



Teacher Reference Document 119



AUSTRALIAN
CONSTITUTION
CENTRE

Unit 13: Women's voting rights under the Australian Constitution – Year 9 -
C & C Strand: Citizenship, Identity & Diversity

Topic 9.3: Women's voting rights under the Australian Constitution

Catherine Helen Spence (South Australia)

Catherine Helen Spence was important enough for her face to replace the Queen on the \$5 note for the centenary of federation. But why was she there? What was so remarkable about her?

Catherine was born in Scotland in 1825 and came to South Australia with her family, arriving in Adelaide on her 14th birthday. She was well educated and started her working life as a governess and then a teacher in a private school. But journalism was her great passion. Early on in her journalistic career, she was the South Australian correspondent for a major newspaper in another colony, writing under her brother's name. Later, she was sufficiently respected to be able to use her own name on her articles. She used her journalism to educate the general public about social issues, including those faced by women. She even wrote novels and a civics text book for schools, to further education in different ways.

Fair and effective voting

Apart from civic education and the rights of women, Catherine was most concerned about voting. She was a strong advocate of the system of proportional voting, which she described as 'effective voting'. It is a system which ensures that the different views of the electorate, including minority views, are reflected in the composition of Parliament. For example, if in an election, 40% of the electorate supports party A, 35% supports party B, 10% supports party C, 8% supports party D and 7% supports party E, then the relevant House of Parliament reflects those proportions, rather than having the main two parties take all the seats. In particular, she supported a version of proportional voting proposed by the UK's Thomas Hare, which she adjusted to become the 'Hare-Spence system' of voting.

Catherine Helen Spence was one of Australia's first female journalists and its first female political candidate, as well as a fearless social and political reformer in South Australia.

Source: State Library of Australia





Catherine Helen Spence
Source: History Trust of
South Australia

She saw this system as the only way by which 'the people' – both men and women – could be truly represented in Parliament.

Catherine was also a strong advocate of the right of women to vote, and became the vice-president of the Women's Suffrage League of South Australia in 1891. But her support for women voting was tied to her desire for 'effective voting'. She couldn't see how it would benefit her to become enfranchised as a woman, if she was still effectively disenfranchised by a voting system that would not recognise her preference for minority candidates.

The right of women to vote

Unlike in other colonies, the upper House of South Australia's Parliament was not controlled by squatters and the propertied conservative classes. While votes on women's suffrage had been blocked again and again in the upper House of Victoria, there was a real chance of getting it through the South Australian Parliament.

To achieve this, however, it was necessary to get the support of Labor Members. This was achieved by another suffragist, [Mary Lee](#), who persuaded female workers in factories to join a union, and then argued that the support of these female unionists would improve the electoral prospects of the United Labor Party of South Australia if women could vote.

At the 1893 South Australian election, the conservative Government of John Downer was defeated by the liberal opposition led by [Charles Kingston](#), with the support of the United Labor Party. Kingston had previously opposed the female franchise, but changed his mind, saying it was a characteristic of the wise to alter their opinions. As voting rights were set out in the colony's Constitution, a constitutional change was required. This meant it had to be passed by an absolute majority in each House and be reserved for the Queen's royal assent.

On a stifflingly hot day, on 17 December 1894, the *Constitution (Female Suffrage) Bill 1894* was debated in the South Australian Parliament. Catherine had recently returned from a speaking tour in America and Europe, where she had campaigned both for 'effective voting' and the female franchise. Catherine and Mary Lee both sat expectantly in the packed 'Ladies Gallery' of the House. The debate went into the night, with men arguing that women didn't want the vote, or were too emotional to vote, or would vote as instructed by their husband or their priest, or would vote for the most handsome candidate. When the debate adjourned without conclusion, most of the women went off to a café to celebrate Catherine's return.



*Catherine Helen Spence featured on the back of the commemorative \$5 Federation note.
Source: Wiki Commons*

The next day, the conservatives realised that they were likely to lose the debate, so they decided to take the risky tactic of raising the stakes. They moved an amendment so that if the Bill passed, women could not only vote but also become Members of Parliament. They thought that this was so radical that it would persuade other Members to reject the Bill altogether. But this last minute gamble failed spectacularly.

At 11.35am, [the Bill](#), as amended, was passed and South Australian women became the first in the world who were entitled to sit in Parliament as well as vote for it. The Ladies Gallery erupted in cheers. The Bill still had to be sent to the United Kingdom to get the Queen's assent. Despite the fact that Queen Victoria opposed voting by women, she gave her assent to the Bill at Osborne House on the Isle of Wight on 2 February 1895 and it came into effect in South Australia from 21 March 1895.

Thirty-nine thousand women voted at the 1896 South Australian election and referendums on religion in government schools, being 66% of those on the electoral roll. Catherine published a leaflet called ['A Few Plain Words to the Women Electors of South Australia'](#) to help educate women before they took up their responsibilities as voters. In it she said:

'If our male relatives, for party purposes, ask us to vote for men whose moral character or political platform we disapprove of, we ought not to do so. If we elect bad men to Parliament we will have a bad Government. If we elect good and able men we will have a good Government.'

She concluded that women 'do not want to be represented by drunkards, libertines, gamblers, or political adventurers' and hoped that the votes of women would lift parliamentary standards. She said that to 'vote intelligently' women must learn what each candidate intends to do and enquire into his past political history. 'If he has been false to his promises do not trust him.'

The first female political candidate in Australia

Not long afterwards, there was an election for representatives at the 1897 Constitutional Convention to draft the federal Constitution. Catherine's brother suggested that she nominate. At first, she was shocked by the idea. But then she realised that election would give her the opportunity to argue not only for the female franchise at the federal level, but also for 'effective voting'. Nervously, she waited until the last minute to submit her nomination, so that no one would have time to challenge her candidacy. Her nomination was accepted, and she gained 7500 votes, coming 22nd in a field of 33.

It was not victory, but it was still a significant showing for a female candidate who was not supported by a political party. Catherine opened the doors for women to vote and stand for Parliament – doors that can no longer be shut.





Unit 13: Women's voting rights under the Australian Constitution – Year 9 -
C & C Strand: Citizenship, Identity & Diversity

Topic 9.3: Women's voting rights under the Australian Constitution

Maybanke Wolstenholme Anderson

[Maybanke](#) Wolstenholme Anderson was a leading feminist, intellectual, activist and suffragist in New South Wales. What drove her from the comforts of domestic life to become a public figure and a leader for change in Australia?

Maybanke Selfe was born in England in 1845 and travelled with her family to Sydney at the age of nine. She grew up in the Rocks area of Sydney in a working class home. But unusually for the time, her mother insisted that she be well educated so she could support herself as a teacher if she needed to do so. This was a wise decision. Maybanke married Edmund Wolstenholme at the age of 22 but was later deserted by him after he lost his business, went bankrupt and became an alcoholic. The marriage had already been rocked by tragedy, with the death of four of their seven children from tuberculosis-related conditions before they reached the age of five. Maybanke was left to raise her remaining children alone.

She opened up a school in her house, Maybanke College, to survive. Maybanke was an intelligent capable woman, who was also an excellent teacher. Her students excelled at university entrance examinations, and she became successful.

But what drove her towards political activism was the harsh application of the law to women like her. The law treated women as if they, and their children, were the property of men – even when the men were unworthy and had abandoned them. Women simply did not have sufficient, let alone equal, rights under the law. It was time that this changed.

Maybanke successfully lobbied to reform laws such as the *Married Women's Property Act* and the divorce laws, so that women were treated more fairly. For example, Maybanke argued that deserted women should be able to obtain a divorce and gain custody of their children, without having to establish some other cause for the divorce, such as domestic violence.

Maybanke Anderson (1845-1927)
Source: State Library of Australia





She was successful and the new law in 1892 allowed her to secure a divorce from her long gone husband.

But despite her success, Maybanke could see that the only way major law reform would be achieved, and her female pupils protected from facing the same experiences in the future, was for women to win the right to vote and through the vote gain the power to influence the application of the law to them. To her the franchise was 'the kernel of all reform'.

Suffrage – The right of women to vote

Maybanke's experience with the unequal treatment of women under law led her to join in the [establishment](#) of the Womanhood Suffrage League of New South Wales. She said that a 'woman without a vote is an inferior' and liable to be treated as one. In deciding on a campaign strategy, Maybanke rejected aggression and violence, which was later used by suffragettes in England. She thought that being soft and persuasive was more likely to achieve victory. She realised that convincing men to support the cause was necessary – as only they had the votes to change the law to allow women to vote. So Maybanke encouraged men to support her cause, gaining useful champions, such as Sir Henry Parkes.

In a major public meeting in September 1891, Maybanke stood on a platform with Parkes and gave a [speech](#) in favour of women's suffrage.

Maybanke Anderson strongly believed in the education of young children. She set up the first free kindergarten at Woolloomooloo in 1895
Source: Lone Hand, 2 February 1914, National Library of Australia.

She spoke about how women often needed to work to support their families. They became householders, taxpayers, heads of families, traders and employers – all roles that should qualify them as voters. But above that women were human beings. Democracy is based upon the will of the governed. As women are governed by the law, they should be entitled by it to vote. The press reported that Maybanke went on to address the arguments often made about women being mentally inferior:

'If the mental inferiority of women (which, by the way, she could not admit) was a bar, then shut out weak-minded men. If women may not vote because they have less physical strength, then disfranchise old men and invalids. But a woman wanted to vote also because she saw that it was expedient that she should do so. A legislative body elected by men, and composed of men, could never deal fairly with questions relating to women or bearing on the relations of the sexes.'

Parkes agreed. He [argued](#) that as women must obey the laws, they were also 'entitled to a voice in the making of those laws'. [Parkes](#), as Premier, put the question to the vote twice in the NSW Parliament in 1890 and 1891, but was defeated. But by simply causing it to be debated as a serious proposition, he advanced the cause.

In 1897, Maybanke resigned as President of the Women's Suffrage League to devote her time to campaigning for federation. At the Constitutional Conventions of the 1890s, the South Australian representatives had not been prepared to let their women, who had recently won the right to vote, lose it at the federal level. They lobbied hard, with support from Maybanke and her colleagues, for [section 41](#) of the Constitution, which guaranteed that a person who had the right to vote at the State level, could not be denied it at the federal level.

In practice, this meant that if the Commonwealth wanted one franchise that applied uniformly across the nation, it would have to give women the vote. Maybanke reasoned that once women had the vote at the federal level, all of the States would follow.

This meant that achieving federation was the key to ensuring that women in New South Wales achieved the right to vote. So Maybanke flung herself into campaigning for federation, sometimes sharing the same stage as Edmund Barton, who was strongly opposed to women voting. These two opponents had become temporary allies in the campaign to achieve federation, for very different reasons. Together they won.

The power of education

Maybanke's focus was not confined to the vote. She was also insistent that women needed to be better educated. She joined the Women's Literary Society and set up reading groups in country areas to allow women to expand their intellectual horizons. She also published and edited her own newspaper – Woman's Voice. Its motto was 'democratic but not revolutionary; womanly but not weak, fearless without effrontery; liberal without licence'.

Maybanke's passion for education extended to the very young as well. She supported the first free kindergarten in New South Wales to help the children of working mothers and was secretary of the Playgrounds Association. In her senior years she wrote a book about how to educate young children. Despite her unhappy first marriage, Maybanke re-married at the age of 54 to Sir Francis Anderson, who was a Professor of Philosophy at the University of Sydney. No one was surprised when she then threw herself into supporting women students, especially those who studied at the University in the evenings.

Education had saved Maybanke from poverty. It gave her a fulfilling life. It made her powerful enough to achieve extraordinary change. It gave her the courage to stand on the same platform as important men, such as Edmund Barton, and explain to the crowds why they were wrong. It was a gift that she made sure she passed on to those who came after her.





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Edith Cowan

Edith was born near Geraldton in Western Australia in 1861. She led a traumatic childhood. Her mother, who was the daughter of the colonial chaplain, died in childbirth when Edith was seven. Edith was sent off, at a very young age, to boarding school in Perth. Her father, Kenneth Brown re-married. But when Edith was fifteen, her alcoholic father was tried and [hanged](#) for the [murder of his second wife](#), who he had shot during an argument while she was pregnant with his child. Edith was left an orphan and with a personal appreciation of the problems women face, from inadequate health care through to domestic violence and even murder. She committed herself to working to protect women and children.

At the age of 18, Edith married James Cowan, who was the brother of the women who ran the boarding school that she attended. James was the Registrar of the Supreme Court and later became the Police Magistrate of Perth (which meant that he was a judge in the local court). This gave James and Edith a secure income and social

standing in Perth. But James's work in the local court also gave them an insight into the social problems that afflicted people from very different backgrounds.

Edith and James had four daughters and a son between 1880 and 1891. It was during the 1890s that Edith became involved in women's groups. She became the first secretary of the Karrakatta Women's Club, which was formed both to educate women about political matters and to allow them to engage in political debate. She later became its President. There, along with other prominent Perth women, she learnt public speaking and developed her knowledge of health, literature, politics, social problems and women's rights.

At the age of 59, Edith was the first woman to be elected to a Parliament in Australia and only the second in the British Empire to take a seat in Parliament
Source: National Library of Australia





Edith Cowan, 1870s.
Source: National Library of Australia

Social activism

Edith strongly supported State education for children. In a time when it was very rare for women to be appointed to public positions, Edith became a member of the North Fremantle Board of Education. She joined organisations to support unmarried mothers and helped establish child care for working mothers. She was particularly concerned with the protection of children. She was a foundation member of the Children's Protection Society and lobbied for the establishment of a Children's Court, so that children could be treated more appropriately by the legal system. In 1915 she was among the first women appointed as a Justice of the Children's Court.

Because of her mother's own death in childbirth, Edith was very conscious of the need for better public health for women and babies. She was heavily involved in fund-raising and lobbying for the construction of a women's hospital. She was successful, with the King Edward Memorial Hospital for Women opening in 1916. She became secretary of its Advisory Board. During World War I she supported the war effort, particularly through the Red Cross.

The Franchise

Edith was [one of the leaders](#) of the movement that [campaigns for women's right to vote](#) in Western Australia. The Karrakatta Club provided her with a network of politically well-connected women, who were married to the political leaders of the day.

They pressured their husbands, using influence in the home to get changes made in Parliament. In 1899, the Premier, Sir John Forrest (whose wife Margaret was also a prominent supporter of the women's franchise), agreed to introduce a law securing the vote for women. He did have an ulterior motive – it would increase the number of conservative voters in Perth, overcoming the opposition of the male dominated goldfields. But it was also a reform whose time had come.

Parliament

Once the war ended, the women who had worked so hard to support the State while the troops were away, pressed harder to be rewarded with greater rights to continue to participate in public life. In 1920 the Western Australian Parliament passed a law which allowed women to stand for Parliament. Five women, including Edith Cowan, stood for election at the next State election in 1921. Edith relied on her extraordinarily impressive record of community work as the basis for her campaign. She was endorsed by the Nationalist Party and won the seat, defeating the sitting Attorney-General who might well have regretted that he had introduced into Parliament the law that allowed women to run for Parliament.

At the age of 60, Edith was the first woman to be elected to any Parliament in Australia and only the second in the British Empire to take a seat in Parliament (following Lady Astor in the House of Commons).

In her [first speech](#) to Parliament, she pointed out why it was important for women to be there:

'It is a great responsibility to be the only woman here, and I want to emphasise the necessity which exists for other women being here. It will be remembered that one of the things that made men, as well as women, realise the need for having women in Parliament was that a Parliament like this, consisting entirely of men, was able, clearly without thinking what it was doing, to pass an amendment to an Act not so long ago – the State Children Act – by which any child that was convicted before a State Children's Court would be a State child until it reached the age of 18. When we found that out we felt that it was more than time that someone should come into this House just to remind the men sometimes that these questions should be given more consideration.'

Edith used her time in Parliament to pursue her many social welfare interests. These included support for infant health centres, the welfare of migrants, the payment of maintenance to deserted wives and children and better education, including sex education, in schools.

Most significantly, Edith introduced the *Women's Legal Status Bill* in 1923, as her own initiative. It allowed women to enter various professions, including the legal profession. In the [course of debate](#) it was complained that this would cause existing (male) solicitors and barristers to be pushed out of their jobs. Edith replied that 'women will never get these positions while men wish to keep them out'. Men had to be prepared to compete on merit with women. When another Member of Parliament complained that Edith should not want 'to bring women down to the level of men', she responded: 'No, I want to raise men to the level of women'. She concluded by saying that all women wanted was to be 'placed on absolutely equal terms with the men, leaving it to be a matter of the survival of the fittest'. She was persuasive, and the men voted in favour of her Bill, causing it to become law.

Edith was independently minded and voted in Parliament on the basis of what she thought was right, rather than following a party line. This lost her political support and she lost her seat at the next election. But she continued to work hard, serving on committees, lobbying and campaigning for social change, until she died in 1932.





Topic 9.3: Lesson/ Activities Two

The story of women's voting
rights under the Australian
Constitution - Australian Suffragists



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Time/Lesson

- 1 hour/ 1 Lesson

Learning Goal

To gain a better understanding of the women who fought for the franchise in Australia - what motivated them and why it was important to them.

Rationale

Understanding the battles people fought to obtain the right to vote and recognising the reasons why the right to vote was so important to them will help build the appreciation of students of their future right to vote, which they might otherwise take for granted.

Success Criteria

Students understand that the right to vote was denied to women for a long time and that it had to be fought for. Students appreciate the factors that drove women to demand the vote.

Teaching Reference Document

- TRD 119: Catherine Helen Spence
- TRD 120: Maybanke Wolstenholme Anderson
- TRD 121: Edith Cowan

Resources

- Access to the internet. Use the newspaper article search function on Trove: <https://trove.nla.gov.au/newspaper/>.
In the absence of internet access, books from the library may suffice.

Tuning In

- The right to vote became an important issue in Australia in the 1890s. Discuss what else was occurring in the 1890s and why the vote became a significant issue.
- Why did suffragists have such a keen interest in the drafting of a federal Constitution? How did they see this as leverage to achieve the vote for women across Australia?
- Why was education such an important issue for suffragists?
- Why did Edith Cowan think it was important for women not only to have the vote but to be in Parliament?
- Why did Mary Lee encourage female workers to join trade unions?
- Why was Catherine Helen Spence so interested in 'effective voting'?

Teacher Instruction

- **RESEARCH** - Ask students to research the role of one of the following women in the women's suffrage movement using newspaper articles found on Trove: Rose Scott (NSW); Maybanke Wolstenholme Anderson (NSW); Vida Goldstein (Vic); Henrietta Dugdale (Vic); Catherine Helen Spence (SA); Mary Lee (SA); Emma Miller (Qld); Jessie Rooke (Tas); Edith Cowan (WA).
- **ANALYSIS** - Ask students to write a report that analyses what contemporary newspaper accounts of their actions tell us about the context in which they acted and how it affected their approach to women's voting rights. What motivated these women and what were the societal problems that they wished to rectify? What were the arguments made against them that they were trying to combat?

Group/Independent Learning

Literacy/Music - In the United States a hit musical, Hamilton , was made about one of the framers of the United States Constitution. It draws on rap and hiphop to tell his story and to teach about the formation of the Constitution.

In the United Kingdom, the musical Six has each of Henry VIII's six wives sing in a reality TV-style pop competition about how they got the worst deal from their husband.

Both use music as a means of empowering the characters and making history more meaningful.

Taking a similar approach, ask the class to break into groups with each preparing a rap or hip-hop song that tells the story and the legacy of one of the suffragists. Each group could perform their version, adding music and dance if time permits, before the class or for a school assembly.

Wrapping It Up

Discuss why the right to vote was so important to these women and what they thought it would achieve? Were they right? Would they be surprised to learn that today we have had a female Prime Minister, female Governor-General and female Chief Justice of the High Court, or would they have wondered why it took so long?

Differentiation/Enrichment

Students research the women who have appeared on Australian banknotes. Which ones fought for the right to vote?

Assessment Strategies

Assess understanding as exhibited in research report, discussion and rap.

