MANDARINS, MINISTERS AND THE BAR ON MARRIED WOMEN

Tom Sheridan

ABSTRACT

Until November 1966 clauses in the Public Service Act prevented married women from being permanent employees in the Commonwealth Public Service (or in State public services outside of NSW). Examination of National Archives records reveals that removal of the Marriage Bar was a much more complicated process than hitherto generally realised. Study of the stuttering and convoluted pursuit of its removal over an eight year period through two Inter-Departmental Committees, a Permanent Heads Committee, a Cabinet Committee and through three formal Submissions to Cabinet itself casts an interesting light on the interface between the varying goals of centralized public sector management and the political criteria and ambitions of its political masters. In this period before second wave feminism reached Australia organised labour had various axes to grind, often hidden, sometimes conflicting. At all times macro-economic currents were at least as persuasive as social pre-conditioning.

JEL Classifications:

Keywords:

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Mandarins, Ministers and the Bar on Married Women.

[The women of Australia have established an unanswerable claim to economic, legal, industrial and political equality. I hope that the time will speedily come when we can say truthfully that there is no sex discrimination in public or private office [or] in political or industrial opportunity. [Robert Menzies, 1949 General Election, National Archives (‘NAA’), MP 1404/1, 1967/3997 Part 1.]

Introduction

The authors studied women’s employment in the course of an overall investigation of industrial relations in the Menzies years, 1950-1966. In November 1958 the Boyer Committee recommended that married women be allowed to occupy permanent positions in the Commonwealth public service. Marian Sawer [1996] documented some moves leading to the eventual removal of the marriage bar in 1966. These are but the tip of the iceberg. Further research reveals more players, procedures, interest groups and politico-economic pressures than her pioneering work suggested. The hiccups of repeal occupied some unlikely male protagonists. The presence of women among its opponents and the relatively low public profile of feminist agitation vividly remind us just how far Australian social attitudes have been transformed in the intervening forty years.

Contemporary Employment Trends

The 1961 Census showed that half of employed women were either stenographers and clerks (25.6%), shop assistants (10.6%), nurses (5.7%), teachers (5.3%) or textile machinists (4.0%). With the workforce fully employed, overwhelmingly fulltime, the main potential sources of new workers were immigrants and the many Australian women not in the workforce. Table 1 indicates that neither the percentage of women at work nor their proportion of the workforce grew dramatically in the 1940s and 1950s. But a rising proportion were married. Women were confining their child-bearing to a shorter time span. Contemporary sociologists detected a tendency ‘to order their lives in terms of a long-range plan in which child-bearing and rearing represent an interval between two stages of their working lives’ [Martin and Richmond (1968) p.199].
Nevertheless, social attitudes - among women as much as men - remained uneasy about the emerging trend. In 1956 Woman’s Day was surprised to find its readers were six to one against married women working. The unease hinged upon what were seen to be the best interests of young children. In 1960 Gallup Polls found 78 percent of respondents opposed mothers of young children entering the workforce – although a similar majority approved of childless wives working [Murphy (2000) p. 48]. The proportion of working women who were married (42%) was below the comparable figures for the USA (54%) and Britain (50%): ‘only about one worker in ten in Australia [was] a married woman [in the mid-1960’s], compared with one in five in the United States and Britain’ [Martin & Richmond, p.197].

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<th>TABLE 1</th>
<th>Women in the Workforce, 1901-61</th>
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<tr>
<td>Year</td>
<td>Percent of Women aged 15-64 at work</td>
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<td>1901</td>
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<td>1911</td>
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<td>1921</td>
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<td>1947</td>
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<td>1954</td>
<td>30.5</td>
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<td>1961</td>
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Source: Martin and Richmond (1968)

Apart from social attitudes to marriage and child rearing, women were hardly enticed into the workforce by the lure of high pay. Except in a tiny proportion of professional positions they earned considerably less than men – even when doing exactly the same job. There were some equal ‘margins’ for particular skills, but they were added to an adult woman’s basic wage which was 75 percent of the male basic wage. Only passing reference will be made to the stuttering campaign for equal pay which the authors intend analysing in a separate paper. Suffice it here to say two things. The ‘equal pay’
legislation initiated by the NSW Labor government in 1959 was interpreted by the State arbitration tribunal in such a way as to bring the rates of only 6 or 7 percent of females employed in the state up to the level of their male colleagues by 1967\(^1\). Second, the Menzies government consistently refused to take any initiative to bring about equal pay in either the public or private sectors of the economy.

**The Boyer Committee**

In September 1957 the Menzies government appointed Richard Boyer to head a Committee of Inquiry into Public Service Recruitment. Its conclusions were made known to the government in November 1958. Among its many concerns it recommended repealing the marriage bar because of its inequity, disincentives, waste of talent and training, and because Australia was one of very few nations with such a bar.\(^2\) It was assisted by a submission from the Canberra Association of Women Graduates, suggested by the husband of Helen Crisp, one of its members who recalled that ‘It had not occurred to any of us’. [Sawer (1996) p.2].

By 30 June 1961 33,736 women were federal public servants: 51.5 percent with permanent status and 48.5 percent temporary. Over 92 percent were in the lowest, Fourth Division: the remainder were in the Third. Only 2,500 were married - all, perforce, employed in temporary positions. From 1953 to 1957 between 7 and 9 per cent of permanent women officers retired annually from the Fourth Division, and over 5 per cent from the Third. Among the states only the NSW government did not automatically end permanency and superannuation rights upon marriage – but it did so for brides whose husbands were also state public servants and it would not recruit married women to permanent positions unless there was no alternative. Elsewhere the Commonwealth bar was replicated, though a few married women had permanent professional jobs in the South Australian and Tasmanian public services where men or single women were not available. Married women teachers were not employed on a permanent basis in Queensland, South or Western Australia. They were in New South

\(^1\) NAA. MP1143/1/0, 66/4420/26, March 1967.
Wales, Victoria, and Tasmania, albeit suffering discrimination in selection, promotion and superannuation. Only the first two states granted maternity leave. In Tasmania women were required to resign three months before the birth of their child.

To consider the Boyer report the Cabinet established a Cabinet Committee which would in turn be advised by a Committee of (male) Departmental Permanent Heads. The latter took a full year to consider Boyer’s wide-ranging recommendations on all aspects of public service recruiting. On the marriage bar they reported that ‘substantial differences of view still remain between members of the Committee’. They listed six problems, including five about possibilities of conflicting demands on married women by their families and the Service. The Permanent Heads were unanimous about one point: they needed more information, and suggested that the Public Service Board, (‘the Board’) assisted by the Department of Labour and National Service (DLNS), should supply it. Meanwhile Section 49 of the Public Service Act allowed the Board, with government approval, to respond appropriately where departments could not replace married women or operate efficiently without them. On 1 March 1960 the Cabinet Committee directed the Board to consult other departments, assemble factual information and then submit to Cabinet a further paper on ‘the issues and effects of any variation in the present practice on the employment situation generally in Australia and on the Commonwealth and State Public Service in particular.’

Accordingly the Board Chairman, Sir William Dunk, formed in July an (all-male) inter departmental committee from six key departments: Prime Ministers’, Treasury, DLNS, Postmaster General’s (PMG), Social Services and the Board. At its first meeting (10 August) this Committee determined that, since workforce trends demonstrated that ‘employment of married women was now accepted in the community’, it need not spend time on the social implications of the Public Service imitating private sector practice. It would concentrate on the likely effects of removing the bar on the efficiency of the Service. As a first step it sent questionnaires about the

2 In 1960 the UN Status of Women Commission listed only five other countries reporting such a civil service marriage bar: India, Ireland, Malaya, Switzerland, and South Africa.
employment of married women to each Australian state and to the civil services of the UK, USA, Canada and New Zealand, none of which operated a bar.

The overseas evidence suggested that removal of the bar was unlikely to produce a dramatic increase in the number of married women employed. Between 55 and 63 per cent of women who took maternity leave from the British Civil Service did not return to it. Canada and New Zealand reported similar experience. No statistics were available for the USA. In Australia 1,582 female Commonwealth employees had retired upon marriage in 1959-60. Combining home and foreign evidence of the average timing of births in marriage, the Committee calculated that perhaps 30 per cent of women would remain longer than two years after marriage, with a ‘much smaller proportion remaining indefinitely.\(^3\) Eligibility of married women should mean greater competition for vacant positions and hence a better standard of recruit. This would outweigh the associated restriction of promotion opportunities among men and single women. Special conditions including maternity leave would have some costs but offsetting savings would result from less staff wastage and lower recruitment and training costs. Areas where shortages existed, including professional occupations generally and typists in Canberra, Sydney and Melbourne, should be immediately advantaged. Further savings would come if the marriage allowance, paid to women resigning in order to marry, were abolished. Overall, the Committee concluded, a balance of advantage would accrue from removal of the bar. This would have an ‘insignificant’ direct effect on State public services which already employed married women in temporary positions. It would, however, prompt demands from ‘women’s organisations’ that State governments imitate the Commonwealth action.

The Committee recommended that the conditions for permanently employed married women be the same as for men, with the addition of maternity leave. Maternity leave and pay varied in other countries. The Committee suggested three months minimum and six months maximum, plus sick leave entitlements up to twelve weeks. It proposed to abolish the marriage allowance for those continuing in the service and,

\(^3\) Interdepartmental Committee Report (First draft) 9/12/60, B142/0, SC61/23.
with Treasury dissenting, retain it for those voluntarily retiring. The question of re-
instatement in permanent positions of those compulsorily retired in previous years
should be left to the discretion of the Board. Treasury should be asked to recommend
appropriate amendments to the Superannuation Act to extend its benefits to married
female employees.

At the turn of 1960-1 all seemed plain sailing: the marriage bar would go. Even before
the Committee held its second meeting the press was correctly reporting its sentiment
[Age, 1/11/60, Daily Telegraph, 2/11/60]. In circulating a first draft report to
Committee members the Board’s convenor pressed for speedy comments because he
understood that the Prime Minister had indicated ‘to some Members’ that any
legislation relating to married women would be introduced early ‘in the next session’.4
But after the Christmas break the first significant opposition to the bar’s removal was
voiced in the Committee. The PMG Department doubted that removing the bar would
help recruitment. Very few married women would stay more than two years, and some
of those would have stayed on as temporary employees. Conversely, young women
would be put off entering the Service by the reduction in promotion prospects.
Removing the bar would ignore both ‘the employment situation and public attitude’ in
many small country centres ‘where single girls have difficulty in securing a job close
to home and there is strong local feeling against even the continued temporary
engagement of married women’.5 And what if ‘a temporary employee (breadwinner)
could be discharged while a married woman remained, perhaps with her husband, also
a permanent officer, in the same Department.’

Two other PMG criticisms were of interest for differing reasons. The first concerned
its opposition to a new proposal from Dunk that the Marriage Allowance be either
increased and/or be payable up to one or even two years after marriage. Although
Dunk soon dropped the suggestion, the interest here lies in his initial reason for

4 A Lawrie to KC McKenzie, 9/12/60, ibid.
making it. The Minister overseeing the Board was the Prime Minister and Dunk informed the Committee that:

the Government is under pressure[from women Senators on both sides of the House] to remove the marriage bar... and at the same time the Government does not really wish to encourage the retention of married women: hence the Board’s proposal to make the marriage allowance provisions more favourable [italics added].

Finally, the PMG forecast opposition from public service unions with many women members: ‘Such unions would of course take a different view from outside women’s organisations on this question.’ The Telephone and Phonogram Officers’ Association had complained that removing the bar would reduce the chances of promotion, with adverse effects on recruitment. The other Committee members thought that PMG’s real concern was that married telephonists and phonogram operators in country areas would have higher absentee rates and lower availability for overtime and shift work than single women. Unable to assuage these fears, the five other departments tried to meet the PMG concern by recommending that the Public Service Act be strengthened to expedite handling cases of alleged failure to meet requirements of shiftwork, mobility etc.

Learning of Dunk’s initial proposal to improve the Marriage Allowance, H.A. (‘Harry’) Bland, Permanent Head of DLNS and a central figure in all efforts to remove the bar, flagged his department’s concern about a potential ‘flow on’ to other industries. In so doing, he chided Dunk who was now retired but apparently saw the marriage bar issue as an untidy left-over from his reign at the Board:

I would not be so concerned if you could find some other basis on which to hang your wish to increase the marriage allowance rate. But I am puzzled to discover what the justification could be. Do you want to make voluntary retirement attractive? I thought you were a women’s career man! In logic it is hard to justify any marriage allowance at all if we eliminate the present compulsory retirement on the ground that women should have a career.

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6 K McKenzie to HA Bland, 23/1/61, ibid.
7 Second Draft IDC Report, op. cit
8 Bland to Dunk, 19/1/61, ibid.
Although Dunk backed away from improving the Marriage Allowance and indicated that he thought that New South Wales offered the best model for maternity leave, Bland was highly critical of the Report which, he asserted to AB Milne, the Board’s Secretary,

reflects a typically male public servant attitude to this problem. One has the impression that it is with a great degree of reluctance that signs of enlightenment are allowed to peep through the document’s mass of words. The advantages to accrue from removing the marriage bar are played in minor key and the apogee of this is to be found in paragraph 21 with its hesitating conclusion that “there may be a balance of advantage accruing from the permanent employment of married women generally.”

Bland deplored the recording in the report of PMG’s main concerns – which he summarily dismissed. Its views on country areas ran directly against the wide experience of his own department there. He remained confident that the bar would go. In April he was publicly predicting that "the marriage bar would be removed from the Commonwealth Act..." \(^9\)

**Changing Economic Climate**

When, however, the Board submitted its final report on 18 August, the economic and political climate had changed. The previous year’s ‘credit squeeze’ had helped bring rising unemployment and a General Election was due in a few months. Public alarm mounted as unemployment stayed above 2 per cent for the first time in 20 years, reaching 3.2 per cent at its eventual peak. This explains the prominent position given in the Board’s report to the views of public service unions. The High Council of Public Service Organisations, an affiliation of some thirty Public Service Unions, stated that:

It is the firm view of the Council that, because of the changed employment position and the lessening of opportunities for the employment of single persons and with the probability that, with the extension of automation, the

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9 Bland to Milne, 16/3/61, *ibid.*
number of positions will become relatively less, there should not be any change in present restrictions on the employment of married women. 11

The High Council did not include the Amalgamated Postal Workers’ Union, two small professional unions and unions whose membership was mainly outside the Commonwealth Service. Of the organisations which individually supplemented the comment of the High Council, the majority, like the Telephone and Phonogram Officers, the only predominately female public service union, opposed any extension of the employment of married women because they feared its effects on employment and promotion. Public service unions which wanted to remove the marriage bar were the Hospital Employees’ Federation and a few small associations of professional officers.

The Board’s report turned next to the Permanent Heads, the majority of whom

Raised no objection to the principle of employing married women…although a few had qualifications of a social type, e.g. ensuring care of children. Only three Permanent Heads foresaw administrative difficulties…Of these, one [PMG] expressed the general view that the disadvantages…would considerably outweigh the advantages.

To the PMG’s concerns were now added the lesser problems foreseen by the Head of External Affairs who supported the principle of removing the bar but felt that service overseas would not be compatible ‘with matrimony of women officers’.

For other departments the Board felt that ‘the direct advantages and disadvantages of removal of the marriage bar would not be very significant.’ To keep it could be regarded as an anachronism. The Board thus placed an each-way bet: ‘Whilst

11 Norman MacKenzie offers a picture of contemporary opinion among non-public service unions. In 1960, of the 93 trade unions affiliated to the ACTU, 59 had women members. The Clothing Trades Union had 29,000 (2,000 men). The Federated Clerks had 28,000 (17,000 men), the Textile Workers Union had 23,000 women and juniors (7,000 men), the Federated Ironworkers’ Association 2,200 (41,000 men), and the Vehicle Builders’ Union (VBU) 1,100 (22,000 men). MacKenzie’s survey of 15 unions showed all favoured equal pay, and all but the Amalgamated Engineering Union and VBU accepted the employment of married women and disapproved of any marriage bar. The AEU thought men and single women should be given preference in bad times. The VBU said ‘married women should be at home’. MacKenzie, p. 195.
believing that a decision regarding the employment of married women in the Commonwealth Service rests more on the social issues involved than on the direct advantages and disadvantages to the Service, the Board’s assessment of the latter leads to the conclusion that removal of the marriage bar would now be appropriate. The Board considered PMG and External Affairs to have valid misgivings. Thus it asked for power to prescribe certain occupations in which married women were not eligible for permanent employment. It proposed twelve weeks of paid maternity leave without use of sick leave, and recommended the marriage allowance be continued.\(^{12}\) Its Submission to Cabinet made clear that an additional three months leave could be taken without pay.\(^{13}\)

Despite his disappointment that the Board had not taken a more positive and urgent stance, Harry Bland in a handwritten note urged his Minister, William McMahon, to back the Submission:

I hope I am sure you will support this. It is entirely right in principle. It will enable us to hold up our own heads at ILO Conferences. I should have thought it has political value. The bar…has been a barbaric anachronism. Get rid of this and we may have a little more peace on equal pay.\(^{14}\)

The advice offered to Robert Menzies, over whose name any Board Submission would be made, was at best lukewarm. His first briefing from senior adviser Dr. Ronald Mendelsohn was completely negative: the practical effects of removal ‘are likely to be fairly small’; the topic was ‘loaded’ and emotional; Treasury had not yet drafted requisite amendments on superannuation:\(^{15}\) removing the bar would be ‘quite unpopular’ because of ‘heightened public consciousness concerning unemployment’; abolition was likely to have ‘important repercussions on employment’ in both the public and private sectors of the economy: a ‘state of affairs’ where married couples drew salaries ‘throughout their married life and throughout the period of upbringing of

\(^{12}\) 18/8/61, B142/0 SC61/23.
\(^{13}\) Medical complications naturally warranted further (sick) leave. Reflecting the experience of the NSW Service where ‘many women’ returned for a single day after confinement in order to be paid for maternity leave, the Board favoured the proviso that payments should not be made until the resumption of duty for three months. Bland to W. McMahon, ‘Briefing Notes’, 4/9/61, SC 61/23/47, \textit{ibid}.
\(^{14}\) \textit{Ibid}.
their children has important social effects’; perhaps the government should first seek scientific evidence about social experience overseas ‘especially in Great Britain’; quite possibly some results could be obtained by the time Cabinet reconsidered the matter – ‘roughly next February at the earliest’. Menzies’ only mark on this brief was alongside the suggestion that no action be taken or announced ‘before there is a real upturn in employment.’

Immediately before the Cabinet meeting, Department Head and Cabinet Secretary John Bunting fortified the case for caution. After recalling the even division of Permanent Heads in 1959, he noted their apparently clear support for change in 1961:

But I would not take [their responses] at face value and I continue to believe that if each Head of Department questions himself about his true views on the point he will end up having a bit each way. I certainly do. On the one hand I see it as an anachronism that married women should be excluded from consideration for permanent Public Service employment. On the other, I see a decision to employ them as being a social decision of large dimension. Again, on the one hand I see the demerit of having to terminate a woman’s employment merely because of marriage. But, on the other, I also see the demerit as an employer of running second to domestic responsibilities.

I have assumed that just as I am divided, and the Public Service is divided, so will the Cabinet be divided. As the issue is principally a social one and the Government can presumably accept a decision one way or the other, it would be not only tactful but, in truth, advisable, to get responsible Party opinion. Of course ...this particular time, election due and unemployment up, is not ideal for an initiative on this issue. Therefore, if Cabinet asks for it to be shelved till next year, we [Bunting and FW Wheeler] won’t be surprised.

Later that day Cabinet simply noted the recommendations of both Boyer and the Board but ‘decided to take no action in the matter’. The decision was not publicised. On his copy of the Decision, Bland inserted two exclamation marks and a prediction: ‘We’ll reverse this one day.’ Subsequent evidence (below p.18) reveals that his

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15 In fact, on the same day, Board Chairman, Fred Wheeler, wrote to inform Menzies that Treasury had virtually completed the task. Wheeler to Menzies 11/9/61, A4940 C3548.
16 R. Mendelsohn to Menzies, 11/9/61, ibid.
17 Bunting to Menzies, 12/9/61, A4940, C3548.
18 Cabinet Decision 1594, B142/0 SC 61/23.
Minister, McMahon, had not voiced any support for the Submission. Bunting recorded that Cabinet’s was ‘a considered view’:

There was little discussion of the employment implications of the question: rather it was determined as a social question, Cabinet taking the view that it was against public policy to facilitate the employment of married women, and thus perhaps worsening a situation in which already there was too [much] neglect of children in favour of paid employment.\(^\text{19}\)

On 26 September, two weeks after Cabinet’s decision, Menzies misled Parliament by telling an ALP questioner that the Board’s Report was ‘still under the consideration of the Government’.\(^\text{20}\) On 24 October, Cabinet decided that the public answer should in future be that the government had been considering the bar but had not yet come to a decision.

The General Election of 9 December 1961 demonstrated that the government had cause for concern. The Coalition’s majority in the Lower House was reduced, after providing a Speaker, from 32 seats to one. Even the outwardly imperturbable Menzies was rocked by the result [Martin (1999), pp. 433-6]. The slack job market remained a paramount economic issue throughout 1962 and undoubtedly loomed large in Cabinet Room decisions. In the new Parliament the four women Liberal Senators, Nancy Buttfield, Annabelle Rankin, Agnes Robertson and Ivy Wedgwood, pressed on the marriage bar issue. Mendelsohn’s view was that, with the election over, ‘the marked lack of enthusiasm’ of the public service unions and the continued unemployment, it might be time for ‘grasping the nettle’ and revealing that the government proposed no action on the issue.\(^\text{21}\) Three weeks later, however, the answer given to Wedgwood in the Senate was again that the bar was ‘under consideration’.\(^\text{22}\)

A connected matter of greater import was the drive to achieve equal pay for women. General opinion, including that of many (male) union leaders, was that the cost of equal pay would be great. If achieved, it would imply a major restructuring of the

\(^{19}\) Bunting to Menzies, 10/10/61, A4940.C3548.
\(^{21}\) Mendelsohn to Menzies, 8/3/62, A4940 C3548..
national wage system and a removal of the lingering element of a family ‘needs’ wage for the (supposed) breadwinning male. Male rates might be lowered, or at best retarded, to meet the cost of equal pay. This certainly was Harry Bland’s view – but he also felt that the wage campaign presented him with an opening: Cabinet might now be persuaded to remove the bar because it would constitute a sop to the equal pay lobbyists.

On learning from F.W. (‘Fred’) Wheeler, Dunk’s successor at the Board, that the Prime Minister was prepared to reconsider the marriage bar issue Bland immediately re-briefed McMahon along the lines of August 1960, reminding him: ‘Our view in the Department has long been that a removal of the marriage bar is entirely right in principle.’

Ten days later, Mendelsohn again briefed Menzies in a different vein. He set out the pros and cons:

Opinion on this matter amongst the advisors is divided. There would be a lot of administrative difficulties in running a service in which married women, with all their divided loyalties, would have permanent employment. The present position of heavy unemployment makes the occasion inauspicious. But modern opinion is with the feminists, and we are seen to be in a small minority of countries now maintaining barriers…

There is altogether a curious tangle here. Were you to refer the question of employment of married women, or the somewhat related question of equal pay for equal work, to an appointed Committee nicely balanced pro and con, guineas to peanuts it would recommend the feminist viewpoint. Were you to take a popular vote the conservative view would have a much better run. The issue is far more likely to lose votes than to win votes, however it is played. Delay seems the best gambit…

On 10 April the four women Liberal Senators formed a deputation to the Prime Minister. They called for equal pay and elimination of the marriage bar. Menzies presented the standard line on pay: the government would not interfere in the functions of the arbitration tribunals. Concerning the bar he pointed to the view of the public service unions. Nevertheless, Menzies considered that some of the Senators’

22 CPD, Senate, vol, S21, 28/3/62, p641.
points warranted ‘further examination’ and he would seek information from the Board to place before Cabinet. Three days later a deputation of 10 unionists representing three peak union councils, the ACTU, ACSPA and the High Council of Public Service Organisations, half of them men, asked Menzies and McMahon, *inter alia*, to grant equal pay to women in the federal public service.

When requested for equal pay information the Board turned to DLNS which began preparing a Submission for Cabinet. Both Wheeler and Bland agreed that, if Cabinet reaffirmed its view that equal pay was a matter for the tribunals, removal of the marriage bar would be a useful offset to the sour news.\(^\text{25}\) Bland reiterated the case for the bar’s removal to his Minister. But at the suggestion that the latter might have swung around to the same point of view, McMahon wrote a firm ‘No!’\(^\text{26}\) In Parliament the ALP raised the question of ratification of the ILO’s Equal Pay Convention. Within government ranks the women Senators maintained their interest in the marriage bar as well.\(^\text{27}\) Unfortunately for both proposals the labour market remained slack: in May, for example, the Tasmanian Public Service Commissioner told Bland that he intended ‘to get rid of married women in the State Public Service and replace them with suitably qualified juniors’\(^\text{28}\).

In the compilation of the DLNS Submission on Equal Pay the PMG views on the marriage bar resurfaced, this time supported by Treasury.\(^\text{29}\) With McMahon lukewarm to the idea, elimination of the bar was placed as one of the two sops ‘ancillary’ to the central issue in the final Submission to Cabinet on equal pay. Indeed it warranted but four lines in a 29 page document – and even then McMahon had caused Bland’s draft wording to be completely neutered.\(^\text{30}\) Cabinet on 6 August reaffirmed its earlier line on equal pay and offered only one sop to the women’s lobby: a new ‘Women’s

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\(^{24}\) Mendelsohn to Menzies, 2/4/62, A4390 C3548.

\(^{25}\) Wheeler to Menzies, 30/4/62, B142/0 SC 61/23.

\(^{26}\) Bland to McMahon, 21/5/62, *ibid*.

\(^{27}\) *Sydney Morning Herald*, 2/6/62 (re. Wedgwood at NSW Liberal Party Women’s Convention); *CPD*, vol S21, 17/5/62, p1449 (Buttfield).

\(^{28}\) Anon., ‘Note for the file’, 4/5/62, B142/0 SC 61/23

\(^{29}\) B142/0 SC 62/58, 19/6/62.

\(^{30}\) Cabinet Submission 316, 9/7/62, *ibid*. 
Section’ would be established within the DLNS, albeit on a ‘small staff scale.’ In reporting the Cabinet Meeting to Bland, McMahon said of the marriage bar defeat ‘There were too many objections to its introduction.’

*The Pendulum Swings*

For the next two years the issue seemed to drop off the public agenda, There were occasional letters from women’s organisations and a parliamentary question or two but it took a change of heart in an unexpected quarter to reawaken public interest. The employment situation had improved in early 1963 and by March/April 1964 the emphasis was on a ‘manpower shortage’. In May, it was claimed that only ‘unemployables’ were out of work; by December vacancies exceeded the number of jobless for the first time since 1955. Publication in 1964 of the 1961 Census workforce data confirmed the growing importance of married women in the private sector. A snap election on 30 November 1963 had seen Menzies regain a comfortable lower house majority of 22 seats after what was to be his last campaign. The ambitious Minister for Labour knew that great prizes would be on offer when the Prime Minister stepped down and he looked for any opportunity to gain favourable publicity. His major coup came in industrial relations when, in 1965, it appeared that he had dealt a knock-out blow to the supposed ‘communist conspiracy’ in the nation’s ports. Earlier, however, he had appreciated that changing economic trends offered him a painless opportunity to champion one of the causes of the women’s movement. Doubtless, too, credit should go to Bland for his continued advocacy.

In April 1964 Menzies informed an ALP questioner on the marriage bar that ‘The Government…does not propose …to vary existing arrangements.’ In September, McMahon, on an overnight stop in Brisbane, chose his words carefully in saying ‘Businessmen, Government Departments, and trade unions should realise there are some jobs that women can do as effectively as men. There are still too many

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31 6/8/62, ibid.
32 Inside Canberra, 21/5/64, 28/1/65.
34 CPD, vol H of R.41, p. 996.
reservations about married women in jobs particularly during the current “chronic labour shortage”. Asked if a woman with children should work, his basic feeling was that ‘it is up to her whether she should take a job’. The Courier Mail agreed and praised McMahon (‘the Commonwealth Cabinet’s perennial bachelor and the hope of the single ladies in Canberra’) for

gallantly carrying the lance for married women... Obviously, Mr McMahon’s interest in working women is partly because he is looking to the contribution to national production that more working women could make.

McMahon’s comments drew predictable flak, with union and employer officials pointing to the Commonwealth’s own marriage bar. The Secretary of the Queensland public service union stressed that his state’s marriage bar was also ‘union policy.’ Within DLNS, however, McMahon’s remarks spurred Alison Stephen, head of the new Women’s Section, to compile a minute stressing both the Minister’s view and labour market trends and suggesting that the time was right for another effort to remove the bar. Bland agreed but said that Wheeler first needed to be put ‘on side’. He asked that a ‘persuasive note’ be drafted for him to send to the Board.

Elsewhere, the Commonwealth Bank, faced with staff shortages and the impending change-over to decimal currency, was chafing over the marriage bar written into the Commonwealth Banks Act. In the New Year the journals of the major Third Division Union, the ACOA, carried a debate which ran over several issues and saw contributors heaping scorn on notions that change would adversely affect the social fabric and unfairly favour two-income families. Other straws in the wind included the Brisbane City Council beginning processes to remove its own marriage bar. There were also press comments about the unfairness and inefficiency of the bar. Both the Martin Committee on tertiary education and the Vernon Committee on the national economy criticised the bar.

35 Courier Mail, 9/9/64.
36 Ibid, 10/9/64.
37 B142/0 SC 61/23, 18/11/64.
38 Victorian Viewpoint, January to May 1965 inclusive (reprinted in the ACOA federal journal).
39 Courier Mail, 6/5/65, Brisbane Telegraph, Newcastle Morning Herald, 11/5/65. The Brisbane City Council passed the relevant motion in February 1966, Telegraph, 2/2/66.
Bland and McMahon faced several urgent issues in 1965, not least the climactic showdown with the wharfies but Bland’s opinion on the bar was unchanged: in May he gave Stephen’s Women’s Section a rocket for not being sufficiently proactive in chasing up examples of public service discrimination against married women. Yet, apparently because his zeal was not matched by some of his senior lieutenants, drafting of the letter to Wheeler lay entangled in DLNS red tape until August. When it was forwarded, Wheeler suggested the best approach was for DLNS to make another Submission to Cabinet. He doubted, however, that the current shortage of labour would be enough to overcome public service unions’ concerns about promotion opportunities. While the two Departmental Heads exchanged views, McMahon told Bland that ‘he was now quite prepared to press the matter’. On the same day he attacked ‘many Australian industries’ for maintaining a ‘Victorian attitude’ towards the employment of women. While this occasioned passing media references to pots calling kettles black, it also drew praise for the crusading McMahon and criticism of Menzies’ conservatism as ministerial head of the single biggest workforce in Australia. Women Senators gently, and Opposition members eagerly, pursued the theme during Question Time. On 23 September the Reserve Bank, unimpeded by any restrictive legislation, began dismantling the bar among its employees – though it still stopped short of recruiting married women. One day later the ACOA, with 2,500 women among its 23,000 members, took its first anti-discriminatory step by similarly admitting the justice of women at least retaining their employment rights after marriage.

Bland forwarded the final DLNS Submission - which now noted the continued opposition of Fourth Division unions – to the Cabinet secretariat on 5 November. Bunting advised Menzies to agree to its circulation although, strictly speaking, the

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40 MP1143/1/0, 62/4100, annotation by Bland 28/5/65.
41 B142/0 SC61/23, 17/8/65.
42 Ibid, 8/9/65, 15/9/65, 27/10/65.
43 Ibid, 1/9/65; Australian, 1/9/65.
44 Herald (Melbourne), 4/9/65, Canberra Times, 7/9/65.
45 Daily Telegraph, 23/9/65; B142/0, SC61/23, 22/10/65.
Public Service Act lay in the Prime Minister’s bailiwick. Bunting speculated that the Submission might represent Bland’s view rather than McMahon’s, going on, mischievously, to wonder if McMahon’s approaching marriage had given him a ‘new view of things’ since, in earlier Cabinet discussions, he had advocated no change ‘even though sent in by his advisers to kick up a fuss.’ He advised Menzies that the Submission dealt ‘somewhat skimpily’ with the consequences of removing the bar. ‘Of primary importance’ was the likely impact on equal pay and, in Bunting’s view, there was ‘no doubt’ that considerable weight would be added to that campaign once the change was made. He also foresaw ‘major administrative problems’ in the areas of superannuation, maternity leave, marriage allowances, furlough entitlements and methods of ensuring the Service did not ‘come off second best’ when there was a ‘conflict of loyalties between work and family responsibilities’. Even more important was the issue of recruitment policy. Were married women to be allowed to compete with school leavers for available jobs? – a question of ‘peculiar interest’ in Canberra where, if a sufficient proportion of its well-qualified married women offered for vacancies, they could close employment opportunities for young people in a city with few alternatives. For these reasons Bunting advised Menzies that, if Cabinet accepted the principle of the DLNS Submission, it should ask the Board, perhaps helped by DLNS, to report back on the consequences and administrative issues before actually removing the bar. On 30 November Cabinet, in one of the last decisions of a Menzies government, accepted the principle of employing married women but insisted that it first be advised by an interdepartmental committee as to ‘the practical implications’ of such a decision. These included Bunting’s concerns but Cabinet added the PMG’s ‘special problems’ and, in view of Cabinet’s belief that ‘it would seem appropriate that married women should not be eligible for certain types of employment,’ asked the Committee to nominate these occupations and the effects of their exclusion from the general decision. Little is known of the Cabinet discussion except that McMahon was nettled by it and complained to Bland about his ‘unclear submission’, the failure to consult PMG about it and, revealing his earlier inattention.

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46 A4940, C3548, 11/11/65.
to Bland’s seven-year campaign, that he had not been sufficiently briefed on previous objections to removal of the bar.  

Since September the ALP had stepped up its attacks with Bill Hayden tabling a motion to end the bar. Unfortunately for Labor the debate took place two days after Cabinet’s decision and McMahon, while indicating personal sympathy for the motion, was able to cut the ground from under the well-armed ALP speakers by revealing the broad nature of the decision. In the new government formed by Harold Holt in January 1966, McMahon was Treasurer and Leslie Bury Minister for Labour. Bury had spoken out against the bar in debate on the *Commonwealth Banks Act* in 1959 and now pressed for its removal. The interdepartmental Committee traversed much familiar ground but there were differences from its 1960-1 predecessor: Social Services was excluded; a woman (Stephen) attended as the junior DLNS representative; and PMG revealed a new flexibility because of favourable experience with women workers in the Sydney mailroom. It still, however, argued a special case for country areas and saw threats to essential services everywhere – a view which Bland decried as ‘rubbish!’ and, with unconscious irony, as ‘old fashioned wives’ talk!’

The unions organizing the Fourth Division remained obdurate. Postal workers, faced with automation and labour displacement, felt particularly threatened. The two next largest unions, the Public Servants Assistants’ Association and the Telephone and Phonogram Operator’s Association, wrote separately to tell the Board that they supported the bar and that the unions which wanted to end it spoke for a minority of professional officers. Wheeler’s opinion that this represented not merely the view of male union officials is supported by DLNS files. Citing a similar letter in *Woman’s Day*, a recently retired typist attacked the proposed move from the perspective of a ‘lone’ female:

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48 Cabinet Decision No.1416, *ibid*, 30/11/65.
49 B142/0, SC 66/7, 30/11/65.
51 The other Committee members came from the Board, PMG, Prime Ministers and Treasury.
52 Annotations, B142/0, SC 66/7, 11/3/66.
…if married women are allowed to invade the field of Government employment for typists and clerical workers, it will create another pocket of poverty…
if married women were employed permanently, it would affect [single women’s] seniority, with consequent reduction in superannuation. This is a very vital matter for lone women; up to date, the service has proved a secure and vital area for lone women to earn their livelihood. 54

Nevertheless Fourth Division opposition did not persuade the Committee that change would disrupt the Service. Its Report (13 May) 55 noted that Fourth Division unions, opposed the principle of employing married women – upon which Cabinet had decided – rather than its practical implications which were the present Committee’s concern. In any case the Report observed that while the number of women in the whole service had increased by 20 percent between 1961 and 1965, the (much smaller) numbers in the Third Division, the ‘career area’ of the Service, had grown by a spectacular 70 percent. The two bodies representing the majority of ‘career’ officers in that Division, the Council of Professional Associations and the ACOA, both supported removal of the bar.

The Report dealt summarily with some other implications of change. The Commonwealth would be following, not leading, private sector practice. There would be no substantial effects on State public services. The Commonwealth service should treat married women exactly like other public servants – except to provide maternity leave. There should be equal opportunity at entry – but the Board should maintain a ‘careful watch’ on the proportion of married women entering the Service. Removing the bar might bring extra pressure for equal pay – but this was expected in any case. More important, the change might lessen ‘the feeling within women’s organizations that it was prejudice against the employment of women which lies behind the rejection of their applications for equal pay.’ Superannuation questions were left to Treasury

53 The Post Office had experienced mounting staff unrest since 1961, centred around automation and use of part-time and female operatives, Waters, pp. 156-76.
54 Mrs Julia Hosking to Bury, 8/8/66, B142/0, SC66/7.
55 Ibid, 13/5/66.
which, in a later Cabinet Submission, recommended a small increase in women’s contribution rates to cover their dependents in the same manner as males. Where husband and wife were contributors two pensions should be paid. The existing restriction on contributors’ widows who subsequently became contributors themselves should be removed.

The major Committee disagreements concerned the Marriage Allowance, Maternity Leave, and what to do about married women who performed unsatisfactorily. On the first two of these the Board constituted a minority of one. Wheeler’s department stuck to the view that abolishing the Allowance for new entrants would hinder recruitment. All agreed that maternity leave should not depend on marital status, but the four other departments opposed the Board’s view that 12 week’s special leave on full pay be provided. They argued that it be debited against sick leave credits. Bland, for example, questioned whether the Commonwealth should ‘subsidize its employees for pregnancy? However, he was prepared to accept the NSW formula. The Committee’s Report indicated the existence of minority views but while Bury’s eventual Cabinet Submission followed suit it declared support for the ‘Board’s conclusion’ that the NSW provision of four weeks on full pay and four weeks on half pay be adopted. On the Marriage Allowance, Bury reported that the Board accepted the majority view that it be abolished for new entrants.

The question of how, if necessary, to discipline married women was the knottiest problem. The Committee discussions went relatively smoothly and PMG revealed its new flexibility by agreeing to employ married women ‘without limitation’ on two conditions: (a) they could, like men, be dismissed for unsatisfactory performance; (b) the Board must have power to specify employment categories, ‘limited perhaps to specific geographical areas’, for which married women were not eligible. In the case of service overseas, External Affairs was prepared to follow British practice by leaving to the Board discretion to offer alternative employment to women whose

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marriage rendered them in the Board’s view ‘ineligible’ for their current employment area. Behind the scenes, however, Wheeler and Bland fundamentally disagreed on procedures to be followed if domestic factors prevented proper performance of normal duties. Bland expected a married woman to be dealt with under existing disciplinary provisions of the Act like any other employee. Wheeler’s preferred approach was a report from her department followed by a Board investigation and, if the change was proven, simple dismissal. This, he believed, would avoid the stigma of disciplinary action which entailed gazetted publication and preclusion from re-employment and placed the woman on the same basis as those guilty of, say, theft. The Committee’s Report simply noted the existence of divergent views among its members but the continued failure to reach a compromise delayed drafting of the DLNS Submission to Cabinet.\(^58\)

The final version, after explaining the impasse, repeated Bland’s view that special treatment of married women represented discrimination – which existed in no other (overseas) Service which employed them. However, Bury did suggest making a reference in his Second Reading Speech to the possible need for special provisions in the light of future experience. In conclusion, he left it to the Parliamentary Draughtsman, in conjunction with Wheeler and Bland, to find a mutually acceptable form of words for the Bill.

It is difficult to know if the change of Prime Minister made any difference. On this occasion his Department’s senior advisers did not adopt their usual spoiling role. Two recommendations were made to Holt, one opposing the Board on the source of maternity leave pay, the other supporting it on special dismissal procedures.\(^59\) On 24 August Cabinet accepted Bury’s submission with the single amendment that the 12 weeks minimum paid maternity leave should be debited to sick leave credits. When it came to the drafting stage of the Bill the Board withdrew its proposal to have special dismissal procedures for married women and, further, deemed it unnecessary to include any PMG provisions giving the Board power to prescribe certain categories of


\(^{59}\) A4940/1, C3548, 24/8/66.
employment and/or geographical areas as ‘unsuitable’ for married women\textsuperscript{60}. The legislation came into effect on 18 November 1966: the States followed over the next four years.

Discrimination against female public servants hardly ended with the bar’s removal [O’Donnell and Hall, p.8]. Yet this reform, accomplished ‘well before the onset of the [second wave] women’s movement’, [Kaplan, p.116; Sawer, 1990, p.xv] became, in retrospect, a prominent landmark in Australian women’s incomplete progress towards equal employment opportunities.

\textsuperscript{60} B142/0, SC 66/7/123, 9/9/66.
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