repealed, and replaced by a sub-section providing that married women shall be eligible for permanent or temporary employment in the Service on such terms and under such conditions as are prescribed.

245. Our attention has been drawn to certain further anomalies arising from inconsistencies between the Public Service Act and the Superannuation Act, affecting married women, widows and divorcees. It seems likely that these deter at least some women from accepting or continuing employment in the Service.

246. The chief inconsistencies are between s.49 of the Public Service Act and s.4c of the Commonwealth Superannuation Act. While the former Act permits the Public Service Board to employ married women or continue them in employment in special circumstances, the latter Act has denied superannuation rights to married women entering the Service since it was passed, and abrogated the rights of all female officers upon their marriage, even if the Board decides to continue them in employment. Again, section 33(1) of the Superannuation Act confers pension rights on the children under 16 of widowed or divorced male officers, but not on those of female officers who are widows or divorcees.

247. The Committee recommends that consideration be given to amending the Superannuation Act to take account of these points, whether or not section 49 is amended.

If the marriage bar is deleted from the Public Service Act as we recommend in paragraph 244, we assume that it would follow automatically that the Superannuation Act would be amended accordingly.

Document 2

**Excerpts from the *Federal Public Service Journal*,
April 1959**

COMMITTEE OF INQUIRY INTO PUBLIC SERVICE RECRUITMENT

Administrative and Clerical Officers' Association's views on Recommendations

The views of the Association on the recommendations of the Committee of Inquiry into Public Service Recruitment were formulated by the Executive Council at its recent meeting and have been conveyed to the Board and the Government.

In formulating its views the Executive Council confined itself to those recommendations which directly involve the interests of members of the Association.

Employment of Married Women

... The Association is firmly opposed to any alteration in the present restrictions on the retention of married women as permanent officers as proposed in the preceding Paragraphs 244 and 247. No evidence is available that such changes are necessary or even desirable on moral or economic grounds and the Association points out that the Committee found on its own evidence that sufficient numbers of juniors will be available for the adequate staffing of the Commonwealth Public Service in the foreseeable future. The need to retain married women cannot, therefore, be justified on the grounds of staff shortage.

Document 3

**Excerpt from Australian Federation of Women Voters
candidate survey for the 1961 federal election**

Australian Federation of Women Voters

Questions to Federal Candidates (WA), 1961

Sir...

Would you be kind enough to let us know your attitude on the questions listed, and whether if returned to the Federal Parliament, you will introduce or support any legislative action to implement them?

Equal Pay for Work of Equal Value without regard to sex.

(1) If elected would you support the ratification by the Federal Government of ILO Convention No. 100 and Recommendation No. 90, which principle has been adopted by many nations?

(2) Are you, if elected, prepared to support the abolition of the means test in regard to Age Pensions?

(3) Are you, if elected, prepared to support the removal of the marriage bar against all women in the Commonwealth Public Service?

N.B. Replies received from Liberal candidates to these questions were considered non-committal. Replies received from Labor candidates were in support.

Source: WA State Executive Minutes, 15 November 1961

Removal of the Commonwealth Marriage Bar

Questions in the House, 1961, 1964

**COMMONWEALTH OF AUSTRALIA PARLIAMENTARY DEBATES,
HOUSE OF REPRESENTATIVES.**

26 September 1961

PUBLIC SERVICE.

Mr. JAMES.—My question is directed to the Prime Minister. Is it true, as reported, that the Commonwealth Public Service Board has recommended alterations to the Commonwealth Public Service Act to allow some women to retain, after marriage, full rights as permanent employees? If not, does the Government intend to implement the board's recommendation during the life of the present Parliament?

Mr. MENZIES.—A report by the board on this matter is still under the consideration of the Government.

10 April 1964

Public Service

(Question No. 159)

Mr. Webb. asked the Prime Minister, upon notice—

1. Does the Boyer report recommend the removal of the 'marriage bar' in respect of the Commonwealth Public Service?
2. If so, does he intend to take action to implement this recommendation?

Mr Robert Menzies.—The answers to the honorable member's questions are as follows:—

1. Yes.
2. The Government has considered this question but does not propose, at present, to vary existing arrangements.

Cabinet decision on employment of married women

15

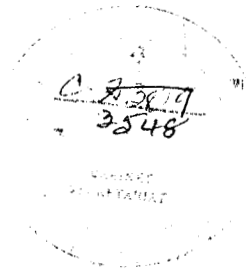
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C A B I N E T M I N U T E

Canberra, 24th October, 1961

Decision No. 1667



Without Memorandum - Permanent Employment of Married
Women in the Public Service.

1. The Prime Minister referred to the previous Cabinet discussion on permanent employment of married women in the Commonwealth Public Service and to the decision (Decision No. 1594 of 12th September, 1961) that no action should be taken in the matter. He drew attention to the point that the Cabinet did not then determine how the question should be handled in the Parliament and during the election campaign.
2. The Cabinet agreed, as before, that the matter should be allowed to run on without any action being taken to alter the present employment arrangements. The line of any comment to be made in the Parliament or elsewhere should be that the question is one to which the Government has been giving some consideration but concerning which it has not yet come to a conclusion.

Certified true copy

A handwritten signature in dark ink, appearing to read 'J. J. Bunting'.

Secretary to Cabinet.

Advice to the Prime Minister

PRIME MINISTER

Married Women in Public Service

This subject needs a little more attention. There are questions on the notice paper about it - principally from Senator Buttfield.

Twice last year the Cabinet gave attention to this.

The Boyer report suggests a change in the law to remove the existing restriction. But the Cabinet expressed no enthusiasm. It preferred the status quo, though, so as not to provoke the feminists and others, decided to lie low for the time being rather than come out with a statement.

The question is whether standing still is any longer an acceptable gambit.

It would be in accord with the Cabinet view of last year if it were now indicated, in answer to the questions, that the Government has considered the Boyer recommendation, but does not propose to take any action at this stage.

(E. J. Bunting)

3rd April, 1962.

Document 7

**Ro Bogner and Merle Thornton
demonstrate at the Regatta Hotel April, 1965
Article from the Age, 20th June, 1990, by Jane Cafarella**

For some women, having it all means two jobs (home and office) and a baby. For Mary, having it all means having two lovers and a baby. In the hand-made house in the rural commune in which she lives with her partner and another couple, while swapping partners is not taboo, possessiveness and jealousy is.

But Mary, the central character in a new play by Merle Thornton, does not account for the beliefs and emotions of those around her. From the moment she announces her pregnancy, everyone wants to know whose it is. As far as Mary is concerned, it's hers. She wants her lovers to be friends to the baby rather than fathers. So how does it turn out? Well, says Ms Thornton, it comes to its logical conclusion. The play, 'Playing Mothers and Fathers', raises questions about fatherhood in these times of change. While most women seek a man as a co-parent, for others deciding to have a child is an independent decision; as independent as a woman's right to control her own body.

"Fatherhood as we know it is not compatible with women's sexual freedom as it involves being bound to the mother through the child." Thus Ms Thornton puts Mary's dilemma.

In these circumstances, what is to become of fatherhood? While fathers in the past were traditionally absent from the home, today, with the advent of sperm banks, they may even be absent from the decision to become a parent.

Ms Thornton believes the advancement of women, to which she is dedicated, has changed the nature of parenting. She wanted to show some of the problems caused by Mary's chosen path, and while not advocating it thinks "there is something noble in the attempt".

Ms Thornton and her husband, Neil, were pioneers of involved fatherhood. She was adamant that he be present at the birth of their second child, after deciding it was ridiculous to have him peering in through the window, as he had at the first birth.

However, 31 years ago, this was considered an outrageous, if not dangerous, notion. "The doctor who agreed said he would never do it again as he found it compromised him because he identified with the father," laughed Ms Thornton.

The daughter she gave birth to is Sigrid Thornton, the internationally successful actor.

Ms Thornton's feminist views evolved from growing up as an only child. "I had to be all my parents' children." Like a son, she was given a good education.

"However, neither my parents nor I were prepared to see the conflict between having a family of my own and a career."

The first indication of this came when she applied for her first job as a graduate clerk at the CSIRO. She was told bluntly that they wanted a man, although regulations had forced them to advertise under the "general" section.

She eventually got a job as a graduate clerk in the Public Service, addressing envelopes, and several steps later became official correspondence administrator to the general manager of the ABC.

Here she was disappointed to find that the ABC followed the Public Service Policy of refusing to employ married women. When Ms Thornton married, she simply did not tell anyone — for two years.

Keeping it a secret made it hard to encourage intimacy, so it was a relief when "half blown up with Harold" (her first child) she resigned.

Her favourite story of the hardships caused by the marriage bar is of a woman who worked for the CSIRO in Western Australia and who had four children outside marriage so that she could keep her job. (She had them during annual leave.) The day she decided to make an honest man of her partner and marry him, she got the sack.

Ms Thornton not only pounded on the doors of the Public Service demanding change, but on the doors of the public bars too. It was not just the right to drink with the men that women were being denied, but the right to talk with and listen to them on equal terms. In the bars, there was a lot of political debate.

In April 1965, she and a friend, Ro Bogner, chained themselves to the bar at the Regatta Hotel in Brisbane in protest. The action caused international interest, with reports appearing as far away as Moscow and London.



THE AGE. REPRODUCED WITH PERMISSION

*Merle Thornton in 1965 (right),
with Ro Bogner, chained to the bar
at the Regatta Hotel, Brisbane*

A newspaper article began “Two married women ...” and described them as the wives of Queensland University lecturers. They weren’t jailed, but were left with the words “have a good night — girls”. Questions were raised in Parliament about who was caring for the children of these protesters and whether they should be taken into care.

In an article in the Brisbane ‘Truth’ Ms Thornton and Ms Bogner argued: “For every man who would squirm with embarrassment if he couldn’t take a black African friend into the pub, there are a hundred who would cheerfully leave their wives in the car while they have a couple of leisurely (sometimes very leisurely) bar drinks.”

The protest prompted Ms Thornton to found the Equal Opportunity for Women Association, which although feminist encouraged male and female members.

One of EOW’s most notable members was Bill Hayden, then in Opposition in Queensland. At his instigation, the Government abolished the marriage bar and introduced maternity leave in the Public Service in August 1966.

However, this did not include the right of re-entry for women, such as Ms Thornton, who had been excluded by the marriage bar. This is why, she says, there are still few women

represented in the Senior executive service of the Commonwealth Public Service. “They have only had 24 years to develop career paths for women.”

Merle Thornton became an academic, teaching philosophy and politics, but being a working mother was not easy. Although she could direct her own work schedule and her husband was supportive, other institutions were not. When she was unable to attend the local kindergarten for milk and fruit duty, they made it clear how damaging it would be to her children.

Ironically, while women today are taking part in public life more than ever, Ms Thornton says men are feeling excluded. “They are having serious emotional problems. I hope the play has something to say about this. Men are behind women in the area of change.”

Ms Thornton had been a “cupboard writer of fiction” before writing ‘Playing Mothers and Fathers’.



Merle Thornton at home ... “Men are behind women in the area of change”.

She wrote scripts for 'Prisoner' and is now a principal in her own video company, Boulder Valley Productions.

In 1987, Sigrid Thornton appeared in a set of four films which her mother produced for the University of Melbourne equal opportunity unit and which are used by universities and colleges of advanced education.

Theatre has given Merle Thornton the wider audience she needed. "I just wanted to communicate. I wanted a voice."

'Playing Mothers and Fathers', by Merle Thornton, from tonight until 14 July, Tuesday to Saturday at 8pm at the Courthouse Theatre, 349 Drummond Street, Carlton. To book, phone 347 7868, or the theatre on 347 2562.

Document 8

Letter from Merle Thornton, as President of the Equal Opportunities for Women Association (EOW) to the Hon AA Calwell, Leader of the Federal Opposition

THE EQUAL OPPORTUNITIES FOR WOMEN ASSOCIATION

18 Musgrave Street,
Fig Tree Pocket,
Brisbane, QLD.

The Hon A. A. Calwell, M.H.R.,
Leader of the Opposition,
Parliament House,
CANBERRA, A.C.T

Dear Mr. Calwell,

I understand from Mr. Bill Hayden that the question of the marriage bar in the Commonwealth Public Service is to be discussed by the Parliamentary Executive of the ALP on 13th August. In the hope that they may be of some use, I enclose three papers prepared by the Equal Opportunities for Women Association, collecting together information on the marriage bar and related topics.

Statement on the Marriage Bar in the Commonwealth and State Public Services and Case Histories of Individuals Affected by the Marriage Bar in the Commonwealth and State Public Services were prepared by Mrs Helga Alemson. *A Note on the Implications of Maternal Employment*, prepared by Mrs. Elizabeth Timms, a sociologist, is included because it regularly happens that people who are unaware that there is no sociological evidence that employment of mothers harms children use the needs of children to justify discrimination against women in work. Fourteen extra copies of each paper are being airfreighted under separate cover.

If EOW can help the Labor Party at any time by preparing research material on questions relating to women's opportunities, we would be very pleased to do so. We can draw on the special abilities of a number of well-qualified academics and others.

EOW numbers are delighted to learn that ALP Federal Conference has committed the Party to

Removal of the Commonwealth Marriage Bar

the implementation of the Boyer Commission recommendations for the elimination of the marriage bar. We very much hope this policy will be successfully pushed and we are very pleased and gratified to hear of your personal interest in the question.

Yours sincerely,

Merle Thornton, President
for the Equal Opportunities for Women Association

Case histories collected by Helga Alemson for EOW

CASE HISTORIES OF INDIVIDUALS AFFECTED BY THE MARRIAGE BAR IN THE COMMONWEALTH AND STATE PUBLIC SERVICES.

Prepared by the Equal Opportunities for Women Association, Brisbane.

This survey gives case histories of individuals with different skills and qualifications, relating to various segments of the work force, to show that discrimination against married women is not limited to a few fields but is rather a widespread phenomenon which negatively affects the economy as a whole.

It reveals the way in which the marriage bar in the Commonwealth Public Service and in all State Public Services (except that of NSW) affects the individual as a human being, and as a member of society with family and social responsibilities. This ranges from personal disappointment at shattered careers, emotional tension in marriages and failure to make social adjustments to such factors as financial hardships affecting children, children being prevented from obtaining tertiary education and other benefits, women forced to “live in sin”, and working women who would favour the granting of confinement leave, obtaining abortions in a desperate attempt to conceal their marital status.

Certain case histories reveal such factors as, the public service is short of qualified people yet rejects qualified married women offering to fill the vacancies, that the Government can no longer be excused for offering moral reasons for the retention of the marriage bar, as in practice the State is not influenced by a moral principle. By offering married women temporary employment the Government is guilty of using sly, underhand means to cheat married women of money and benefits, which when considered from the point of view of fair play, they had rightfully earned.

These case histories emphasise the contrast between the present situation in Australia with the encouragement given to married women in Great Britain and the United States of America where they are playing an increasingly important role in the work force. This factor also illustrates the blatantly contradictory attitude of the Commonwealth Government. Several *Treasury Information Bulletins* have strongly emphasised the importance for economic growth of married women entering the work force (1). Yet in spite of this acknowledgment of the important role of married women the Commonwealth Government continues to oppose the removal of the marriage bar.

In preparing these case histories fictitious names have been used and in some cases the details have been scrambled to prevent the persons concerned being identified but all the stories, in substance, are true.

The Equal Opportunities for Women Association has also prepared other papers relating to the marriage bar including *The Marriage Bar in the State and Commonwealth Public Services* and *Working Mothers and Their Children*.

Classification of Case Histories

Section 1 *The Public Service is Short of Qualified People yet Rejects Qualified Married Women*

Case A	A Librarian
Case B	A Medical Doctor
Case C	Two Psychologists
Case D	A Social Worker
Case E	A Graduate Clerk
Case F	Experienced Honours Graduate
Case G	Physicist
Case H	Experienced Secretary
Case I	Biochemist
Case J	Trained Sister
Case K	An Economist
Case N	Clerk

Section 2 *Disillusioned Migrants*

Case J	Experienced Sister rejected
Case L	Migrant Couple return to Great Britain

(1) "It may well be that the potential rate of growth in the work force and, hence, the rate of growth of the economy, is dependent to a significant extent on the future increase in the proportion of married women seeking employment." (*Supplement to the Treasury Information Bulletin: Projections of the Work Force 1967-76* p. 40. Commonwealth Treasury, Canberra, A.C.T. April, 1965).

"Although it is usually hard to assess their effects in quantitative terms, it is also undeniable that institutional factors can have an important effect on a country's economic growth rate ... Some institutional factors restrictive of output arise from social conventions or are closely associated with them—a reluctance to employ women or more particularly married women ... would be cases in point." (*Supplement to the Treasury Information Bulletin on the Meaning and Measurement of Economic Growth* p. 17. Commonwealth Treasury, Canberra, A.C.T., November, 1964.)

- Case I Husband of Biochemist shocked by Marriage Bar
 Case M BBC personality rejected by ABC

Section 3 Women Leave Australia

- Case D Social Worker
 Case I Science Graduate

Section 4 Skilled Women Used as Cheap Labour in Jobs Suitable for the Less Skilled

- Case O Experienced Graduate Forced to Consider Factory Job to Meet Financial Obligations
 Case N Clerk

Section 5 The Marriage Bar Represents Discrimination Against Women in General

- Case P Engineer can't get job
 Case Q Accountant can't get job

Section 6 Opportunities for Married Women in Great Britain

- Case I Science graduate offered six months full pay for confinement leave
 Case D Social Worker
 Case J Hospital Sister
 Case L Primary Teacher

Section 7 Women Forced to "Live in Sin"

- Case G A physicist continues with her career for eight years by not marrying the man of her choice. She rears three children by taking annual leave to correspond with confinement periods. This is accepted by the State Public Service in Western Australia, yet when she decides to marry the father she is asked to resign.
 Case R Graduate Clerk verges on nervous breakdown

Section 8 Forced to Conceal Marital Status

- Case R Experiences considerable strain
 Case E Clerk undergoes ordeal after informer reveals marital status
 Case F Graduate Clerk forced into life of deception
 Case N Mother conceals existence of third child
 Case S Wanted to give children opportunity of tertiary education

Section 9 *Emotional Tension affecting Family Life*

Case R	Case J	Case F
Case S	Case C	Case E
Case T	Case N	Case G

Section 10 *Financial Hardships Affecting Children*

Case S	Mother works to support children
Case T	A primary school teacher supporting invalid husband and child is continuously fired at the end of third term and re-employed at the beginning of the next school year

Section 11 *A Case of Abortion*

Case S

Section 12 *The Service Exploits Married Women*

Case K	Case T	Case V
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Case A

Pam, a University graduate had been employed by the Public Library of N.S.W. for three years. When her husband was offered an attractive position in Queensland she inquired as to the possibilities of obtaining employment in Brisbane. She was informed by the Head of her department that as the Public Library of Queensland was short of qualified people with her experience she would find no difficulty at all in getting a job. It was however understood by Pam that existing regulations would prohibit her from being employed on a permanent basis but that she would be accepted as a temporary employee. Unfortunately when the young couple moved to Brisbane Pam was informed by Library officials and by the City Librarian that although the Public Library was indeed short of staff, regulations were such that married women could not be employed even on a temporary basis. This also applied to the Municipal Library.

Meanwhile Pam was forced to be idle. Domestic duties monopolised very little of her time as her past experience had resulted in her becoming per force more efficient on the home front. Husband and wife had previously agreed not to start a family until such time as they had saved a reasonable deposit for their own home. As the existence of the “marriage bar” in the Public Service made this ambition increasingly difficult to be realised, husband and wife considered the best solution would be to return to N.S.W.

Case B

Margaret, an experienced physician, applied for a position in a State department in Queensland. She realised that she could not be appointed on a permanent basis, but aware of the serious shortage of medical practitioners, and of the fact that certain married women doctors had been appointed on a temporary basis in the past, she felt that she might be considered for the position as it involved contact with mothers and young children. As Margaret had had the experience of bringing up her own family she felt that such experience might be regarded as an advantage. However she was informed by the department that although she was a suitable person to fill the vacancy her marital status prevented her from being considered for the position.

Case C

I am a psychologist and was employed by the Department of Health in Queensland until my marriage a few years ago. I was very upset by the ridiculous termination of my career and believe that the Government should not interfere in a sphere which is not properly its business. Apart from the unnecessary strain it has caused me as an individual, it should be emphasised that at the time of my involuntary retirement the State Public Service was short of people with my qualifications. This aspect however appeared to be of little concern to the Public Service for shortly afterwards a fellow psychologist working in the same section was forced to terminate her career for exactly the same reason.

I feel quite convinced that for women like me it is impossible to be placed in such a position without resulting negative influences affecting not only the individual directly concerned, but also the family as a whole.

Case D

Pat, an Arts graduate from Sydney University with a diploma in Social Studies was employed by the Commonwealth Public Service. Unfortunately after marrying she was forced to resign. Shortly afterwards she and her husband sailed for England where they found no difficulty whatsoever in obtaining employment. They could not help but note the contrast between the encouragement given to married women in the form of refresher courses and fully paid confinement leave etc, with the lack of similar opportunities in Australia.

At present Pat occupies a prominent position as head of an important section of International Red Cross. She has been married now for six years and during this period found she could easily organise her domestic chores with sufficient efficiency to allow for a full time career, without suffering from overstrain and certainly without neglecting her family.

Case E

My name is Jane Evers. I am a graduate from Sydney University and was employed by the Commonwealth Public Service as a graduate clerk. I married while working as a public servant and decided to conceal by [sic] marriage as my work was very important to me, and as I needed the money. Unfortunately two and a half months later an informer rang up the department where I worked. This not only resulted in the end of my career but caused me to undergo a severe ordeal in the hands of the Director who told me just what sort of a dishonourable and unworthy person I was.

Case F

My name is Joan F. I entered the Commonwealth Public Service as a graduate clerk. At that time it was impossible not to notice the prejudice that existed against qualified women in the service. My friends and I felt very strongly about the marriage bar but decided not to campaign against it for fear of drawing attention to the fact that we might have personal reasons for wanting it removed.

I certainly didn't want to give up my career as the idea of doing useful and responsible work was important to me. Then I met the man of my choice and decided the only thing I could do apart from living in sin was to conceal my marriage. This didn't come easily to me as it involved deceiving my friends. I found myself in a constant state of tension, frightened of a slip of the tongue which might mean the arbitrary end of my job. For obvious reasons I tended not to answer questions put in a friendly fashion by my friends. Then I became pregnant and as my husband and I were saving for him to have a period out of work to study for a higher degree, I continued to work until I became visibly pregnant. I would however, very much have liked to continue working up to and after the birth of my child. If necessary I would not have hesitated spending all my earnings on providing good care for my child so that I could continue with the work for which I was trained and which gave me satisfaction.

Case G

My name is Rita Grey. I was employed as a physicist by the State Public Service in Western Australia. When I met the man of whom I became very fond I realised that by marrying him I would have to give up my career. I knew that if I did this I would be absolutely frustrated and was realistic enough to predict that our marriage would suffer as a result. So I decided to "live in sin" as an alternative. I did this quite openly and continued to work for the Public Service for eight years. During this time I reared three children and the Public Service officials were co-

operative in enabling me to take my annual leave to correspond with confinement periods. Yet when for the sake of the children I decided to marry their father I was asked to resign. One of the officials pointed out that it was not morally desirable for a married woman to work.

Case H

My name is Eve Harris. I live in Brisbane and was employed by the Federal Public Service doing clerical duties until I married a few years ago. I worked for the Service for fifteen years and did my job well. Unlike many of the young men who seemed to me to be constantly coming and going I never resented helping out when necessary by coming in a little early or leaving a little late. To me it was important to give of my best and I found my work interesting and satisfying. The fact that I had to leave the Service once I married was difficult for me to accept. I would very much have liked to continue with my work especially as I had become used to the idea of being independent. However, it was not to be. I was forced not only to leave but to wait for quite a long period of time for certain back payments owing to me. Perhaps it was this type of indifference shown to me which I found most difficult to accept. I have known of women in similar circumstances who chose to “live in sin” against their better judgment as they just couldn’t afford to give up their job.

Case I

Jane, an Australian science graduate worked for a few years in Sydney as a biochemist before leaving for England on a working holiday. In England she fell in love, changed her plans by marrying, and decided to enrol for a refresher course in teaching for secondary schools. This course was provided free. However, after completing her first year as a trainee teacher in science, Jane became pregnant. Unlike most of the other teachers faced with pregnancy Jane did not go back to teaching, partly because she and her husband had decided to sail for Australia. However, one year after the birth of her child Jane received a letter from the Department of Education stating that if Jane was willing to come back to work full time they would pay her for the equivalent of six months full salary as against pregnancy leave. If she wished to come back on a part time basis (common in England in the Department of Education) they would be prepared to pay her an amount equal to three months full salary for the same reason. Jane and her husband however had already made plans to settle in Brisbane, Queensland. It therefore came as a great shock to Jane to discover on arrival that due to the existence of the marriage bar she would not be considered for a position.

Case J

I migrated to Australia with my husband, determined to accept the Australian way of life as my way of life, to do my best to adjust to different conditions. I have no family and being a trained Sister was naturally looking forward to starting work in a Queensland Public Hospital. As I have always been an active person it came as a shock to me to find that while the Public Hospitals I have approached expressed appreciation of my experience in my field they objected to my marital status. At the moment I feel quite disillusioned. My work is of very great importance to me and I was hoping to make friends among the staff. I have heard Australians criticising married European women in a bus talking in their native language. May I say that while Australians make it difficult for a married woman to work they are making it difficult for migrant women in general to adjust.

Case K

Jill worked as an economist in the Commonwealth Public Service. She was informed that she would be promoted to a more senior position. However, when it was realised that she had recently become engaged the anticipated promotion did not occur. Later when she married it was proposed that she be re-employed on a temporary basis. This involved Jill being seriously demoted, expected to take orders from people who had previously worked under her, while her salary was reduced significantly. Yet in spite of such treatment, Jill was expected to carry on with the same projects she had worked on before.

Shortly afterwards she attempted to obtain employment in private industry, but the prejudice of businessmen presented too great a barrier to be overcome. Jill was even told by one business man "You may be excellent but its [sic] too great a risk. Who ever heard of a woman economist?" When Jill pointed out that the famous English economist Joan Robinson is one of the few great economists of our time, the reply was, "Oh I suppose there are exceptions among dedicated women prepared to sacrifice marriage and children for a career."

To this Jill appropriately pointed out that on the contrary Joan Robinson combined her remarkable career with a happy marriage and the rearing of five well adjusted children.

This information was well received but the significance of it is easily disregarded. Jill remained unemployed.

Case L

An engaged couple living in Great Britain dreamed of coming to Queensland to start their married life together. Bill, a salesman, came first to test the possibilities. His first impression was that this

was a country with great potential and so it wasn't long before he sent for Joy. Only after her arrival did they realise that in order to keep up with the rest of society they would have to save for the first few years to put a deposit on a piece of land, or on an old home. Joy was a primary school teacher. She liked children and was very happy at the thought of continuing with her job. Unfortunately, Joy discovered the significance of the marriage bar shortly before her proposed marriage. The young couple discussed the question in great detail and decided to live together until such time as they had saved up the desired deposit for their home. Things didn't turn out according to plan. Joy, a naturally friendly type of girl, was forced into a life of deception. Bill, happy with the situation at first, sensing her tension felt that he had disappointed her in some way. Each regarded with suspicion the motives of the other. Meanwhile both Joy's and Bill's parents were writing continuously asking and at times demanding to know what was going on. The situation became so unbearable that in the end Bill and Joy decided not only to return to Great Britain but to break off their engagement. They left Australia disillusioned and only too anxious to warn other potential migrants of the pitfalls of the Sunshine State.

Case M

An Australian girl made good in Great Britain where she became accepted as a B.B.C. personality in Ulster. She married an Australian, decided to return to Australia and approached the A.B.C. on arrival. The personnel officer brushed her off, telling her that perhaps if an Irish play were being produced they might contact her. This appeared rather ridiculous as the Australian girl concerned did not speak with an Irish accent. She claimed that she sensed a change in attitude towards her once the personnel officer was informed of her marriage.

At present she is a mother of three employed in private industry as a clerk.

Case N

My name is Kate Miller. Several years ago I was employed as a clerk in the Federal Public Service. As soon as I married though I was asked to leave. This didn't suit me at all as we didn't have much money to live on and if I'd been allowed to work on until the birth of our first child it would have made life a lot easier for all of us (the children especially).

Later on, after the birth of our third child, I tried without success to get a suitable job. The "marriage bar" prevented me getting one in the Service, while businessmen made a point of asking personal questions concerning my family. I was foolish enough to tell them I had three young kids but I soon learnt that honesty doesn't pay and this resulted in my getting a job in a manufacturing factory where women with three children or more are not employed, not knowingly, that is.

Although the money helps to bring up the kids I feel somehow cheated of the right to work according to my training. My present job requires very little skill. I'm not the only one though that feels this way. There is a woman working in this factory with a degree in architecture from Belgrade University and another one with a degree in Economics from the same place. They've got papers to prove it. In fact one of them, belongs to the International Women's Graduates Association. Their English is quite good really although working in this joint they seem to be picking up a lot of swear words—but then they've got something to swear about, don't you think?

Case O

A young married couple living in Sydney, N.S.W., were both working full time. Having decided not to have children for at least three years they agreed to allocate a certain proportion of each salary to the paying off of the loan on their home unit. As the Finance Company involved, charged them interest at 12%, and as the nature of the instalments had to be fixed in advance, their decision seemed the best way of avoiding serious exploitation.

Then Bob was promoted to a senior position in the Brisbane branch of the firm he worked for. At first they were delighted but when Jean, an experienced University graduate, was refused various positions in both the Commonwealth and State Public Service on grounds of marital status, the only solution to the paying off of the instalments owing on their unit was to approach another Finance Company for a loan (again at a high rate of interest). The strain of their financial obligations was such that even if they had wanted to, they could not possibly have afforded a child at that stage.

Having no clerical experience Jean quite seriously considered applying for a job in a factory, and did in fact work for a while as a waitress to help overcome their debt. However, the situation became impossible and much as they liked other aspects of Queensland life, Bob and Jean were forced to return to N.S.W.

Case P

I am a woman engineer and although unmarried, fell [sic] that to a certain extent the marriage bar represents discrimination not so much against married women as such, but against women in general. It is very effective in keeping qualified women in general out of the Service as most women would at least admit the possibility of marrying at some stage or other.

Although much has been written about the shortage of engineers and although I had had several years of experience before moving to Queensland I found it impossible to find employment

either in the Public Service(s) or in private industry. The prejudice against women in general presented too great a barrier to be overcome. I was thus forced to leave Queensland.

Case Q

A fully qualified woman accountant in Queensland found it almost impossible to obtain a position. Although she had gained a distinguished position in the annual examinations in Accountancy she was considered the least acceptable by Government personnel officers and by businessmen. This was not a question of prejudice against married women working as she represented the single career girl. It was simply a question of prejudice against qualified women.

Case R

My name is Ella Black. I was employed as a graduate clerk by the Commonwealth Public Service. I discovered I had a flair for administration. I worked hard and was respected by my colleagues in spite of the existing prejudice against women. At that time I was interested in a painter who had asked to marry me. The difficulty was my job. Although he is now quite well known, at that time his income was negligible. I didn't want to become a financial burden on him nor did I want to give up the sort of work I felt I had a talent for. The result was that we "lived in sin". This involved deceiving my family although they finally discovered the truth and urged us to marry. I must admit that although we loved each other, living as we did resulted in a situation where we became so accustomed to deceiving others that we wondered whether or not we were capable of deceiving each other. This lack of trust caused a considerable degree of emotional strain and in the end we did marry. Unfortunately this introduced a new type of fear. The fear of being discovered, of being forced to give up a career. Although we wanted children I was tormented by the thought that unless I could continue with the work I so much enjoyed I would turn out to be a bad mother. What I really wanted was to have children on leave and continue with my career. I continued thus for ten years until the strain became too much and I resigned. Looking back I realize that at that time I was definitely on the verge of a nervous breakdown. I was so psychologically disturbed that it was impossible for me to conceive and had it not been for the understanding of my husband I doubt that my marriage would have survived the ordeal.

Case S

My name is Jenny Turner. I am a married woman and am the mother of two children. A few years ago, by concealing my marital status, I was employed by the Commonwealth Public Service doing clerical duties. My main reason for working was the money involved. My husband's wage

makes it impossible to afford the sort of things I want my kids to have. Most of all I want to give them the opportunity of a tertiary education. As they are girls and as we live in Queensland it's obvious that even if they did work hard enough for a scholarship they wouldn't have much hope of getting one.

I like my job and I know my work is appreciated. I know that due to my age it would be quite difficult for me now to get a job elsewhere as, in general, young girls are given first preference. It was perhaps this factor which made me decide to have an abortion rather than reveal my marital status and so prevent my children from having the benefits they deserve. I must admit that I am bitterly disappointed at what I have done. I have always longed for a son and feel quite sure that I have just lost one. I would have welcomed confinement leave with or without pay. At the moment it is difficult for me to adjust to what I've done and I've got a feeling that my family will suffer as a result of my action—the very thing I wanted to prevent.

Case T

In Queensland a primary school teacher prevented by the existence of the marriage bar from being employed on a permanent basis was employed on a temporary basis. The Department of Education took advantage of the situation by continuously firing this teacher at the end of third term and re-employing her at the beginning of the next school year. This sly treatment was particularly harsh as it was common knowledge that the woman concerned was supporting an invalid husband and a child.

It can be pointed out that in N.S.W. a teacher employed on a temporary basis is paid a salary which takes account of the entire year, unlike a teacher employed on a casual basis who is paid at a higher rate per week but whose salary makes no allowance for holiday times. Therefore, by treating this poor woman as a casual worker yet by failing to pay her at a higher rate, the Government exploited the situation and took advantage of the existence of the marriage bar in the worst possible way.

Case U

Sally, an experienced clerk, forced to leave the Commonwealth Public Service because of the marriage bar, was successful in obtaining a suitable position in private industry. Sally enjoyed her work which involved a certain amount of administrative work and became especially interested in the activities of the Organisation and Planning departments to which she was assigned. During this period, she reared two children, each carefully planned. As she was an asset to the Company, the Managers concerned, with true business acumen, considered long run profitability at the

expense of short term cost. So, in contrast to the pattern set by the Commonwealth Service, they granted confinement leave. In contrast to what many people might have expected, Sally's children are extremely well adjusted and family conscious. In their early years, their mother very carefully chose a very suitable nurse to look after them during working hours, but so successfully had she applied the techniques of efficiency acquired during her business training to household chores, that she had always time to devote at least three hours a day to the children. This was achieved by conditioning the whole family to start the day at 6 o'clock each morning. The activities for the weekends were chosen to harmonize with the interests of the family as a whole and Sally only infrequently indulged in activities which excluded her children. She never hesitated in investing in labour saving devices such as a fully automatic washing machine. Her furniture was carefully chosen to need the least amount of looking after as well as to provide aesthetic appeal. Sally's tables were laminex covered and all miscellaneous and superfluous objects, especially certain wedding gifts, were carefully stored away. Yet in spite of such discipline an interesting arrangement of warm colours and textured surfaces gave Sally's home a definite charm—an atmosphere that suggested a happy home.

Case V

Anne, a secondary school teacher in Queensland was employed on a permanent basis. Several years later she married and was immediately re-employed on a temporary basis, forfeiting all accrued sick leave and superannuation benefits. After working for two years on a temporary basis Anne resigned of her own accord. A few weeks later she received a letter from the Department of Education stating that they do not accept her resignation as from the date she specified but rather from a date a few weeks before that time. She is asked to return money she has already received from the Department of Education. This as one might imagine represented an attempt to take advantage of the annual vacation period although it should have been obvious that as Anne was paid on the basis of an annual salary her wage took account of the holiday period and therefore she had already earned the holiday. Also while she was working the basic wage had been increased affecting her salary. She therefore had certain back payments owing to her which the department did not acknowledge.

Anne, greatly angered by this treatment, decided to fight it out. She approached the Teachers' Union where a representative told her that she was only one of many faced with the same problem. She was assured that the Union would fight for justice in this matter. Nevertheless, Anne is determined never again to work for the Public Service.

Document 10

**Menzies replies to a parliamentary question
by EOW member, Bill Hayden**

**COMMONWEALTH OF AUSTRALIA PARLIAMENTARY DEBATES,
HOUSE OF REPRESENTATIVES.**

14 September 1965

PUBLIC SERVICE.

Mr. HAYDEN.—I ask the Prime Minister a question. In view of recent reported statements by a senior Minister, speaking on behalf of the Government, that there was a need for married women to be employed in industry, will the Prime Minister arrange for a practical demonstration of the Government's faith in the statements by implementing the recommendations of the Boyer committee on Public Service employment that marriage should not be a bar to a woman's continued permanent employment in the Service or to her acceptance as a permanent employee in the Service?

Sir ROBERT MENZIES.—This is a very complex matter. The question is more complex to answer than to ask. From time to time, the Government has looked at the matter. It is clearly a matter of policy. When it seems appropriate to say something about it I will. I do not think it is a matter which can be dealt with at question time.

Excerpts from speech by Bill Hayden, 14 October 1965

COMMONWEALTH OF AUSTRALIA PARLIAMENTARY DEBATES, HOUSE OF REPRESENTATIVES.

Appropriation Bill (No.1). [14 October 1965]

Mr. HAYDEN (Oxley) [4.59].—Mr Chairman, it is seven years since the so-called Boyer Committee furnished a report on recruitment to the Commonwealth Public Service and in that report included rather strong recommendations about the right of married women to be recognized as permanent employees of the Public Service. Although that rather lengthy period has elapsed since the report was presented, we find, as with so many reports, that no action has been taken on an important recommendation- in this case, one relating to the rights of married women in the Commonwealth Public Service. Quite obviously, the Commonwealth Public Service, operating under policies formulated by this Government, is giving one of the worst illustrations of neglect of the standards which should be set by any authority which is mindful of the demands which the country has to meet in the near future. This Government is setting a bad example to the general public by the manner in which it discriminates against women within the Commonwealth Public Service.

First of all, if a woman enters the Public Service she can immediately be satisfied that henceforth she will pay a continuing penalty in the form of receiving a lower wage than a man for the work she performs, regardless of whether she is employed as a librarian, a school teacher or in any other capacity where men are doing the same sort of work on a higher wage rate. A woman will not receive the same pay as a man. That is the first way in which a woman is penalised because of her sex when she joins the Commonwealth Public Service. But, my goodness, should she compound the offence of being a woman by committing the heinous act of marrying, she is immediately eliminated from the Service. There is no future for her. Her services are no longer required within the structure of the Public Service Act. Section 49 (1) states—

No married woman shall be eligible for employment, either permanently or temporarily, in the Commonwealth Service, unless the Board certifies that there are special circumstances which make her employment desirable.

Section 49 (2) states—

Removal of the Commonwealth Marriage Bar

Every female officer shall be deemed to have retired from the Commonwealth Service upon her marriage, unless the Board certifies that there are special circumstances which make her employment desirable.

The situation in this country, however, is that we are not in such a lush position regarding our work force that we can afford to arbitrarily eliminate from its [sic] large sections of the population through an obviously artificial kind of differentiation.

... The Government is aware of the necessity to absorb more married women into the work force. The Minister for Labour and National Service (Mr. McMahon) in one of his whimsical moments, said—

I can see no reason why many jobs which are traditionally regarded as male preserves should not be performed by women.

He also said—

Attitudes to the employment of married women need to change. Employers could well consider ways and means of accommodating hours of work and general conditions of employment to the domestic obligations of working wives. This could mean, for example, greater availability of part-time and casual employment, and in some cases the provision of more convenient transport arrangements.

This was said by the Minister quite recently, in fact on 25th August of this year, when delivering a paper entitled “Tapping New Sources of Labour” to a conference in Adelaide on labour shortages. If the Government subscribes to the theory of private enterprise, as it frequently professes to do, why does it not give a practical demonstration of its sincere belief in the employment of married women by following the recommendations of the Boyer Committee on recruitment to the Public Service, where those recommendations apply to married women? Let me quote from the Boyer report, which deals with the employment of married women at page 58—

In the first place, retirement upon marriage is obligatory for female permanent officers, but not for temporary employees. Secondly, a permanent officer so retired may in practice be re-employed in a temporary capacity in some categories of position (which have been exempted from the requirements of section 49 (1.)), but not in others. This results, for example, in the situation that a permanent typist on marriage is re-employed as a temporary typist, but a professional officer is not re-employed to continue her professional work, and so is lost to the Service. Thirdly, supervisory positions above base-grade level are usually allocated only to permanent officers, and therefore cannot be occupied by married women, while temporary employment is generally confined to the base grade. As a result, an experienced officer in a supervisory position may, upon marriage, be re-employed in a subordinate base-grade temporary position, under the control of a less experienced single woman. In preference to this, many such officers transfer to private employment where similar restrictions do not apply.

The Committee’s recommendation was in this form—

We recommend, therefore, that sub-sections (1) and (2) of section 49 be repealed, and replaced by a sub-section providing that married women shall be eligible for permanent or temporary employment in the Service on such terms and under such conditions as are prescribed.

Included in such terms and conditions, of course, should be a recognition of the right of married women to confinement leave when a birth is impending. If the Government is to look at this matter, as it should, as a social responsibility as well as an economic necessity, it must also consider the necessity for the extension of such amenities as kindergartens. At the present time in our community the kindergarten has become something which can be afforded only the wealthy. If we are to encourage the employment of married women in the work force, as the Minister and the "Treasury Bulletins" say is necessary if we are to increase our output and help to achieve significant economic goals in the future, among the things that will be needed are child minding centres. The Government, therefore, must accept its responsibility to provide more finance for kindergartens and like institutions, so that mothers who are following employment will be able to leave their children for the day in safe hands and the children will be given constructive training while the mothers are at work and making a most valuable contribution to the growth of the country.

What are the objections to married women being employed in the work force?

... An argument based on child delinquency has been put forward. It has been said that working wives who leave their children at home are responsible for the largest portion of delinquency in the community. Let me quote from an article entitled "Juvenile Delinquency" in a "Current Affairs Bulletin" dated 8th June 1964 as follows—

It is quite commonly said that mothers' going out to work is a major cause of juvenile delinquency. Yet such evidence as is available on this topic is extremely diverse and inconclusive; and much of it runs counter to the theory that a mother's employment outside the home can be regarded as a causal factor in relation to delinquency. Indeed it would be possible to make a case for the proposition that maternal employment outside the home is a preventive of delinquency. A number of studies have found the mothers of non-delinquents to be out at work more frequently than those of delinquents. To give only one example, T. Ferguson in his "The Young Delinquent in his Social Setting" (1952) found that out of a sample of 1,234 "ordinary" Glasgow boys who left school at the earliest permitted date 230 had working mothers. Of these 10.4 per cent. were delinquent. Yet 12.4 per cent of the remainder whose mothers did not go out to work were delinquent. It is not surprising therefore should he conclude that this factor was "not of any great importance in relation to delinquency".

This is only one of many reputable and authoritative sources on this problem of delinquency which discuss the old myth that working mothers are responsible for the largest proportion of delinquency. All the sociological studies that I have read on the subject indicate quite definitely that the contrary is the case. Then there is another argument that women prefer the inferior status imposed upon them in our community. But how can they be said to prefer it when, in

actual fact, the Commonwealth Public Service Act, in section 49, sub-sections (1.) and (2.), gives them no choice and, in fact, imposes upon them rights inferior to those which are provided for men should they marry?

Another argument frequently put forward concerns inflation. It is said that if you have working mothers you will have inflation. Nothing could be more inaccurate. It is a basic economic fact that it is not the wages coming into the home that cause inflation. Inflation results only if the money coming into the home is not backed up by an equivalent amount of production. In other words, if we are turning out more goods we can afford to put more money into circulation in the community. If we allow married women to work, and those married women are taking a part in the productive processes in the economy, they are backing up their presence in the work force with production of extra goods and there is then no contribution to inflation. In fact, with improving technical standards women can immensely improve the living standards of families by the additional contribution they make to our economic output.

Another argument frequently propounded is that if you allow married women to work they will keep other people out of work and create unemployment. Once again, this is a fallacy. In fact the Minister said in his paper, "Tapping New Sources of Labour", that the problem in the 1930's was that we had too many arms and legs and not enough jobs to go round, while the problem today is quite the reverse—too many jobs and not enough arms and legs—so that now we need urgently the presence of married women in the work force. In the Commonwealth Public Service, this Government could change its policy and allow married women to make a valuable contribution. Let me conclude by quoting a document prepared by that very reputable organisation, the Equal Opportunities for Women Association, which gave the results of a survey that had been carried out and stated—

It reveals the way in which the marriage bar in the Commonwealth Public Service, and in all State Public Services (except that of N.S.W.) affects the individual as a human being, and as a member of society with family and social responsibilities. This ranges from personal disappointment at shattered careers, emotional tension in marriages and failure to make social adjustments to such factors as financial hardships affecting children, children being prevented from obtaining tertiary education and other benefits, women forced to "live in sin", and working women who would favour the granting of confinement leave, obtaining abortions in a desperate attempt to conceal their marital status.

The CHAIRMAN (Mr. Lucock).—Order! The honourable member's time has expired.

Cabinet decision 30 November 1965

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COPY No. 28

C A B I N E T M I N U T E

Canberra, 30th November, 1965.

Decision No. 1416

Submission No. 1124 - Employment of Married Women in the Commonwealth Public Service.

The Cabinet indicated, though at this stage only for the purposes of the further detailed examination referred to below and not for announcement, that it is willing to accept the principle of amendment of the Public Service Act to permit the employment of married women in a permanent capacity in the Commonwealth Service.

2. Before it takes the further step of authorizing the translation of this "in principle" acceptance into practice, it desires to have a report from an Inter-departmental Committee concerning the administrative changes and likely consequences within the Service and the likely impact on outside industry of a decision to go ahead.

3. The report which the Cabinet seeks should cover all the matters necessary to give it a general view of the practical implications of a decision to permit the permanent employment of married women, but for purposes of illustration, the following topics or questions were specifically mentioned -

- (a) It would seem appropriate that married women should not be eligible for certain types of employment - which are these types and how widely would they subtract from the scope of a general decision?

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Removal of the Commonwealth Marriage Bar

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- 2 -

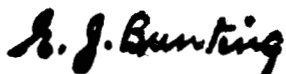
Decision No. 1416 (Continued)

- (b) What would be the special problems of the Post Office?
- (c) How would Superannuation be handled, including in the case of a married couple each a permanent public servant?
- (d) What provision should be made for maternity leave? - as to this, it was noted that a suggestion of twelve weeks' leave on full pay was put forward, and a query was raised as to whether this would not only give married women more than the equal treatment, which the Submission sets out to establish, but also have implications for industrial awards outside the Public Service.

4. The Cabinet decided that the Inter-departmental Committee (see paragraph 2) should include the Public Service Board, the Department of Labour and National Service, Treasury, the Postmaster-General's Department and the Prime Minister's Department.

5. The Cabinet noted that a general business motion concerning the employment of married women in the Public Service was proposed to be moved by the Member for Oxley on Thursday of this week. It was decided that the line of government response to the motion would be to indicate that it has been going into the problem, that it has appointed a special Committee to examine a number of aspects of it, and that as soon as it is in a position to say something more concerning its position, it will do so.

Certified true copy



Secretary to Cabinet.

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Removal of the Commonwealth Marriage Bar

Document 13

**Excerpts from speech and motion by Bill Hayden,
2 December 1965**

Mr HAYDEN (Oxley)[11.19].—I move—

That, in respect of the Commonwealth Public Service, this House is of the opinion that—

- (1) Female employees holding permanent appointment should be able to retain their appointment after marriage, if they so wish;
- (2) Married females should be eligible for appointment to permanent positions; and
- (3) Confinement leave should be available for female employees.

It was Emerson who wrote that one of the measures of a civilisation was the status it accorded women. I am afraid that if this measure were to be applied to Australian society it would be found wanting. It is fairly obvious that the discrimination that we practise in Australia is something which should be deplored. I refer to the discrimination against women, particularly married women. There is a history in advanced countries of the western world that they quickly resort to the services of women, particularly married women, in times of peril in the economy, but when times return to normal they revert to their traditional discriminatory attitudes. Recently I came across a statement made by the late President Kennedy in 1961 when he appointed the Commission on the Status of Women in the United States, which sums up the position pretty well.

He said—

In every period of national emergency, women have served with distinction in widely varied capacities, but thereafter have been subject to treatment as a marginal group whose skills have been inadequately utilised.

It is because of an appreciation of this fact and the fact that in Australia discrimination is much more pronounced than in the United States—I will quote details to substantiate this view later—that this motion has been introduced to the House. The motion expresses the opinion, of course, that females in the permanent employ of the Commonwealth Public Service should, upon marriage, be eligible to continue in their employment if they wish. Secondly, the motion proposes that married women should be eligible for appointment to permanent positions in the Commonwealth Public Service—that is, that their applications should be considered. Any discrimination certainly should not occur on the basis of their sex. Thirdly, the proposal is that confinement leave should be available for female employees of the Commonwealth Public Service.

Honorable members will note that in the first and second part of the motion married women are specifically referred to and that in the third part the reference is to females. The reason for this is that in the enlightened age in which we live we should not discriminate unfairly or harshly against single girls who have the misfortune of having a confinement during their single status. There is a precedent for this view. I will quote this precedent if I have time. In the United Kingdom the Public Service Act specifically provides that single girls will be entitled to confinement leave. But a rider is added that this leave will be available on only one occasion. Certainly, I feel that the morals of our society, stringent as they are against people who flout them, are more than sufficient punishment for a young girl who faces this misfortune without inflicting any harsher punishment.

I want to make four points as reference points before going any further into this matter. The first relates to the policy of the Australian Labour Party as defined at the Federal Conference of the party in Sydney this year, at which I had the great fortune to be delegate. At page 35 of the official publication of the Federal Platform Constitution and Rules, as recently decided, the conference resolution in respect of this matter was stated as—

4: Employment of Women

(b) Conference recommends that when the Party becomes the Government it will amend the Public Service regulations to ensure that married women are made eligible for permanent employment in the Commonwealth Public Service and Commonwealth Government instrumentalities, with appropriate provision being made for confinement leave

This is a pioneer, trail blazing approach by any political party to the rights of women in our community.

The motion before the House does not make any reference to equal pay for women in the Commonwealth Public Service. This was not an oversight. The Standing Orders of the House will not permit this, as a motion of equal pay for women in the Service has already been put forward once in this session. Standing Orders will not permit the Opposition to move a motion concerning equal pay although we subscribe wholeheartedly to the view that there should be equal pay for women. Indeed, I am intensely critical of the Commonwealth Government for the way it perpetrates what is virtually the sweated labour of women and discrimination against women on the basis of their sex. We need go no further than this Parliament to see an example of this. If one goes to the Commonwealth Parliamentary Library one obtains excellent service from the staff members there. But the raw thing for me, which I always experience on going to the library, is that the young ladies who work and serve there do just as good a job as the men—and it is a high standard performance all round—but receive less pay. The same thing applies to school teachers, social service workers, and all women in the Commonwealth Public Service. There is definite discrimination against women.

Mr Jones.—It is a cheap labour government

Mr HAYDEN.—As the honorable member for Newcastle says, this is a cheap labour government. References in the Public Service Act which are appropriate to this case are found in section 49 which states—

1. No married woman shall be eligible for employment, either permanently or temporarily, in the Commonwealth Service, unless the Board certifies that there are special circumstances which make her employment desirable.
2. Every female officer shall be deemed to have retired from the Commonwealth Service upon her marriage, unless the Board certifies that there are special circumstances which make her employment desirable.

This bar was the subject of an investigation by the Committee of inquiry into Public Service Recruitment, the Boyer Committee, seven years ago. Let me emphasise that this was seven years ago and no action has been taken by the Government. I do not intend to go into this matter fully. I think one of my colleagues will go into it. The recommendation of the Boyer Committee was that section 49 (1.) and section 49 (2.) should be repealed and replaced. The Committee stated in its report that this part should be—

... replaced by a sub-section providing that married women shall be eligible for permanent or temporary employment in the Service on such terms and under such conditions as are prescribed.

We need married women in the workforce in Australia. We certainly need women, and married women too. We have a small workforce of 4 million people, in round figures. We can supplement this if we want to increase productivity, increase output per head of population and obtain better living standards. Immigration is one way by which we can do this but that involves costly services for people who come to Australia as migrants. These services must be set up as basic requirements in order to support these people with the bare minimum of convenience and comfort. We can improve technology by way of better educational facilities and so on in the community. But in that field the Government is reluctant. We saw what happened in the report of the Vernon Committee. But the best and readiest and cheapest pool of labour available in Australia is married women. There are no service costs involved in obtaining married women who are already in the community and are using established services.

I want to emphasise that I am not promoting an argument that married women should be pressured into coming into the workforce; certainly not in relation to the Public Service or any other section of business in the community. What I am arguing is that it is necessary that we remove bars and impediments against these women which are discriminatory on the basis of sex and are against the progress of emancipation. At the same time the Opposition also emphasises that the rights of women to work are those which are chosen freely and those which give them

happiness and not those which force them to work against their will because of socio-economic circumstances. The Minister at the table, the Minister for Labour and National Service (Mr McMahon), in his heart supports, I believe, the view I am putting forward, although he might not be prepared to admit it because of Cabinet control. He has made a most important address entitled “Tapping New Resources” which is, I think, one of the best and most progressive address I have heard for some time from a member on the other side of the House. In that address he promoted the argument that we needed to encourage women into the workforce. He also gave figures indicating how low the proportion of married women is in the workforce compared to other countries. But there is discrimination in Australia connected with the employment of women and for the benefit of this exercise I will define terminology. Discrimination is described in the “International Labour Review” of March 1962 in an article titled “Discrimination in Employment or Occupation on the Basis of Marital Status”. The definition comes from the 1958 Convention of the ILO “Discrimination (Employment and Occupations) Article”. The article states—

Article 1 of this Convention defines “discrimination” as “any distinction, exclusion or preference ... which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

It goes on to state—

it is added that “any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination”.

The following interpretation of that definition appeared in the International Labour Office report of 1963 entitled “Women Workers in a Changing World”—

Discrimination includes any distinction made on the basis of sex.

In Australia we do discriminate. That is undeniable. The “International Labour Review” of April 1962 stated at page 369—

It was reported with respect to Australia, Greece and Korea that there were frequent indications in employment advertisements that married women were not sought.

The “International Labour Review” of March 1962 made this rather damaging statement about Australia at page 273—

While legislation discriminating in general terms against the employment of married women is apparently very rare, there are a number of formal regulations barring or restricting the employment of married women in the public sector. These range from regulations with a very narrow scope (e.g. those in Portugal covering the employment of married women as nurses in psychiatric hospitals) to regulations of rather sweeping national scope (e.g. in Australia and in Ireland, barring or restricting the employment of married women throughout the regular established civil service).

... Now let me deal with the Commonwealth Public Service. I have obtained my information in this respect from the 41st report on the Public Service of the Commonwealth for the year 1964-65. The number of female permanent officers in the First to Fourth Divisions as at 30 June 1965 was 21, 416, or 18 per cent of the total number of permanent officers. There was not one female officer in the First Division and there was only one female officer in the Second Division. This state of affairs has persisted for some time. It is discrimination.

During the calendar year 1964 there were 1,613 female separations from the permanent staff of the Commonwealth Public Service because of the marriage bar, in a total of 5,154 female separations. So the separations because of the marriage bar represent 31 per cent of the total number of female separations. That total number includes separations because of transfers or movements from one division to another. If we take into account the people who were actually pushed out of permanent employment in the Public Service because of their age and for other reasons, the percentage of female separations because of the marriage bar would be much higher. Admittedly, some of these women are re-employed on a temporary basis. But that is what we are arguing about. That is not good enough because, if a single woman occupies a position today, she is married tomorrow and returns next week to a temporary position, she may have to work under someone who was junior to her and is inferior to her in respect of capacity to perform duties.

I also discovered that the number of females who were separated from the permanent Public Service in 1964 because of the marriage bar represented 27 per cent of the number of female appointments to the Third and Fourth Divisions of the Public Service. Of course, the Government does not appoint women to the First or Second Division. About one-quarter of the females the Government appoints each year to permanent positions in the Third and Fourth Divisions make up for women who have been forced out of the permanent Public Service because of the marriage bar.

Let me refer now to what is being done in some other countries. In the United States there is a specific prohibition against discrimination against married women in respect of employment in the federal civil service. That prohibition was adopted by legislation in 1937. I quote the following from page 270 of the March 1962 "International Labour Review", from which I have quoted already—

In the United States, for instance, the Classification Act of 1949, which establishes a comprehensive plan for the classification of positions and rates of compensation of civilian employees in the classified civil service, expressly provides that "in the administration of this chapter, there shall be no discrimination with respect to any person, or with respect to the position held by any person, on account of sex, marital status, race, creed or colour"

Australia is somewhat behind other countries in this progressive movement. In Canada the marriage bar in the federal civil service ceased in 1955. In the Netherlands, it was removed in 1957. In the United Kingdom it was removed in 1946. In Israel the Employment Service Law of 1946 expressly prohibited discrimination on the basis of sex.

I quote once again from the “International Labour Review” in order to show that Australia not only is lagging behind other countries in the forward march of enlightened thinking in the world today but also is one of the few countries that retain the marriage bar. Yet the Government would have people believe that Australia is in the vanguard of the movement for socio-economic reform. The March 1962 issue stated at page 268—

In a number of other countries, it was reported that dismissal of women workers on marriage was the common practice in the past—“the official rule” as one country put it—but that now this is exception rather than the rule.

So Australia is an exception in this field of socio-economic reform. It is about time we did something on this matter.

... The United Nations Treaty Series of 1955 refers to the International Labour Organisation Convention Concerning Maternity Protection, 1952. Article 3 of the Convention states—

1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.
2. The period of maternity leave shall be at least 12 weeks, and shall contain a period of compulsory leave after confinement.
3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than 6 weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

The Convention goes on to deal with the extension of this leave in case of illness and with some associated matters. The International Labour Organisation sought to get from countries ratifying this Convention a guarantee that women absent on maternity leave would not be dismissed. Provision concerning this is made in Article 6 of the Convention. The ILO first dealt with a convention on maternity protection in 1919. We in this country have been remarkably reluctant to ratify conventions of this Organisation, particularly in fields that concern women. Let me mention some conventions that we have not ratified. We have not ratified the Maternity Protection Convention, 1919, the Night Work (Women) Convention, 1919, or the Night Work (Women) Convention (Revised), 1934. But happy days: We managed to ratify the Underground Work (Women) Convention, 1935. We have not ratified the Night Work (Women) Convention (Revised), 1948, the Equal Remuneration Convention, 1951, the Social Security (Minimum Standards)

Convention, 1952, the Maternity Protection Convention (Revised), 1952, the Plantations Convention, 1958, or the Discrimination (Employment and Occupation) Convention, 1958. All these are ILO conventions of special concern to women. It seems, however, that we in Australia are not concerned about them.

The “International Labour Review” of March 1962, at page 270, deals with the subject of maternity leave. Here we are given examples of action taken in other countries.

... The passage in the journal concludes—

In a number of countries there is a prohibition of dismissal during pregnancy and for a certain period thereafter going beyond the normally protected period of maternity leave.

We are again the odd ones out, as honorable members can see.

I have made some extracts from other articles that I have managed to discover in my researches on this subject. However, my time is running out and I shall be able to refer to them only briefly. There has been a radical change of attitude towards the encouragement of married women to work. Before the war in the United Kingdom married women were not encouraged to work as teachers. The situation has completely changed since the war. A parallel development has taken place in the United States. International Labour Organisation reports and social study surveys on the subject that I have read emphasise this point. There are a number of things that must be done to make work desirable for women so that they shall be happy to work and contented in their work. There must be arrangement for special time off for the feeding of infants and for shopping. There must be provision—the Minister will see this stated in the ILO report “Women Workers in a Changing World” among others—for the retraining of married women to enable them to come back to the workforce after they have raised their families. A woman who leaves the work force in her 20s and who comes back in her 40s after she has raised her family still has about 20 years or one third of her working life to contribute her talents to a worthwhile job and to attain some sense of fulfilment at this stage of her life when emotionally she is delicately balanced. It is most important that we review our attitude to child care. We must provide more kindergartens and child minding centres so that mothers will know that their children are in the care and custody of safe hands.

We have heard repeated complaints about the falling birth rate in this country. We have been told that this is something to be concerned about. We have some people running a campaign against the oral contraceptive pill. But we have to face the fact that people are refusing to have families because of the pressure of their economic and social conditions. We have to make it desirable for people to have families. Kindergartens and child minding centres for working mothers will help achieve this aim. We need a special committee to investigate the whole problem

and to make recommendations. Very soon there ought to be employment of married women in the Public Service with the retention of their rights and a ceasing of discrimination against them. This what we need. We need the kind of approach that President Kennedy proposed in his report on the Commission on the Status of Women in the United States. We need a commission on the status of women in the Commonwealth of Australia so there will be guide lines for the elimination of the traditional discrimination against women which is solely based on sex and not on commonsense.

Document 14

Excerpts from reply by the Hon William McMahon, 2 December 1965

The TEMPORARY CHAIRMAN (Mr Brindlecombe)—Is the motion seconded?

Mr Bryant.—I second the motion and reserve my right to speak.

Mr McMAHON (Lowe—Minister for Labour and National Service)[11.55]—The honourable member for Oxley (Mr. Hayden) has given a comprehensive and, I think, intelligent review of the problems associated with the permanent employment of women in the Public Service. I compliment him on the contribution he has made. I think the House will realise that for at least the last 18 months, or perhaps even for two years, since we have had what can be described as a condition of full employment in Australia, the Commonwealth Government has been attempting to persuade employers in manufacturing and other fields to attract women into their factories and establishments. The Commonwealth Government felt that the potential work force in the female sector of the economy was a valuable resource that could be tapped in the circumstances in which we found ourselves. I do not give the Commonwealth Government all the credit for what has been achieved, but at least we can say that due to economic factors, which should be the predominant ones, and the necessity to find additional avenues or means of employment, more than 57,000 married and single women were attracted into employment during the financial year 1964-65. That was a most valuable addition to our work force and if it had not taken place our growth in national product could not have proceeded at the rate at which it did.

I am very pleased to be able to state that employers continually tell me that they find that women are not only a satisfactory source of employment but are also a stable source of employment in the kinds of activities in which they have been able to engage. We have been anxious to open up opportunities for women to go into new jobs in the Commonwealth Public Service.

The House will know from what has been said here recently in the Postmaster-General's Department, for example, as new electronic sorting equipment is being introduced, a decision has been made to enable women to move into this field and to release men for occupations which they would otherwise fill to go perhaps to more important or more difficult occupations and for women to move into the jobs which are more suited to them. This provides opportunities for employment. So it can be seen, both from the facts and from the statements that have been made on behalf of the Government by myself and my Department, that we are anxious to attract

women into the work force ...

... **Mr Hayden.**—The Minister is now trying to catch up.

Mr McMAHON.—I am not trying to catch up. These questions have been considered by us on many occasions. Recently the Cabinet considered the problem of the employment of married women in the work force and it was decided that this whole problem, together with the implications involved in the permanent employment of married women, should be considered by a committee and referred back to the Government for decision. I refer there to implications not only so far as the Public Service is concerned and so far as repercussions in the Postmaster-General's Department are involved but also the implications for private employment. So I can say to the honorable gentlemen that this problem has recently been considered by the Cabinet and that it is under further active consideration. In fact the Cabinet considered the problem on Tuesday morning.

Mr Hayden.—The Minister did not think about it until last night.

The TEMPORARY CHAIRMAN.—Order! The honorable member for Oxley will cease interjecting. I remind him that he is out of his place.

Mr McMAHON.—I hope it will not be too long before the Government is able to give a decision.

Mr Hayden.—Last night was the first time that it was considered

Dr. J.F. Cairns.—When did the Cabinet really consider it?

The TEMPORARY CHAIRMAN.—Order! The honorable member for Oxley has made his speech.

Mr McMAHON.—As soon as the Government has made a decision it will be announced to the House, if it is sitting ...

Document 15

EOW Statement: ‘Of Interest to Members’

THE EQUAL OPPORTUNITIES FOR WOMEN ASSOCIATION

38 Aberfeldy St.
Kenmore. Brisbane
Tel. 783309

... OF INTEREST TO MEMBERS

Early in December one of our members, Mr. Bill Hayden M.H.R., was largely responsible for stirring the Federal Government into action on the “Marriage Bar” in the Commonwealth Public Service.

In a well prepared and documented speech, Mr. Hayden put a motion to the House that the matter be debated. He was supported in this by Mr. Gordon Bryant and Mr. Jim Harrison.

Although this motion was lost, the result was very good: Mr. McMahon, then Minister for Labour and National Service, stated that the Government had decided to set up a committee to investigate;

- (1) Whether women should have the right to retain permanency after marriage
- (2) Whether married women should have the right to return to their jobs
- (3) What should be done about confinement leave?

He promised that the Committee would be set up early this year. E.O.W. will be watching carefully to see that the committee *does* make its report in a reasonable time and that its suggestions, if satisfactory, *are* put into practice.

We would also like to see that the findings *are* satisfactory. Public interest shown in the issue now would perhaps be useful in influencing the Committee. This will be considered at our next meeting.

Ro Bogner
Vice President.

Removal of the Commonwealth Marriage Bar

Document 16

Bill Hayden asks more questions in the House, December 1965 and April 1966

COMMONWEALTH OF AUSTRALIA PARLIAMENTARY DEBATES, (HOUSE OF REPRESENTATIVES.)

7-8 December 1965

Public Service.

(Question No. 1250)

Mr. Hayden asked the Prime Minister, upon notice—

How many permanent female employees of the Commonwealth Public Service during each of the past ten years were, upon marriage, maintained in their employment under section 49 (2.) of the Public Service Act (a) as permanent employees, (b) as temporary employees and (c) without demotion?

Sir Robert Menzies.—The Public Service Board has provided me with the following answer to the honourable member's question—

During the past ten years there is no record of any permanent female officer of the Commonwealth Public Service, upon marriage, continuing in her employment under the provisions of Section 49 (2.) of the Public Service Act.

As statistics of the number of temporary engagements during any particular year are not compiled, only the total numbers in temporary employment at various points in time during the year being recorded, it is not possible to say how many permanent female officers were re-engaged, after marriage, as temporary employees.

19 April 1966
Public Service: Employment of Married Women.
(Question No. 1572).

Mr Hayden asked the Prime Minister, upon notice—

1. What progress has been made on the proposal, announced to the House on 2nd December last, that a special committee would be set up to inquire into and report on married women's rights in the Commonwealth Public Service?
2. Who will be the members of the committee and what will be its terms of reference?

Mr. Harold Holt.— The answer to the honourable member's questions is as follows—

An interdepartmental committee is examining this matter and I expect that its report will shortly be submitted for consideration by Cabinet.

Cabinet decision 24 August 1966

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C A B I N E T M I N U T E

Canberra, 24th August, 1966

Decision No. 481

Submission No. 414 - Employment of Married Women in a Permanent Capacity in the Commonwealth Service.

The Cabinet approved the recommendations put forward by the Minister for Labour and National Service with the amendment that maternity leave should be debited to sick leave credits. Thus the recommendations approved are:-

(1) That the Public Service Act be amended -

(a) to permit the employment of married women in a permanent capacity in the Commonwealth Service;

(b) to make it clear that married women officers are subject to the same conditions as other officers and therefore liable to dismissal if, on account of domestic responsibilities, they fail to observe those conditions, subject to an acceptable form of words being found by the Parliamentary Draftsman, the Board and the Department of Labour and National Service and its approval by the Legislation Committee of the Cabinet;

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- 2 -

Decision No. 481 (Continued)

- (c) to give the Board power to prescribe by regulation the types of employment in which married women are not eligible for employment;
 - (d) to retain the existing allowance to permanent female officers on retirement at marriage only in respect of officers in the Service at the time of the coming into force of the proposed legislation.
- (2) That -
- (a) Ministers responsible for areas of Commonwealth employment outside the Public Service Act be invited to examine the desirability of extending the decision taken in respect of the Commonwealth Service to those areas of employment and advise the Minister for Labour and National Service of the decisions taken;
 - (b) the Board keep under review the proportion of married women entering the Public Service;
 - (c) the necessary legislation be introduced in the present Session of the Parliament.

The Cabinet noted that the related matter of an amendment of the Superannuation Act was covered in a Submission from the Treasurer which would be considered at a later meeting.

Certified true copy

R. J. Bunting

Secretary to Cabinet

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Removal of the Commonwealth Marriage Bar

Document 18

**Public Service Bill (No 2) 1966,
Excerpts from Second Reading Speeches by:
The Hon Leslie Bury
Clyde Cameron
Sir Keith Wilson**

Hansard House of Representatives

Public Service Bill (No.2)

Second Reading 26 October 1966

Mr Bury (Wentworth—Minister for Labour and National Service)[4.38]—I move—
That the Bill now be read a second time.

The main purpose of this Bill is to vary the legislative provisions in relation to the employment of married women as permanent officers in the Commonwealth Public Service. For the future, permanent female officers in the Commonwealth Public Service will not, on marriage, automatically lose their permanent status. Also, married women will be eligible for appointment to the Service. This Bill should have the approval of the Parliament. Judged by public response to date, it will have the endorsement of the community at large, and certainly that of the various women's organisations.

The Bill removes an element of discrimination against one section of our workforce, or potential workforce—an element deriving from social attitudes of another era ...

The decision to permit married women to be permanent officers necessitates provisions for absence in relation to childbirth. Of course, the circumstances of confinement differ from case to case, but it is universally accepted that women should cease to be actively employed some time before childbirth and not be permitted to resume for some time after confinement. For example, the relevant International Labour Organisation Convention provides for a period of absence of not less than 12 weeks of which not less than 6 weeks is after the birth. The Government proposes that any officer who is to have a child shall absent herself from duty for a minimum period of 12 weeks. Provision is contained in the Bill for an absence of up to six months, at the option of the officer.

It will be for the woman to decide whether she uses any sick leave, recreation leave or furlough

entitlements which she may have, to cover her absence or some of it. Otherwise, the absence will be without pay. Although conditions vary in the different countries, it can be said that this provision is in general accord with those of the public services of the United States of America, Britain and New Zealand.

The whole idea behind these proposals is to allow women who wish to continue in employment to be granted the necessary leave without jeopardising their career. I think that there will be general agreement that what is proposed in no way conflicts with the principle of equality of treatment; rather it recognises, in a reasonable way, the needs of these female officers. I again stress that the use of sick leave and other entitlements to cover absence for childbirth is entirely at the option of the officer.

Incidentally, experience in countries with similar social attitudes to our own suggests that the majority of women terminate their employment when they are to have children. It is not anticipated that a different situation will prevail here. However, the proposed provisions will enable those women who anticipate returning to employment after their confinement to do so with full retention of their employment rights. Those officers who cease upon marriage or later, may, if they desire, subsequently apply for reinstatement to the permanent staff, subject to the normal conditions applied to other former officers of the Service.

I turn now to an existing provision in the Public Service Act which provides that any female officer with 5 but less than 15 years' permanent service who retires upon marriage shall receive a payment based on her years of service. This is commonly known as the marriage allowance. It is proposed that those women already in the Public Service should continue to be eligible for this allowance if they retire on marriage, since it can be argued that the marriage allowance was part of their original contract of employment. But, as the marriage allowance was introduced as a form of compensation for the loss of career-under the marriage bar embodied in existing legislation-it is logical to eliminate it now that this bar is being removed.

A corollary to the decision to permit married women to be employed in a permanent capacity in the Commonwealth Public Service is the provision for them of pension and like rights. My colleague, the Treasurer (Mr. McMahon) will be introducing amendments to the Superannuation Act to permit married women to commence or to continue as contributors under that Act. Bearing in mind also the need to issue detailed instructions on the relevant procedures under both Acts, the legislation will operate from a date to be proclaimed. This Bill is confined to the Commonwealth Public Service. The question of the extension of its principles to other areas of Commonwealth employment is under examination. I commend the Bill to the House.

Debate (on motion by **Mr Clyde Cameron**) adjourned.

PUBLIC SERVICE BILL (No. 2) 1966

SECOND READING.

Debate resumed from 26 October on motion by **Mr Bury**—That the Bill be now read a second time.

Mr CLYDE CAMERON (Hindmarsh)[10.19]—The Opposition is pleased that at long last something has been done for permanent female employees of the Commonwealth Public Service who wish to remain in the Service after being married. For too long Australia has lagged behind the rest of the world on this issue, and it has lagged behind without having any excuse for doing so. The Australian Government has had before it from time to time reports of the International Labour Organisation which have recommended that this discrimination against women should be removed. It has had, moreover, the report of its own Boyer Committee brought down eight years ago to this Government and recommending that section 49 of the Public Service Act be repealed to enable female employees to marry and still retain their permanency. This Government has indicated its lack of interest in the subject by the fact that for the first 12 months after receiving the report of the Boyer Committee it did nothing about it at all. Honourable members had to wait 12 months even to get a glimpse of the Boyer Report which recommended that permanent female employees of the Commonwealth Public Service be allowed to retain their permanency after marriage. Now, after eight years, the Government has tardily accepted the recommendation of the Boyer Committee and has brought down this Bill to alter the Public Service Act accordingly.

It would be unfair to an honourable member who is not with us tonight not to mention that the real reason why the Government has moved in this direction, after eight years delay, is that that member, the honourable member for Oxley (Mr Hayden), on 2nd December last year moved—

That, in respect of the Commonwealth Public Service this House is of the opinion that —

- (1) Female employees holding permanent employment should be able to retain their appointment after marriage, if they so wish;
- (2) Married females should be eligible for appointment to permanent positions; and
- (3) Confinement leave should be available for female employees.

The honourable member for Oxley moved that motion nearly 12 months ago. This Government did nothing about the matter until now. I am certain that the Government would not have acted now but for the fact that an election is in the offing. It realised that its failure to act could be—and no doubt would be—one of the things which could cause it to lose considerable public support.

Even though the Government has at last moved to allow women who are permanent employees in the Public Service to remain in the Service after marriage, it has imposed upon them considerable

disadvantages compared with other women employed in the Service. For example, the Government has decided to repeal that section of the Public Service Act which allows an officer in charge to give to a married woman in the Public Service what is known as marriage leave. Women who enter the Public Service in future will not be entitled to marriage leave. The Government has graciously agreed—only because it is compelled to do so for contractual reasons—that women permanent officers now in the Public Service will continue to enjoy the right to take marriage leave. But the long service leave entitlements which women will be able to preserve have been reduced in the Bill so far as married women are concerned compared with single women in the Public Service. I will refer to this later.

The Government has decided to grant a minimum of six weeks leave of absence prior to confinement and six weeks leave after confinement to married women who wish to take maternity leave. The maximum period allowed will be six months leave. Twelve weeks confinement leave is the minimum amount recommended by the International Labour Organisation, and the minimum accepted by practically every country in the world today, including many of the African states. So there is nothing in that provision of which the Government should be proud. I believe that to limit to six months the maximum amount of maternity leave that a woman shall be allowed and still retain her permanency in the Service is to overlook and completely disregard some of the difficulties that are sometimes associated with childbirth. On this score the Opposition will move an amendment in Committee to extend the amount of leave which a woman may take to have a child to as much as 12 months.

The Opposition will also seek to delete from the Bill the provision which removes from the Act the right for newly appointed women to have long service leave when they retire because of marriage. ... I wish to refer to something that appeared at page 273 of the March 1962 edition of the "International Labour Review". It said—

While legislation discriminating in general terms against the employment of married women is apparently very rare, there are a number of formal regulations barring or restricting the employment of married women in the public sector. These include countries like Australia and Ireland which bar or restrict the employment of married women throughout the regular established Civil Service.

The International Labour Organisation found itself impelled to draw to the attention of the world the backward attitude of Australia and Ireland to the position of women in society and, in particular, in the Public Service. But I should like to refer also, if I may, to the position that applies in the United States. In that country the Classification Act of 1949, which establishes a comprehensive plan for the classification of positions and rates of compensation for civil employees in the classified Civil Service, expressly provides that—

In the administration of this Chapter there shall be no discrimination with respect to any person or with respect to the position held by any person on account of sex, marital status, race, creed or colour.

Removal of the Commonwealth Marriage Bar

And neither should there be. Nobody can possibly justify discrimination against women because of marital status, creed, or for any other reason. The Australian Council of Trade Unions for years now has been advocating an amendment to the long service provisions of the Public Service Act to give to anybody, man or woman, single or married, the right to retire from the Public Service after five years of service for any reason at all and to receive pro rata leave in the same way as is provided in the New South Wales Act. This is not asking the Commonwealth to break new ground. On the other hand, Commonwealth Government should be breaking new ground. This is merely asking the Commonwealth to catch up with the law which already applies in New South Wales.

Nobody can tell me that women are not as capable as men or that some women are not more capable than some men. I should like to refer to two women who are outstanding and are well known. All South Australians know Justice Roma Mitchell, a woman of outstanding personal qualifications and legal qualifications. She has a keen and brilliant intellect. Nobody who knows that marvellous woman will say for one moment that she and people like her-no doubt there are others who may nearly approach her standing-should not be treated as equal with men. Let me remind the House of the name of another woman known to every honourable member. I refer to Mrs Shirley Warde who at the moment holds the position of Director of the Legislative Research Service in the Parliamentary Library. She is third in the hierarchy of the Commonwealth Parliamentary Library staff. I want to tell the House about this woman's position to drive home the injustices which have been perpetrated upon women employed by the Commonwealth Public Service.

This woman joined the Commonwealth Public Service 21 years ago. She came as a young single girl with a university degree. She entered the Commonwealth Public Service at that time as a permanent officer. She was entitled to superannuation rights. She remained with the Service until she married some 20 years ago. The moment Mrs Shirley Warde married she had to forfeit her permanency and go back as a temporary employee of the Commonwealth Public Service. She had to forfeit her rights to superannuation and to various other benefits that go with permanency. Could anybody knowing Mrs Shirley Warde justify that kind of treatment of a person of her outstanding qualifications? She has a brilliant brain and is a magnificent research officer. I do not think there is a man in the Commonwealth Public Service who could say that he was superior to Mrs Warde as a research officer. Yet this is the way that this outstanding woman has been treated. Her only crime is that she has been born a woman. Because she was unfortunate enough to be born a woman she has to be punished in the way that I have indicated. For 20 long years she has suffered the difference between permanency and temporary employment. I repeat that the Government has no excuse for allowing this situation to continue for 17 years as it has done.

... One thing that I think ought to be looked at is that in many countries the mother is entitled to full wages for six weeks before and six weeks after the baby is born. This applies in West Germany, Greece, Hungary, Luxembourg, the Netherlands, Norway, Poland, Portugal, Rumania, Spain, Switzerland, Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, East Germany, Puerto Rico, Rhode Island, New Jersey and many other American States. This is something that we in Australia shall have to do one day. I believe that we ought to pay to a mother a maternity allowance for at least six weeks before the baby is born and for six weeks afterwards, regardless of whether she is married. The wife of an ordinary working man finds that having a baby is so expensive a business as to impose a great burden on the family budget. The maternity allowance is often described as the baby bonus. The amount of baby bonus that is paid is nowhere near enough to meet the extra cost of napkins, cribs, prams, pushers and all the other paraphernalia that go with having a baby. We should not adopt the attitude that babies just come and that is all there is to it. We should not forget about the problems that arise and let mothers deal with them as best they can.

I have drawn up a table that illustrates the difference between the position of a married woman in the Commonwealth Public Service and that of any other Commonwealth Public Service with respect to long service leave. Under the terms of this measure, a married woman with not less than five years' service but less than eight years' service will receive one month's long service leave. Under the terms of the principal Act, other public servants having not less than four years' service but less than eight years' service receive two months long service leave. This is provided in section 74(1.) (a). I cannot understand why a married woman who leaves the Public Service because she marries should be compelled to accept one month's leave for five years' service when some other public servants can get two months' leave for four years' service.

... That apparently, is indicative of the Government's attitude. I ask it to explain why this discriminatory distinction has been allowed to remain. I would like to refer honourable members to an article entitled "Married Women as Public Servants" which was contributed to a journal by Miss M.D. Raftis. She makes this point—

In most countries for which data are readily available the rate of labour force participation for mothers tends to be higher—often very considerably higher—for those women who are widowed, divorced or separated than for those whose husbands are in the home ... and for women whose husbands are in the low income groups or whose incomes are uncertain.

I do not want women who become mothers to have to leave young babies in the care of others while they go to work, but we have to remember that there are circumstances of the kind mentioned by this writer. There are some circumstances which are not normal and which compel a woman, often very much against her wish, to continue working and to arrange for somebody else to look after her baby. She does not do it willingly. She does it because she has no alternative.

The article continues—

It is not unreasonable to assume that some of the women who resigned on marriage (many of whom have been taught their skills at Government expense) and who wished to continue working, obtained jobs in private industry and so were absorbed effortlessly into the economy.

Of course this is true. I pointed it out earlier. If we continued to maintain this barrier against the employment of married women in the Commonwealth Public Service, all that would happen would be that we would lose highly trained, skilled officers who had been trained at great expense to the Commonwealth. Private enterprise would get the benefit of their services. The article goes on—

It is important to remember that despite the marriage bar in the Public Service, one in every ten workers in 1961 was a married woman.

The proportion is very much greater now. We have recently seen figures that show that in one age group the proportion has risen to 37 per cent.

I want the Minister to remember, when at the Committee stage we propose an amendment designed to increase the maximum period of maternity leave from 6 to 12 months, that this is not leave with pay. It is leave without pay, to be taken only if the woman concerned is subject to special circumstances that require it to be taken. As I mentioned, the need could arise from illness before confinement or from a desire to breast feed a baby for several months after confinement. These two circumstances together could easily require a total of 12 months leave. There is nothing new in this. In Victoria, married women teachers are granted maternity leave without pay for a maximum of 18 months. The leave must be commenced four months before confinement and must continue for at least six months afterwards. In Canada, maternity leave is granted as leave without pay to a total of eight months. An additional two months leave can be obtained on application. I leave the matter there, Mr. Deputy Speaker. When the Bill reaches the Committee stage, I shall move the amendments to various clauses that I have indicated. I hope that it will be possible to vote on them all in one division.

Sir KEITH WILSON (Sturt)[11.0]—Mr. Deputy Speaker, I could not have a better reward on the eve of my retirement than to witness the passing of this Bill, which removes the discrimination against the employment of married women. I loathe all forms of discrimination. I believe in equality of opportunity. I believe that we should get rid of anything that discriminates as between one citizen and another.

One of the greatest qualities of Australia is the equality of opportunity. I dealt with this matter in the House on 19th March 1959. The House was then dealing with the Commonwealth Banks

Bill, in which it was proposed to incorporate clauses of the Public Service Bill dealing with the employment of married women. Clause 104 of the Commonwealth Banks Bill read—

- (1). A married woman shall not be appointed to the Service except in special circumstances.
- (2). A female officer shall cease to be an officer on her marriage unless the Corporation is satisfied that there are special circumstances which make it desirable that she should continue in the Service.

Those two provisions were identical with the provisions found in section 49 of the Public Service. Dealing with those provisions I said—

It is a relic of the time when it was the exception rather than the rule for women to be employed. Nowadays, almost all women seek employment and they have played a big part in the development of this country. Why should this Bank, after it has trained experienced officers, be compelled to dismiss those officers just because they marry?

I then quoted passages from the Boyer Report, which had been presented to the Prime Minister on 21st November 1958. In its report the Boyer Committee said—

It is probable that a substantial proportion of women employees would resign on marriage even if this was not compulsory. But when the Service is short of qualified people, even the small proportionate losses entailed by the present section are scarcely justifiable, while there is an unknown additional loss from potential recruits from among married women and from single women who are deterred by a knowledge of this section from seeking a career in the Service.

The report continued—

This is at a time when increasing numbers of women are gaining professional or other qualifications for employment, and when employment is increasingly sought by married women, especially those without children, whose children have grown up, or who need to be breadwinners on their own account.

Apart from these considerations, section 49—

That is section 49 of the Public Service Act—

Reads strangely in a country which has adhered to the ILO Convention for equal employment rights for men and women. We have also been told that a U.N. Economic and Social Council Report, prepared for the Commission on the Status of Women in 1951, dealt with this subject.

In the debate on the Commonwealth Banks Bill I criticised quite severely the marriage bar. On 5th April 1960 I asked the Prime Minister (Mr. Harold Holt), who was then Treasurer, this question—

Can the Treasurer say whether the Government has yet given consideration to the marriage bar which deprives married women of the right to employment in the Public Service and which forces a single woman to retire from the Service on marriage? The Treasurer will recall that on 19th March 1959 he said the matter would be fully considered by the Government.

After this long battle I am extremely delighted that the Government has decided to introduce a bill for the final abolition of the marriage bar. I congratulate the Minister for Labour and National Service (Mr. Bury) on the introduction of this Bill. This must be an extremely pleasing incident for the Minister, because on the 19th March 1959 as a back bench member he himself raised this matter. Speaking in the debate on the Commonwealth Banks Bill he said—

I should like now to add something to the remarks made by the honorable member for Sturt (Mr. Wilson) concerning the employment of married women in the Commonwealth Banking Service. There is no doubt that in this particular matter Australia lags well behind other countries. Disabilities on the employment of women have been imposed by successive governments, Labour and otherwise, and continue to be imposed by this Government. They are repeated in clause 104 of the Commonwealth Banks Bill, in a provision which means that when a girl employed on the Commonwealth Bank staff gets married, she will get the sack, even if she wishes to work two or three years after marriage so as to have the money to help to form a household for herself and her husband until her family begins to arrive. As far as my enquiries show, this is a disability not imposed upon women by other banks. The trading banks do, in fact, allow most of their girls to stay after marriage, and they form a very useful part of the staff. Of course, more than banks are concerned in this matter of the employment of women. Like the honorable member for Sturt, the only reason I would not vote against this provision is that the Government has before it the report on Public Service recruitment which recommends the abolition of these penal discriminatory clauses.

How wonderful it is for the Minister now to be able to introduce into this House this momentous Bill which carries into effect what he as a private member advocated in the House on 19th March 1959 and has continued to support during his term as a private member and since as a Minister of the Crown. I think every honorable member who has strong views on any political matter would like to see the day when he, as a Minister, could have his view carried into effect. I would like to pay my tribute to the Minister for his success in carrying into effect this very great principle.

There is much more on this matter than may appear on the surface. The Bill goes to the fundamental principles of the Australian way of life. We are a country that is noted throughout the world for fair play and for willingness to give everyone an equal opportunity. People migrate to Australia in thousands every year because they believe that in Australia there is equality of opportunity. That is why it behoves us, as we are doing in this Bill, to ensure that discrimination of every form is removed. I would like to give a few instances of forms of discrimination that I have seen removed and have helped to remove since I have had the honour to be a member of the Parliament. I remember, Sir, that when I entered the House our Aborigines were not entitled to an aged pension. Now that discrimination has been removed. They like every other Australian citizen, are entitled to a pension on reaching the requisite age, if they have the requisite residential qualification. I remember the discrimination against alien migrants. An alien, even a migrant who was not naturalised, was not entitled to an age pension even if he had been in Australia for 20 years. That discrimination has been removed. I remember that non-Europeans were not

entitled to naturalisation until they had been in Australia for 15 years, whilst Europeans were entitled to naturalisation after 5 years. That discrimination has now been removed.

The Government has a proud record of achievement in removing the last vestige of discrimination which we inherited. But some still remain and I am sure the Government will continue its watchfulness and remove discrimination wherever it occurs. There is still a marriage bar under the Commonwealth Banks Act. The Minister, in his second reading speech, gave an assurance that this will be looked at. There has not been time to do so just at the close of this session, but the Minister has said that the matter will be looked at. I have no doubt that the marriage bar in the Commonwealth Bank will be removed as it has now been removed in the Public Service. I do not propose to deal with the details of the Bill. They have been dealt with adequately by the Minister and he is supported I am glad to say, by the Australian Labour Party. Therefore, I will not take up the time of the House by dealing with them. I merely conclude by saying how happy I am to see that the marriage bar has been removed. I hope that the Government will continue its watchfulness and see that all forms of discrimination are removed from the laws and regulations of this country, few as the remaining ones may be.

Document 19

**Excerpt from the Public Service Board's
*Annual Report for 1967-68***

PUBLIC SERVICE BOARD 1967 - 1968 ANNUAL REPORT

A beneficial effect of the removal of the 'marriage bar' has been the provision of greater stability in the staffing of office services type positions, such as typist and accounting machinist. (p. 73)

Document 20

A story from the University of Western Australia and a letter from the Vice-Chancellor

The operation of an unofficial marriage bar at the University of Western Australia was a major obstacle in my academic career.

I came to Western Australia at the age of 21 as a married woman with a BA honours degree. Within a couple of years, having nearly completed a master's degree, I was tutoring at the University, and seeking employment. The University appointed married women to the temporary staff only. Unlike married men, married women lacked security, study leave benefits, and superannuation. The University eventually admitted that they administered the principle that no married woman would be appointed to a permanency, unless she was required to provide for her own financial support. Although two married women were appointed to permanent posts in 1968, it was not until 1973 that members of the general staff were permitted to retain their positions after marriage.

From my point of view, as a young woman seeking an academic career, the effect was demoralising. I was not permitted to aspire to a career, saw less qualified (and in some cases less competent) men appointed to posts, and was forced to listen to a rhetoric about academic merit which was dishonest and unjust. The ramifications of the policy continued for many years. Initially there was no maternity leave, let alone child care. Study leave benefits were different for married women. Married women were continually reminded that they were an anomaly.

My first tenurable post was in 1976, although I had been tutoring and lecturing in various posts from 1966. Even last year, when the University decided to reward the staff who had served for twenty-five years with a presentation and an afternoon tea, I was deemed ineligible, and was told that my employment dated only from 1976. All those years of service from 1964 to 1976 were institutionally invisible. I am pleased to say, however, that I won that fight, and although I was embarrassed to be invited to the ceremony this year, I attended, and found the acknowledgment pleasing.

Source: Anonymous senior academic, 18 October 1996

25th June, 1968.

Mrs. E. Highet,
Hon. Secretary, Western Australian
Association of University Women,
5 Graham Court,
COTTESLOE, W.A. 6011.

Dear Mrs. Highet,

Thank you for your letter of the 17th June, 1968. We are slowly hammering out our policy on the employment of married women and I shall be glad to let you know what is finally decided.

You may possibly appreciate the fact that in the University, academics are employed not from 9.00 a.m. to 5.00 p.m. but are required to devote their whole time and attention to teaching and research. As you can probably imagine, this creates somewhat of a problem for the young married woman unless she is fortunate enough to be able to ensure continuously the services of a competent housekeeper and nurse.

With kindest regards,

Yours sincerely,



Stanley Prescott
Vice-Chancellor.

Source: Patricia Crawford and Myrna Tonkinson (1988) *The Missing Chapters: Women Staff at the University of Western Australia 1963-1987*, University of Western Australia: Centre for Western Australian History.

Removal of the Commonwealth Marriage Bar

A Commonwealth story

Alison Broinowski graduated from Adelaide University in the days when women were expected to choose between a career and marriage. The former was a prelude to the latter. If young women had ideas about going on with serious work after marriage, they were discouraged, either by social pressure, inequitable conditions, or government regulations. When she entered the Department of External Affairs as a diplomatic cadet in 1963, the Australian foreign service had very few women, partly because it selected only one each year, and partly because no female public servant could remain 'permanent' after marriage. The justification for this was circular: 'It's not worth recruiting and training women because they get married and leave'.

Alison did as many of her predecessors and successors in Foreign Affairs have done, married one of her colleagues and became a 'temporary' public servant. But in 1974 when the foreign service was expanding under the Whitlam government, she was re-recruited and over the next 10 years pressed the government to remove other barriers to equality for female diplomats: the prohibition on their being posted abroad with a diplomatic spouse, the bar to their working at the same post as a spouse who was a Head of Mission, and their under-representation in senior positions.

Having been both a diplomat and a diplomat's wife in several posts abroad, Alison was also involved in the early 1970s in a wives' movement which swept through the foreign services of comparable countries. It began with the United States foreign service wives' outrage at being complimented on giving the American government 'two for the price of one' through their unpaid contributions to the work of Embassies. A split developed between what were called 'traditional' wives and those who wanted reform. This was resolved by the then Secretary of the Department of Foreign Affairs declaring that wives had no duties at posts other than those they voluntarily assumed.

Document 22

Hiding the ring

Julia Ryan worked for the Department of Primary Industry in Sydney in 1958, while finishing her university degree at night. She was aiming to become a teacher. In the same year she achieved what was then regarded as the major goal for women—the status of a married woman. The paradox was that this achievement had to be kept absolutely secret as far as the Department was concerned.

Julia used to travel into the city by train, wearing her ring. She felt married and wanted to be seen as a married woman with the added status that gave her. She also had to be a married woman for the benefit of her landlady. But she had to arrive at the other end of the journey as a single woman. Central Station was the watershed where the ring came off and was carefully hidden in her purse before getting on the underground to Wynyard.

Julia shared her secret with two of the women she was working with. She found that one of them, a woman from the country for whom the ‘good’ city job was very important had also been secretly married for some time. Looking back, Julia finds it hard to understand why being married was so important to her, particularly as she had a feminist mother. She was one of the many women of the time for whom marriage was both a matter of pride and a guilty secret.

Source: ‘The Way We Were’, Session at the Removal of the Marriage Bar Forum, Parliament House, Canberra, 28 October 1996

Removal of the Commonwealth Marriage Bar
