



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

Suffragists in the United Kingdom and different tactics

In Australia, the methods used by suffragists tended to be political. They petitioned Parliament, gave speeches, wrote articles, lobbied Members of Parliament, held public meetings and rallies and generally campaigned, just as one would for any other political outcome.

Peaceful campaigning

The same approach was initially taken in the United Kingdom. Indeed, the National Union of Women's Suffrage Societies (the NUWSS), led by Millicent Fawcett, campaigned throughout on the basis that the franchise should be achieved through peaceful and constitutional means.

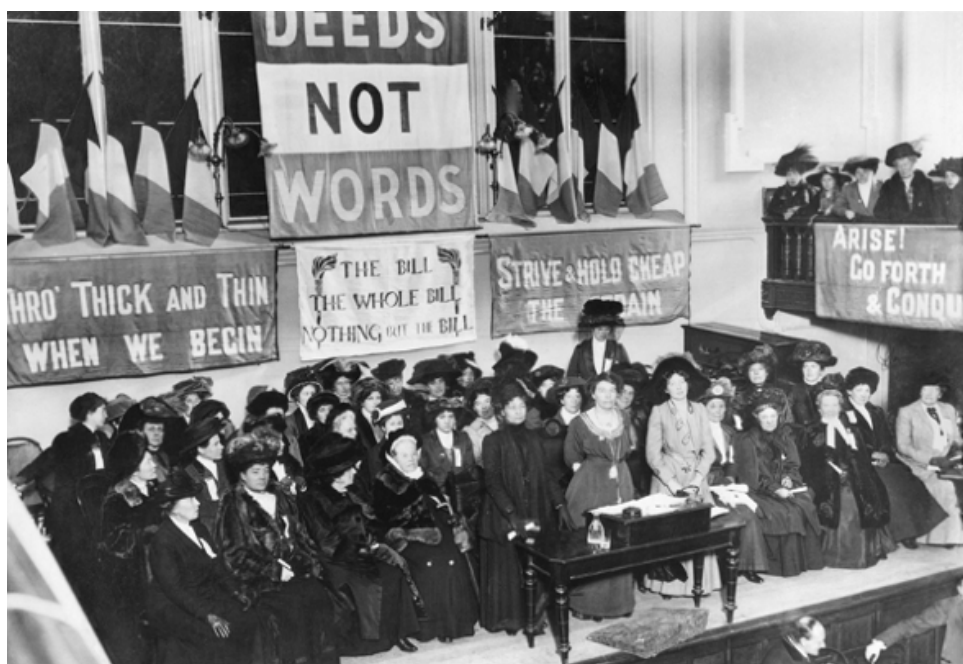
But when this failed to produce results by the early 20th century, even though women in New Zealand and Australia had won the right to vote, some campaigners in Britain split away and formed the Women's Social and Political Union (the WSPU).

Militant tactics

The WSPU became more militant. It was run by Emmeline Pankhurst and her daughters Christabel and Sylvia. It took up a slogan in 1903 of 'Deeds Not Words'. By 1905, frustrated at the British Parliament not taking seriously a bill to extend the right to vote to women, they started taking more aggressive action.

Emmeline Pankhurst led a campaign of aggressive actions under the slogan 'Deeds not Words'

Source: The New York Times photo archive, public domain.





*Women munition workers during World War I
Credit: TUC Collections, London
Metropolitan University*

This included disrupting political meetings, chaining themselves to the railings of buildings, including the Ladies Gallery in Parliament House, and hounding the Prime Minister wherever he went, even on the golf course. In 1908 two members went to the Prime Minister's home in No 10 Downing Street and smashed the windows with stones. They were arrested and imprisoned.

Sometimes their methods were quite innovative. In 1908, when the Parliament was surrounded by police to prevent the suffragettes from getting in to protest, the suffragettes imitated a trick used in Ancient Greece by the Trojans. They hired a big furniture van and drove it to the goods entry to Parliament. The police waved it through without checking what was inside it. Then 20 suffragettes burst out of the van, shouting 'Votes for Women' and stormed into Parliament. It became known as the 'Trojan Horse Raid'.

On another occasion they tried to disrupt the census, which is taken to record details about the population by surveying each household on one particular night. They argued that if women didn't count for voting purposes, then they shouldn't be counted in the census either. Some walked outside all that night, so they could not be recorded in any home. Some camped outside in parks. One woman hid in a broom cupboard in the Parliament all night so that she could be recorded on the census form as living in the Parliament building. Her name was Emily Wilding Davison. She was later killed in 1913 while campaigning during the running of the Epsom Derby race when she was accidentally hit by a horse owned by the King.

But the WSPU's tactics became more [violent and destructive](#). They set letterboxes on fire, blew them up with home-made bombs, or put acid in them, injuring the postmen who collected the mail. They cut major telegraph wires. In Dublin in 1912 they tried to set a crowded theatre on fire because the Prime Minister was attending it. One threw a hatchet at the Prime Minister, missing him, but cutting another MP on the ear. On 1 March 1912, a group of women walked up and down the major shopping streets of London, smashing shop windows. In 1913 they set buildings ablaze and blew up others, including railway stations. They also went to art galleries and slashed major works of art. Their actions lost the support of many members of the public, who got sick of the destruction and did not see their behaviour as showing the responsibility that would earn them the privilege of the franchise. They tried to force change through acts that today would be described as 'terrorism'.

Many women were sent to prison, where they went on hunger strikes. The government did not want to risk the death of the campaigners, so they were brutally force fed. In what became known as the 'Cat and Mouse Act', a law was enacted to allow women to be released from prison when they became too weak because of their hunger strikes and risked death, but to be re-arrested and sent back to prison after they had recovered their health at home for a time. Some women escaped the country to avoid going back to prison.



Nancy Astor, Viscountess Astor – first female Member of Parliament to take her seat in 1919.

Source: Wikipedia - Public Domain

Another group split from the WSPU because it opposed violence. It was called the Women's Freedom League (the WFL). While it was prepared to break the law, it would only do so in non-violent ways. One of its arguments was 'No taxation without representation'. They refused to pay tax until they had the right to vote for a government which raised and spent their taxes. Many of their members too were arrested and sent to prison for refusing to pay tax.

Overall, amongst those women who campaigned for the right to vote in the United Kingdom in the early 20th century, many did so through peaceful, lawful and democratic means, while some chose non-violent acts of civil disobedience and others chose more violent and militant acts, which were focused on the destruction of property.

Many of the non-violent campaigners were concerned that those who undertook acts of violence and property destruction were setting back the cause by making opponents to the franchise more determined in their opposition and turning public sentiment against them.

Might the vote have been won earlier in the United Kingdom if such tactics had not had been used and greater efforts had been made to persuade both MPs and the public, as had occurred in Australia?

World War I – A shift in focus from votes to work

The campaign was [interrupted](#), however, by the commencement of World War I. Millicent Fawcett and the NUWWSS pledged support for the war effort and encouraged women to prove themselves, through their support, worthy of the vote.

The Government and the WSPU reached a truce. All the imprisoned suffragettes were released, and Emmeline Pankhurst encouraged WSPU members to support the war effort. She argued that there was no point in fighting for a vote, if there was no democracy left to vote in.

As large numbers of men left the United Kingdom to fight, the WSPU and other women's organisations recruited women to work in the war effort, including in agriculture, transport and munitions factories.

The franchise at last

The vital role played by women in filling men's jobs during the war led to the grant of the franchise in 1918.

On 6 February 1918, the *Representation of the People Act 1918* (UK) expanded the franchise for men over the age of 21, and gave women a restricted voting right, if they were 30 or older and satisfied certain property conditions. Once this step was taken, it was inevitable that the final step of the franchise on equal terms with men would be reached, which it was ten years later in 1928.

In 1918, the *Parliament (Qualification of Women) Act 1918* (UK) allowed women to stand for Parliament (even though some were still not yet qualified to vote).

Despite the fact that women in the UK got the vote later than their Australian cousins, they were much faster in getting elected to Parliament. The [first successful female](#) candidate, Constance Markievicz, was [elected in 1918](#) (but did not take up her place because she was an Irish republican and was also in prison at the time). The first to [take her place](#) in the House of Commons was Nancy Astor in 1919.





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The right of women to stand for Parliament, be lawyers and serve on juries

In 1902, when women won the right to vote and stand for the federal Parliament, this was not the end of the fight. Women were still discriminated against in many civic roles, particularly in the States. The NSW Parliament, for example, enfranchised women in 1902, but section 4 of the *Women's Franchise Act 1902* stated that it should not be taken to 'enable or qualify a woman to be nominated as a candidate at any election or to be elected as a member' of the Legislative Assembly. Nor could a woman be admitted as a legal practitioner, appointed a judge or serve on a jury.

So while women had some influence at the ballot box, they still had no direct voice in the Houses of Parliament or in the courts.

This was particularly problematic in relation to laws concerning matters such as the custody and guardianship of children, marriage, divorce, property rights and economic rights of married women, their citizenship rights and work rights. In New South Wales, after 1902, women continued to campaign for the right to be lawyers and Members of Parliament. In Victoria, in contrast, women were permitted to practise as lawyers as early as 1903, with Flos Greig being admitted as the first female barrister in 1905, but were not given the right to vote until 1908. Accordingly, the women's movement had to campaign locally to address whichever rights they were denied in their State.

Female law students

There were also sometimes practical impediments. For example at the University of Sydney, William Pitt Cobbett, the head of the Law School, refused to let women study law.

*Ada Evans: The first female student allowed to study law at the University of Sydney in 1899.
Source: Australian Town and Country Journal,
National Library of Australia*





It was only while he was away on leave that the acting head, Sir William Cullen (later Chief Justice of the Supreme Court) admitted Ada Evans to study law in 1899. Cobbett was furious when he returned, but let Ada finish her degree (after trying to persuade her to take medicine up instead.)

The Australasian newspaper reported Ada's graduation, noting that 'Professor Pitt Cobbett, who is a bachelor, and not partial to women, could not conceal his disapproval as he introduced the interesting-looking girl to the chancellor, who smiled pleasantly'. It described Ada as 'dressed very prettily', noting that her dress matched the colour of the hood for her law degree. Her fashion choices seemed to be of more interest than the fact that she was the first female law graduate of the University. The paper also noted that while Ada wished to practice as a barrister, the law did not permit it and that she would 'begin an agitation for a new Act'. Ada was not a 'person' in the eyes of the law, so she could not practise law.

It was not only the Dean who was opposed to female students. The male students were not much better. In 1914, a British suffragette, Adela Pankhurst, moved to Australia and gave a speech to the female students at the University of Sydney. The male students decided to 'cancel' her by tossing fire crackers through the windows, jeering loudly, and throwing rocks onto the iron roof to prevent her from being heard. Fed-up with the racket, the members of the Women's Hockey Club, armed with their hockey sticks, used them to good effect upon the jeering males. According to the Sydney Morning Herald, 'one young anti-suffragist received the full strength of a blow with a hockey stick, delivered by a muscular young woman undergraduate.'

*Adela Pankhurst, British Suffragette,
who moved to Australia in 1914
Photograph: Col Linley Blathwayt/Bath
In Time – Bath Central Library*

While the Evening News criticised the male 'educated hoodlums' for their discourteous behaviour, it also criticised the University for allowing Pankhurst to speak, as the University was a public institution which should not be used for supporting 'sectional purposes'.

The ability of women to stand for the NSW Parliament and practise law

In 1918, after much lobbying and many failures, the NSW Attorney-General finally succeeded in getting the *Women's Legal Status Act 1918* passed. He had the good grace to mention that Ada Evans had been a classmate of his at University, and had achieved a better pass than him. It was unfair that he could be Attorney-General while she could not practise law at all.

The new law allowed women to be elected as Members of the Legislative Assembly, to be local councillors and mayors, to be judges, magistrates and justices of the peace and to be admitted to practise as a barrister or solicitor of the Supreme Court of New South Wales. Excluded, however, was the ability for women to be appointed to the Legislative Council (which was then an unelected body), as this was the price of getting the Bill passed by that exclusive male domain.



Getting women into Parliament

The next challenge was getting women elected to Parliament so that their voices could be heard from within. Even though South Australia was the first place to entitle women to stand for Parliament, in 1895, the first woman was not elected to its lower House until 1959. Other States were quicker off the mark, with the first woman to be elected to any Parliament in Australia being Edith Cowan who was elected to the Western Australian Legislative Assembly in 1921. It was Cowan who introduced, as a private Member's Bill, the *Women's Legal Status Act* in Western Australia. Its passage permitted women to practise law, hold civil and judicial offices and carry on any other profession in Western Australia.

In New South Wales Millicent Preston-Stanley was the first woman elected to the Legislative Assembly in 1925. While in Parliament she campaigned on issues including child welfare, women's health in childbirth and custody rights for women. At the time, fathers had sole custody rights to the legitimate children of a marriage. Her Bill to require courts to take into account the wishes of the mother as well as the father in relation to access and custody was not even debated.

She lost her seat after only two years due to a change in the electoral law and some political skulduggery, but she continued campaigning

Dame Enid Lyons won a seat in the House of Representatives for the United Australia party (predecessor of the Liberal party) in 1943

Source: Antoine Kershaw - National Library of Australia - Public Domain

outside Parliament on custody rights by writing and acting in a play on the issue, called *Whose Child?*. The play so moved the Minister of Justice that he agreed to the enactment of the *Guardianship of Infants Act 1934*, which put both parents on the same footing in relation to child custody. Even with a right to be elected to Parliament, women still had to be innovative and persistent in getting their voices heard.

Women finally joined the New South Wales Legislative Council in 1931 and could participate in juries in New South Wales from 1947. Even then, there were delays blamed on lack of suitable toilet facilities. It was not until 1980 that the first woman was appointed as a judge of the District Court of NSW (Jane Mathews) and 1987 when the same woman was appointed to the Supreme Court of NSW (having been preceded by Dame Roma Mitchell as a Supreme Court judge in South Australia in 1965). It took a long time for the sight of women to be common in Parliaments, courts and juries and for general acceptance that women had the same civic rights and responsibilities within society as men. In some places that battle continues.





Topic 9.3: Lesson/ Activities Three

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



AUSTRALIAN
CONSTITUTION
CENTRE

Time/Lesson

- 1 hour/ 1 Lesson

Learning Goal

To understand the different tactics used by women to obtain the vote and how that was only one step in the march to true equality.

Rationale

To give students a better understanding of how rights for women were achieved in Australia and the importance of equal civic rights.

Success Criteria

Students appreciate the importance of civic rights, being not only the right to vote, but the right to stand for Parliament, be a lawyer or judge and serve on juries.

Teaching Reference Document

- TRD 122: Suffragists in the UK and different tactics
- TRD 123: The right of women to stand for Parliament, be lawyers and serve on juries

Resources

- BTN, 'Australian Women in Politics': <https://www.youtube.com/watch?v=HKCZY-IU-G4>
- Emmeline Pankhurst's speech: <https://www.youtube.com/watch?v=NL5s9dk9U4w>

Tuning In

- **REVISE:** TRD Votes for Women earlier in this unit.
- Australian women used peaceful political campaigning tactics to win the right to vote. In South Australia, Mary Lee encouraged women to join trade unions so that she could then convince the Labor Party that it would benefit from the votes of these unionist women. In Western Australia, the Premier John Forrest was convinced that his conservative government needed the votes of women in the cities to cancel out the more radical votes of men on the goldfields, in order for his government to survive. The vote was won by political tactics, rather than violence.
- Compare the more violent tactics of women in the United Kingdom. Were they successful? How did the contribution of women to the war effort change the situation?
- The WSPU campaigned under the banner of 'Deeds not words'. But its deeds of violence achieved publicity, rather than change. The 'deeds' that won the vote were the hard work of women in factories, on farms and in businesses, keeping the economy functioning during the war.
- **DEBATE:** Are deeds that win respect more likely to achieve change than deeds that shock and alienate people?

Teacher Instruction

- **READ:** TRD - The right of women to stand for Parliament, be lawyers and serve on juries as in this Unit and WATCH the BTN clip on 'Australian Women in Politics': <https://www.youtube.com/watch?v=HKCZY-IU-G4>.

DISCUSS:

- Why did it take so long for women to be elected to the Commonwealth Parliament? Was one of the reasons that they often weren't supported by political parties and ran as independents?
- What did women want to achieve in Parliament? What type of laws did they think had been neglected by men and needed to change?

Ask students to research what political parties are doing today to increase the representation of women in Parliament. What different methods can be used and have been used in other countries? Which methods do they think are preferable and why? Students could write a written report or hold a class debate.

Group/Independent Learning

In November 1913, Emmeline Pankhurst gave a speech in America during a fundraising tour. She compared the fight for the franchise with both the American War of Independence and the Civil War. Watch a re-creation of Emmeline Pankhurst's speech: <https://www.youtube.com/watch?v=NL5s9dk9U4w>.

Ask students how they reacted to the speech. Were they moved or disturbed by it? What techniques of persuasion does Emmeline use for her American audience?

Was she right that women were soldiers in a battle and that they must be given either freedom or death? Was there really a civil war being waged by women, and was this necessary? Who were 'the enemy'?

A year later, in 1914, Britain was at war and 'freedom or death' took on a very different meaning. The WPSU stopped its campaign and encouraged its members to participate in the war effort. Emmeline Pankhurst argued that there was no point in fighting for a vote, if there was no democracy left to vote in. But were the constructive deeds of women in the war effort more effective in achieving the vote than their destructive efforts of civil war? Ask students to write a reflection on the speech, considering its context and how history played out.

Wrapping It Up

It is now common to see women on juries, women lawyers and women judges. How does simply seeing women in these roles affect the way that women are regarded and treated? Are women given greater respect generally because we have daily experience of women filling responsible and important jobs?

Differentiation/Enrichment

Students research the 'Trojan Horse Raid' on the UK Parliament and compare it to the original story of the Trojan Horse.

Assessment Strategies

- Assess understanding as exhibited in written work, class debate and discussion.

