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**Thesis title:**

**The Australian state and women's struggles for abortion and equal pay 1968-1980**

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A thesis submitted to fulfil requirements for the degree of Doctor of Philosophy

**Discipline of Political Economy**

**Faculty of Arts and Social Sciences**

**University of Sydney**

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*Judith McVey*

## Acknowledgements

I first acknowledge that I have written this thesis in Naarm (Melbourne) on the lands of the Wurundjeri People of the Kulin Nation. My university, University of Sydney is located on Gadigal Land.

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Writing a thesis is a great learning experience, described by many as the “loneliness of the long-distance runner”. Yes, that’s the first thing to learn, and during the Covid lockdowns the challenges mounted. Thus, much of my relationship with university life has been via zoom meetings and other forms of online chat, although I did make it to the physical uni spaces a few times.

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## **Abstract**

### **Thesis title:**

### **The Australian state and women's struggles for abortion and equal pay 1968-1980**

My thesis offers an analysis of how the 1970s women's campaigns for abortion rights and equal pay emerged and achieved significant improvements in these areas. The Australian state made concessions which enabled better access to abortion and steps toward equal pay, although the fundamentals of women's oppression remained.

My explanation for these concessions relies on a Marxist understanding of Australian capitalism. I depart from most theories of oppression by situating women within a historical materialist analysis, recognising their diversity based on class, racialised and gendered backgrounds, informed by the recent Marxist feminist theory, Social Reproduction Theory (SRT), which locates women's oppression in nuclear family relations (Bhattacharya, 2017).

I extend SRT to present an analysis based on what I call the 'capital-state-family nexus'. The thesis offers a new framework for understanding the history of the state's role in social reproduction. I argue that women's oppression is shaped by the history of the Australian white colonial state and its relationship to women workers and the family.

The thesis describes the intervention of governments and law courts, including the actions of people in state structures, illustrating the way gender and class interests interrelate to contain workers' roles within capitalist social norms. Applying Callinicos's (2009 [2005]) analysis of structure and human agency, I illuminate the way qualitative changes took place as the social circumstances after World War 2 – economic boom, labour shortages and the political and industrial conflict – intersected with a changing experience for women.

Radical women raised the need for state support for childcare, reproductive health, equal participation and remuneration – the demands of the early Women's Liberation Movement. While all women are oppressed, class struggle brought workers together against the economic interests of men and women in privileged positions. In strikes that united women with male workers, sexism was challenged, and the union movement became a vehicle for further campaigning, including around abortion rights. This thesis is a contribution to understanding the nature of capitalism that is gendered and racialised, and the potential power to challenge oppression in working class women's struggle.

**Abbreviations**, used in the Thesis.

ABS – Australian Bureau of Statistics  
ACAC – Australian Conciliation and Arbitration Commission  
ACATU – Amalgamated Clothing and Allied Trades’ Union  
ACOA – Administrative and Clerical Officers’ Union  
ACSPA – Australian Council of Salaried and Professional Associations  
ACT – Australian Capital Territory  
ACTU – Australian Council of Trade Unions  
AEU – Amalgamated Engineering Union  
*AFR – Australian Financial Review*  
AISF – Australian Insurance Staffs’ Federation  
ALP – Australian Labor Party  
ALRA – Abortion Law Reform Association  
AMA – Australian Medical Association  
AMIEU – Australasian Meat Industry Employees Union  
AMWSU – Amalgamated Metal Workers and Shipwrights’ Union (also known as the  
AMFSU – Amalgamated Metals Foundry and Shipwrights’ Union)  
APSA – Australian Public Service Association  
APSA (FDO) – Australian Public Service Association (Fourth Division Officers)  
ARG – ACOA Reform Group  
ARU – Australian Railways Union  
ASIO - Australian Security and Intelligence Organisation  
ATO – Australian Taxation Office  
BLF – Builders Labourers’ Federation  
BWIU – Building Workers Industrial Union  
CAC – Commonwealth Conciliation And Arbitration Commission  
CATU – Clothing and Allied Trades Union  
CEEP – Commonwealth Employees (Employment Provisions)  
CERR – Commonwealth Employees (Redeployment and Retirement)  
CES – Commonwealth Employment Service  
CIA – Court of Industrial Appeal  
CAEP – Council of Action for Equal Pay  
CIG – Commonwealth Industrial Gases  
CPA – Communist Party of Australia  
CPS – Commonwealth Public Service  
CPSU – Community and Public Sector Union  
CPSU (PSU Group) – Community and Public Sector Union (Public Sector Union Group)

DLNS – Department of Labour and National Service  
DLP – Democratic Labor Party  
DSS – Department of Social Security  
FCU – Federated Clerks’ Union  
FCU (TOB) – Federated Clerks’ Union (Taxation Office Branch)  
GDP – Gross Domestic Profit  
GNP – Gross National Product  
HCCPSO – High Council of the Commonwealth Public Service Organisations  
IC – Industrial Court  
ILO – International Labour Organisation  
IWD – International Women’s Day  
IWY – International Women’s Year  
NLWC – National Labor Women’s Conference  
NSW – New South Wales  
NHMRC – National Health and Medical Research Council  
NSWTF – New South Wales Teachers’ Federation  
NT – Northern territory  
POA – Professional Officers’ Association  
QTLC – Queensland Trades and Labour Council  
RC – Royal Commission  
RCHR – Royal Commission on Human Relationships  
RTL – Right to Life  
RTLA – Right to Life Australia  
SA – South Australia  
SMH – *Sydney Morning Herald*  
SMWU – Sheet Metalworkers’ Union  
SWL – Sydney Women’s Liberation  
THC – Trades Hall Council  
TLC – Trades and Labour Council  
TWU – Transport Workers’ Union  
UA – United Associations of Women  
UAW – Union of Australian Women  
UN – United Nations  
US – United States  
VCU – Victorian Clerks’ Union  
VSTA – Victorian Secondary Teachers’ Association  
VTHC – Victorian Trades Hall Council  
WA – Western Australia  
WAAC – Women’s Abortion Action Campaign

WAC – Women’s Action Committee  
WEB – Women’s Employment Board  
WEL – Women’s Electoral Lobby  
WLM – Women’s Liberation Movement  
WW1 – World War 1  
WW2 – World War 2  
WWF – Waterside Workers’ Federation

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## Chapter 1: Introduction

Since I began writing this thesis the politics of abortion has dismayed millions. Across the world women have taken to the streets to defend their rights against an emboldened anti-abortion push, especially since Donald Trump won the United States (US) presidency in 2018. A longstanding legal defence of abortion rights in the US, *Roe Vs Wade*, was overturned in 2022. In Poland and Hungary abortion rights have been restricted further. Yet in other places abortion rights have been won – Ireland lifted its constitutional ban on abortion and the Argentinian public health system now provides reproductive healthcare free-of-charge.

In Australia, abortion was decriminalised in most jurisdictions in the early 2000s and recently the Australian Capital Territory (ACT) announced that an abortion up to 16 weeks' gestation will be provided free-of-charge. Australia's history of reproductive rights has involved both appalling suffering and struggle. This thesis examines the period 1968-80, when protests of the women's liberation movement (WLM) cut through the shroud of shame and stigma associated with abortion. At the same time, these protests fought for equal pay. Women's lives and thoughts, previously hidden within the confines of the family home, were in the news. In the 1970s the Australian state conceded the need for change. Of course, there would be limitations, debate, and struggle.

In the 1960s abortion was a crime, in every Australian State and Territory,<sup>1</sup> and dangerous. According to Siedlecky (2005, pp. 16-17), a pioneering doctor and feminist, it “remained the highest single cause of maternal death in Australia until the 1970s”. A criminal ‘racket’<sup>2</sup> of corrupt police and price-gouging ‘abortion doctors’ flourished in the State capital cities of

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<sup>1</sup> When referring to the State governments of Australia I capitalise the word. There are six State governments – New South Wales (NSW), Victoria, South Australia (SA), Queensland, Tasmania and Western Australia (WA); and two Territorial governments – Northern Territory (NT) and Australian Capital Territory (ACT). When referring to the political concept, it is presented with a lower case ‘s’, as in ‘state’.

<sup>2</sup> This word was used in an historical account of the events surrounding court cases in Victoria which liberalised abortion in 1969 (Haigh, 2008).

Melbourne and Sydney, as politicians, religious leaders and bureaucrats turned a blind eye. Meanwhile, Indigenous women suffered forced abortions, sterilisations and child removals. In 1969, the Victorian Supreme Court reinterpreted its law with the Menhennitt ruling, so that some abortions would be legal under certain conditions, although abortion remained a crime. Later that year the SA State government amended its anti-abortion law to allow terminations in public hospitals but limited to residents of SA, on a similar basis.

Equal pay had a different history, and a breakthrough came also in 1969 when the Commonwealth Conciliation and Arbitration Commission (CAC) determined that, nationally, women could receive equal pay for equal work and that equality was a principle (ACAC, 1969). This was just the beginning. Both outcomes fell short of expectations for the WLM. Amid protests and strikes, minor improvements were achieved. State governments, the judicial courts and the CAC made decisions that interpreted laws<sup>3</sup>, not the Federal Parliament.

### ***Thesis project and argument***

My research question is: “Why did the state make concessions in response to demands for equal pay and abortion rights in Australia, between 1968-80, and what role did women workers’ struggle play?”

This thesis develops an explanation for the concessions by the state, which has four elements. First, by analysing the economic and political context I explain the need for policy and legal shifts by state agencies as political pressures arose from the post-WW2 booming Australian economy and political instability caused by social movement struggles; the need for women to fill labour shortages in turn led to a crisis of social reproduction and necessitated a policy response in the form of industrial conditions and access to abortion. Second, I show that political resources and levers were available so that concessions could be made and could be limited without acquiescing to all movement demands. Third, I demonstrate there were benefits for capitalism even though the concessions were not supported by all sections of the

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<sup>3</sup> Only the SA Government, in 1969, and the NT Government, in 1974, successfully introduced reform legislation, but which maintained abortion as a crime.

elite. Fourth, I argue that women workers' agency was a key element in the political outcomes.

The thesis brings together the major propositions of historical materialism – historicity; totality; contradictions; and the primacy of the material bases of society – with Marxist feminist political economic theory of the nuclear family, Social Reproduction Theory (SRT). After Engels' work which was written in the nineteenth century (Engels, 2019 [1902]), Marxist academics in Europe ignored theories of the family and social reproduction, until the 1970s when debates arose largely outside academia (Harman, 1984; Laslett & Brenner, 1989; Vogel, 2013 [1983]). In recent years Marxist feminist theorists moved to fill that absence in Marxism. An outstanding example is the work of Bhattacharya, published in a collection of Marxist feminist theorists, *Social Reproduction Theory: Remapping Class, Recentering Oppression* (Bhattacharya, 2017). The thesis examines these theoretical developments in Chapter 2.

I chose to examine two campaigns – for abortion rights and equal pay – because these issues were the focus of intense social struggles in the 1970s. Campaigns to overcome other symptoms of oppression were addressed by the WLM, such as sexual harassment, family law, sexist culture, health, welfare and childcare. The abortion rights and equal pay campaigns were important because they achieved successful shifts in social policy and legal frameworks affecting middle-class and working-class women, largely within the white communities. SRT provides a lens through which to examine these issues and their interconnections. By theorising the role of women in families within capitalism, SRT provides a materialist explanation for oppression that also explains the social change which affected women after WW2 in Australia. The growing female participation in the labour force at this time led to a contradiction between the social norms of women's role as mothers and their new role as workers. The potential for women's struggles is a consequence that is recognised in SRT. In the following empirical chapters of the thesis, I illustrate the strength of SRT in allowing me to make links between the two case studies and highlight the contribution of radicals in the WLM. Because the thesis focuses on the struggles of women as workers in relation to the two case studies, my application of SRT theory to illuminate Australian history develops a clearer understanding of the events and achievements of the 1970s struggle.

The experiences and goals of women vary depending on other forms of oppression and class location, and women are shaped in different ways by the social forces they encounter. I have not presented specific histories of Indigenous and migrant women, nor of homosexual communities. Further research and analysis are necessary to theorise the experiences of these women within the settler colonial history of Australian capitalism, and how their campaigns interrelated with those of the white female activists. My argument is about the cause and development of women's oppression which I understand is affected by the totality of capitalist experience and which affects other oppressions particularly homophobia and transphobia. I consider this thesis a contribution to understanding the nature of capitalism that is gendered and racialised and the potential for a struggle that unites oppressed people.

The available history of abortion rights and equal pay campaigns of the twentieth century up to 1980 is fragmentary. Secondary sources include a substantial feminist literature which argues that white women made considerable gains at this time. Lake (1999) situates the WLM in a 60-year history of Australian women's struggles, arguing that women's influence was greater in this period and reflected their increasing participation in industry and education, along with a more liberal political agenda including the issues of sexuality, the contraceptive pill and abortion. Arrow (2019) emphasises the campaigning by women that changed public opinion and achieved positive government responses. Lake and Arrow both argue that governments acted in response to the struggles of women in the context of the broader struggle in the 1970s. They suggest that the key to understanding the women's struggles was that the new feminist political discourse of what became known as 'Second Wave' feminism was taken into the mainstream more successfully compared to the earlier 'First Wave' feminism. However, they do not explain convincingly why the changes in ideology happened; their accounts remain descriptive. Instead, I have presented a historical materialist account, providing reasons that the state conceded policy and legal adjustments, based on the needs of capitalism in a crisis and the potential of anti-capitalist struggle to shape political and ideological outcomes in limited ways.

There are also secondary sources written from a materialist position that situate the women's struggles within a broader social context, recognising the high levels of workers' strike action. For example, Burgmann (2003, pp. 98-164) and O'Lincoln (2012 [1993], pp. 181-190) argue that, while the WLM was dominated by white middle-class women, the struggle

involved opposing class interests that affected the material economic and political interests of capitalism, including the ideas of sexism and racism. Multiple social movement struggles raised a range of demands, and women were involved in all these movements not just in the WLM. Burgmann and O'Lincoln explain the outcomes for women's rights overwhelmingly in terms of the strength of social struggle. General social and labour movement histories provided detail for a materialist understanding of the economic and political context as well as the relationship between governments and unions (Tom Bramble, 2008; Thomas Bramble & Kuhn, 2011; Buckley & Wheelwright, 1988; Connell & Irving, 1980; Lavelle, 2009).

Some texts focus on the specific issues highlighted in this thesis. Recent analysis by abortion historian Baird (2017, 2018, 2023) points to the level of women's struggles and the uneven public health policy achievements. Fieldes' (2002) PhD thesis, is based on empirical primary research and complements other histories with greater detail in a selection of women workers' equal pay struggles between 1968 and 1975. Fieldes reports on the industrial conflict in three major industries at the workplace level and shows reasons why women were forced to take industrial action, because of the resistance of employers to implement state decisions on pay. Her argument is important for this thesis because she showed that during these struggles, sexism was challenged in some unions and workplaces. To understand the role of women as union reformers, I consulted histories of two unions, the Administrative and Clerical Officers' Association and the Victorian Secondary Teachers' Association (Francis, 2003; Juddery, 1980; Simms, 1987).

I also examined official records which reported and explained arbitration court decisions as well as academic texts that interpreted the decisions and the actions of government bureaucrats. I also refer to texts published in the 1970s and 1980s written by participants in the struggles, including a chronical of WLM events to underpin the veracity of the narrative. Similarly, I had some access to material that directly recorded ideas and experiences of activists of the WLM and trade unions. For part of this period, I was active in Brisbane as a participant in the union movement and in the campaign against the Queensland Government's attempt to further restrict access to abortion in 1980.

### ***Thesis structure***

In Chapter 2, I present a theoretical lens based on SRT. First, the theory identifies the roots of oppression in capitalist structures and institutions, especially the nuclear family. Second, it shows how relations of inequality are not natural but are reproduced in family processes and ‘naturalised’. Third, the theory explains that the working class and the capitalist class have an unequal relationship of interdependence; the contemporary capitalist economy includes many industries based on commodified social reproductive labour, for example the care economy. SRT argues that the capitalist class is reluctant to pay for the social reproduction of labour power taking place in families. This is a contradiction which can lead to workplace struggle by mostly low-paid workers, who are mostly women oppressed in multiple ways (Jaffe, 2020).

I extend this framework to consider the role of the state and Australian capitalism in the oppression of women. Based on the Marxist analysis of Callinicos (2009 [2005]) and Harman (1991), I introduce concepts that can extend SRT to consider relations between the state, capital and human agency. The thesis shows that, while oppression is rooted in family structure and inequality is reproduced there, the cause of oppression lies with the wider social relations and processes of capitalism. I argue that the state has a distinct role in shaping the creation and maintenance of the family structure and processes to benefit capital, and therefore the cause of oppression can be theorised as a capital-state-family nexus. With its history of colonial oppression, the Australian state has a relationship with women shaped by sexism and racism. Thus, with these caveats, SRT provides a lens through which to understand this period. The argument about why the Australian state made concessions on abortion and equal pay is presented through my interpretation of the history of women’s relationship to Australian capitalism, in the context of crisis, conflict and campaigns during the period 1968-80.

In Chapter 3, I trace the historical development of the relationship between the Australian state and women to build an analysis of the social context in the period leading up to 1970, to provide an understanding of the nature of the issues – why abortion was banned, and women’s wages were less than men’s. The chapter illustrates how anti-abortion laws were related to fertility concerns of governments maintaining a white population in a colonial settler state as well as the maintenance of the nuclear family. Associated with crime and surrounded by silence and stigma, abortion was not raised as a political issue before the

1960s. While public debates emphasised white women's national duty as mothers, access to various forms of birth control continued regardless of the law. More than 20 per cent of women also worked outside the home for unequal wage rates established in industrial law. In 1969, the arbitration commission, the CAC, ruled that equality was a principle and equal pay for equal work was made law, opening a path to the state's concessions on equal pay.

Chapter 4 explores the impact of the economic and political instability underpinned by the boom, especially the growing participation of women in permanent work in new white-collar industries. Through the 1960s, women workers' struggles were emerging to become roots for future more intense equal pay industrial action. Increasing strike levels occurred in the context of a successful union struggle in 1969 to end legal penalties for industrial action. By 1970, while the CAC had laid the basis for concessions on pay (Chapter 3), the Menhennitt ruling opened a path for liberalising abortion law. I examine Australian attitudes reported in various opinion polls to show the ideological changes around reproductive rights issues over time. Civil libertarians campaigning for legal reform of laws that banned male homosexuality and abortion achieved a change to SA abortion law.

Chapter 5 analyses the response of the left to the state's concessions as the WLM emerges amid growing social movement and union struggles. The reforming ALP-dominated Federal Parliament of 1972-1975, led by Gough Whitlam, introduced major initiatives that benefited women. Legislated changes included the Medibank health insurance scheme that provided subsidies for abortion, along with so-called 'no-fault' divorce, supporting mother's pension and free tertiary education. The CAC improved its ruling on equal pay in 1972 and legislated for the equal minimum wage in 1974. Attempts to liberalise abortion laws also met with some success, with the Levine ruling in 1971 in NSW. Feminists continued to struggle for improvements in the context of a right-wing anti-abortion movement. After economic recession emerged, more crises occurred including the sacking of the Whitlam-led Australian Government in 1975 by the Governor-General. The conservative Liberal Party MP, Malcolm Fraser, became prime minister.

Chapter 6 assesses the balance sheet on contemporary and long-term changes in women's situation, as campaigning for abortion rights continued. While more women had safe access to abortion, the state had established that abortion would remain a crime in all States and

Territories. I analyse different arguments against abortion because a right-wing backlash against feminism emerged which also opposed abortion law liberalisation. The concessions on the liberalisation of abortion law were consolidated as a compromise between government, medical professionals and the courts to provide legal abortions, mostly in private clinics. The historical account also reveals a new relationship had emerged between unions and women workers, in the context of struggles by social movements fighting sexism, racism and homophobia, and for Indigenous and union rights. I examine the resulting changes in some unions and discuss the role of women workers as leaders of struggles.

## Chapter 2: Theoretical Framework

In this chapter I offer a framework for understanding the outcomes of the struggles for abortion rights and equal pay in the period 1968-80. I situate the 1970s campaigns of Australian women within the development of capitalism as an interrelated whole, rather than discuss the history of women as a separate phenomenon. This framework is based on the Marxist feminist Social Reproduction Theory (SRT), as Bhattacharya proposes: that, because oppression is not a separate system existing alongside and outside the capitalist economy, women's oppression is part of gendered relations and processes of social reproduction within the capitalist economy and political system. This approach enables me to recognise that there is no single category of 'woman', and that the many oppressions that have emerged over time are not isolated but interrelated.

Since the early stages of second wave feminism, some writers developed a theory of patriarchy to explain the oppression of women. While Hartmann (2010) developed a materialist version of patriarchy theory based on the idea of an alliance of men across classes, which pushed women into subordinate roles, she did not overcome the substantial weakness of all patriarchy theories which view the oppression of women as unchanging. Yet, capitalism has changed enormously and oppression has been shaped in new contexts (Laslett & Brenner, 1989). Unfortunately, most theories of patriarchy have developed what was known as a 'dual systems' approach, which incorrectly in my opinion identifies two parallel systems, patriarchy and capitalism, existing side by side but separate from each other (Barrett, 2014 [1980]); this was criticised by Marxist feminists (Brenner & Ramas, 1984; German, 2007; Gimenez, 2005; Vogel, 2013 [1983]), as discussed below.

Intersectionality was an important challenge to feminist ideas because it showed the way multiple oppressions shape human experience. However, its strength is in providing a powerful description rather than an explanation of the cause of oppression. As Foley (2018) writes:

Although intersectionality can usefully describe the effects of multiple oppressions, ... it does not offer an adequate explanatory framework for addressing the root causes of social inequality in the capitalist socioeconomic system.

Intersectionality theories are an influence on Marxist feminist SRT which identifies key elements of capitalism to understand the cause of interrelated oppressions, based on sexism and homophobia as well as racism and ableism (see, in particular pp. 71-90, in Jaffe, 2020). According to Marxism, capitalist relations involve the alienation and oppression of workers as a class to facilitate exploitation. However, various other forms of oppression of sections of the class are also involved in supporting the coercive production processes; these include gender oppression and racism and other forms of oppression based on religious and geographical background and physical ability.

Marxism recognises the specific nature of women's oppression linked to the social reproduction of labour power. While Marx used the concept 'social reproduction' to refer to the entire system, capital and labour, SRT Marxist feminists tend to conceive of the term more narrowly as the discrete process of reproducing labour power, in a process including unpaid labour which does not produce surplus value, within the kin-based family. This thesis develops a critique of SRT that involves extending this approach to understand the significant role of the Australian state in women's oppression. The capitalist state – comprising military, government and judicial systems – became a structure that intervened to defend the interests of capitalism, despite the many conflicts in and between classes, which I address in Section 3; Harman (1991) explains the relationship between capital and state as interdependent. As an approach which uses structuralist concepts, my analysis also examines the role of human agency in the outcomes of class conflict and shows the role of the subaltern in shaping class struggle.

I situate the women's struggle within the development of economic, political and ideological forces of Australian capitalism, which was necessarily shaped by the effects of white settlement. During the post-WW2 boom, labour shortages and new white-collar industries meant women's labour was in higher demand; when traditional immigration sources were exhausted, southern European and non-white migrant labour was needed, raising questions about Australia's White Australia policy. Struggles combined class, gender and racial issues.

My historical approach illustrates the changing relationship between social structures and human agency, both within those structures and outside challenging those structures.

This chapter develops a critique of SRT in which I suggest that, while women's oppression is rooted in the reproduction processes of the nuclear family as theorised by SRT, the cause of oppression lies with the wider structures and processes of capitalism, which need to be specifically identified. I argue that the state has a distinct role to benefit capital, and therefore the cause of oppression can be theorised as a capital-state-family nexus. SRT contributes to my analysis of the outcomes of the 1970s struggle. This chapter indicates how the SRT approach can be extended.

The analysis I present here is a contribution to an ongoing discussion which has emerged since the Global Financial Crisis of 2008 and the rise of far-right movements. Nuances exist between the different expositions of SRT, which will be discussed as relevant to my analysis (Arruzza, 2016; Fraser, 2013; Jaffe, 2020), and alternative theories of "capitalist social reproduction" (Gimenez, 2018). A range of others in academia are also engaged in theorising a potential joint emancipation of women and society, including Bannerji's (2020) work on anti-racism and gender and Mojab's (2015) edited collection of essays updating the Marxist analysis of oppression. Black feminists in the US, including Davis (1983), and Australian Indigenous authors, like Moreton-Robinson (2020 [2000]), along with anti-colonial feminists (Carey, 2009) have challenged the historical weaknesses of women's movements and feminism in terms of racism and colonialism.

### *Chapter structure*

The chapter has three sections: First, I explain the SRT approach based on Marxist feminist Vogel's (2013 [1983]) analysis of social reproduction who was writing in the 1970s and published her theory in the early 1980s. Bhattacharya's framework is based on Vogel who provides a way of understanding the relationship between exploitation processes and the relations of oppression in the family. I discuss these concepts considering recent debates by Marxist feminists (McGregor, 2018; Mezzadri, 2020; Varela, 2021). In a critique of SRT, I show that SRT underplays the role of the state, and I argue that the cause of oppression lies

with the ongoing role of a capital-state-family nexus. Second, I discuss the development of this nexus in a historical analysis of the British and Australian contexts. Here I briefly present a Marxist understanding of the state and its origin. Unlike Vogel, the recent SRT writers provide an analysis of how women workers develop resistance against oppression within their contradictory family and workplace experiences, and provide an alternative strategy for social change that can overcome the weaknesses of past strategies of cross-class women's movements (Arruzza, Bhattacharya, & Fraser, 2019). Third, based on the writings of Callinicos (2009 [2005]) and Harman (1991), I develop an understanding of social conflict, gender, class interests and struggle, which together with SRT, provides a basis for answering the thesis question of why the Australian state made concessions in the 1970s and how women workers organised in response.

### ***1. Social Reproduction Theory***

Marxist analysis identifies the central dynamic of capitalism in exploitation and that oppression is involved in the processes of reproducing labour power. For the SRT approach: "Oppression is theorized as structurally relational to, and hence shaped by, capitalist production" (Bhattacharya, 2017b, p. 3).

Before offering a critique of Vogel, I summarise SRT. My framework corresponds to Bhattacharya's (2017a) conceptualisation of human labour power and the labour process. She analyses the multi-cultural and gendered nature of the working class, which includes all those who rely on household wages (whether or not they are working and/or relying on welfare) to survive, including most Indigenous peoples, not just industrial workers. The economy is not just a market. Below the surface, the capitalist economy is "social", and its "animating force is human labor" (Bhattacharya, 2017a, pp. 69-70). In positing labour (acting on nature) as the source of value, "we restore to the 'economic' process its messy, sensuous, gendered, raced, and unruly component: living human beings capable of following orders – as well as of flouting them" (Bhattacharya, 2017a, p. 70).

However, bathed in the rhetoric of bourgeois equality and freedom, capitalism obscures the reality of the coercive nature of the labour process (Bhattacharya, 2017a). Jaffe (2020, p. 22) argues that "capital cannot valorize without setting labor powers in motion ... This process

creates inequalities which then serve as breeding grounds and magnifiers for persistent inequalities within the working-class.” Market relations are reinforced by the complexity of political and cultural social structures and obscured in ideologies. The labour power of workers must be saleable to an employer and the worker must be disciplined and socialised to participate in wage labour to create surplus value. Wage slavery is constructed not natural according to Bhattacharya, in an interview with Varela (2019, p. 3): “We have to be made into it, so certain capacities are actually emphasized or deemphasized by capitalist social relations in order for us to become workers”. Social reproduction of labour power is all about the creation of an ongoing labour force that is compliant for this labour process on a daily and generational basis – workers must be able to return to their workplace and continue creating surplus value daily; this is what Bhattacharya means by “we have to be made into it” (Varela, 2019).

“Marxists and feminists ... have drawn attention to the ‘production’ of human beings ... which takes place away from the site of production of commodities” (Bhattacharya, 2017a, p. 73). Working-class families create new generations of workers through pregnancy, birth, lactation and childcare. Today the lives of workers are also shaped by a range of education, health and care services which train and socialise children. There are institutions to care and to punish but all are dominated by the ideas and practices of the society we are trying to fit into. To be made fit for workplaces and social life, we are surrounded by the values and ideas of capitalism (Jaffe, 2020). In these processes our human capacities and freedoms are enhanced and restrained.

Workers rely on capital for a living, and capital relies on labour power. But capitalism is “reluctant” (Bhattacharya, 2017) to pay for social reproduction, relying on unpaid and low-paid home-based and workplace-based workers, mainly women who also suffer other forms of oppression. This is illustrated today in the amount of unpaid essential labour they perform, as Hill, Ford, and Baird (2017, p. 1) reported recently:

Global estimates suggest women are responsible for around three-quarters of all unpaid labour, a category that includes care for children, the elderly, ill and disabled as well as household tasks ... On one calculation, if women participated in paid work ‘identically to men’ annual global Gross Domestic Product (GDP) would increase by 26 per cent, or USD 28 trillion, by 2025 (Mckinsey 2015). But if women did take up

paid work in a pattern similar to men, who would do the unpaid care and reproductive work women currently perform?

SRT argues that the roots of women's oppression lie in relations created in these processes of unpaid or underpaid labour to create and reproduce workers compliant for capital. SRT Marxist feminists base their analysis on the work of Vogel who recognised that, in *Capital*, Marx had not clearly identified the processes which enabled labour power to be produced cheaply. I discuss her work to clarify the significance of reproductive processes in the nuclear family.

Writing in the early 1980s, Vogel (2013 [1983], pp. viii-x) interrogated Marx's theory of capitalism to understand the roots of women's oppression through understanding the "relationship between women's oppression, family-experience and social reproduction", defining her approach as "unitary" against patriarchy theory's dual-systems approach.

I will briefly summarise some of the issues around the patriarchy theory debates. For patriarchy theorist Hartmann (2010, pp. 213-215), the material base for patriarchal capitalism, a capitalist-patriarchy alliance, was in the social structures where men maintain control, establishing the so-called 'family wage' for male breadwinners as a mechanism to discourage women working, and a justification for lower wages for females. Marxist historians of the nineteenth-century family in Britain, Fine (1992) and Creighton (1996), show that few feminist analyses took into account the role of state institutions and employers in controlling social policy, employment and family relations. They show that male trade unionists may have exhibited strong organisational skills to resist a period of intense effort by employers to control and subsume the workforces, and unionists won improvements in their conditions, but they did not pull the industrial strings. Fine (1992, p. 56) wrote that Hartmann exaggerated the role of men in the labour movement and that she did not attempt to understand the interrelationships between production and reproduction relations.

Barrett (2014 [1980], p. 13) attempted to avoid the dual-systems approach of Hartmann; she rejected the family wage as a gain for workers because few men achieved such a wage. Her version of patriarchy theory is based on an analysis of ideology as a material force, built on a historical analysis of the structures of family relations, gender relations and labour relations

(Barrett, 2014 [1980], p. 170). US Marxist feminists Brenner and Ramas (1984) argue that Barrett:

treats the appropriation of gender ideology as the relatively passive internalization of an already defined set of ideas about men and women that exists at the level of ‘culture’, implying that ideology can be imposed and is never changing.

While ruling elites favour division of the exploited and oppressed and encourage oppressive ideologies, women’s oppression was not designed but is generated in processes which stem from competitive capital accumulation. Although sexist ideas developed in earlier societies, the family and women’s experiences develop and interact with capitalist relations to create specifically capitalist conditions for women’s oppression. Gimenez (2005, pp. 20-21) argued more recently that the nature of the family relies on and is limited by conditions based in the mode of production; and inequality occurs because of the structure of capitalism, not individuals’ intentions.

SRT is a recent development in debates among feminists and Marxists since the 1970s, which involve a history of compelling arguments among Black feminists, including the Combahee River Collective (1977) and Davis (1983). These developments were important for feminists recognising the intersectional nature of multiple oppressions and the gendered and racialised nature of capitalism, which is discussed below. They have contributed to Marxist feminist understanding of the relationship between capitalism and women’s oppression.

Vogel’s work contributes to my understanding of the both the strengths and weaknesses of SRT. First, the strength of her analysis was in showing how women were at a disadvantage because of their role in the family under capitalism – the significance for capitalism was not that this was an oppressive structure so much as this was the most efficient process for creating labour power. Second, she clearly developed the theory of how the nuclear family obscures the roots of oppression, and that oppression was rooted in experiences in family structures. Significantly, Vogel’s (2017, p. x) theory recognised the *reliance* of capitalist production on the reproduction of labour power, and enclosed both within a “unitary framework”.

To understand inequality in families, Vogel (2013 [1983]) analysed pre-capitalist societies when production and reproduction were both based in family households, and then analysed capitalism in the period when workers' paid labour for an employer was usually performed outside the household. In pre-capitalist societies, there are three aspects to labour power reproduction: first, workers have basic human needs, like sleep, food, drink, housing, cultural and sexual activities; second, non-working members of the household (aged, children, sick people) also have similar needs; and third, labour must be replaced, as people die, and so new workers are required through childbirth. There is usually a sexual division of labour. Vogel argued that women became economically dependent on men during periods of childbirth and lactation because they could not contribute as much labour during these periods; and that this is the reason pre-capitalist family structures involve an unequal division between men and women, with males having authority over females.

For Vogel, this division creates ongoing inequality in relations between men and women and is an explanation for oppression of women in pre-capitalist family structures, which she applied to the capitalist working-class family. While recognising that there are differences, she argued that oppression is also rooted in capitalist family relations.

Within the capitalist process, according to Vogel, reproduction tasks are usually physically separated from the workplace and the three major family tasks are different because workers are paid a wage by their employer. The wage recognises what Marx called "necessary labour", that is, the amount *calculated* to provide for a worker's socially necessary labour time. The wage enables a worker to purchase essential commodities and is an incentive to ensure the worker returns to work each day. However, it does not provide recompense for tasks needed to process those commodities into useful items and provide other services within the family unit, which she labels "secondary tasks" such as cooking, cleaning, etc. for all working and non-working (unemployed, sick, elderly, children) members. That is what Vogel calls "domestic labour", which someone in the family must provide (usually women). The third task which is necessarily performed by women is bearing and nurturing babies, generational reproduction. Vogel draws a clear line here between domestic labour and necessary labour, with two out of three sets of tasks (domestic and child-centred labour) as unpaid labour, mostly performed by women. Capitalism is reluctant to pay for social reproduction.

Vogel is careful to argue this family relation is one of oppression but not exploitation, and as a result two scholarly debates have arisen. I examine the first debate about whether exploitation occurs in the family, and second, I examine the debate about the concepts of oppression and inequality.

Exploitation relies on both the oppression of workers as a class, who must be compelled to participate in production for the sake of profit, and also the oppression of female workers who shoulder the double burden of unpaid domestic and child-centred labour and low paid waged employment. It is important to differentiate between exploitation, an economic category, and women's oppression but to see their connections. Davidson (2020, p. 105) argues:

‘exploitation’ is a category of political economy which describes a process undergone and resisted by slaves, peasants, and workers; but no one experiences exploitation any more than they experience the tendency of the rate of profit to fall. They experience instead the oppression which exploitation involves.

As explained above, Marx defined exploitation in capitalist production as the valorisation process whereby surplus value is created. However, if women's oppression is rooted in family structures and related to exploitation, does unpaid domestic labour also involve exploitation to create surplus value? Although she understood the family as within the capitalist system, Vogel rejected the idea that domestic labour created surplus value, arguing that only use values could be created in domestic labour processes, which did not measure abstract labour.

Other Marxist feminists, particularly the Italian Autonomist Marxists, analysed women's unpaid labour as value-creating in the same way as waged labour, conflating all labour processes under capitalism in this way, as part of a “social factory”, as discussed by Ferguson (2020, pp. 96-98). Recently, supporting the Autonomist position, Mezzadri (2021) argued that value and surplus value are the same, defining exploitation and oppression as one concept. Following Vogel, Bhattacharya (2017a) and Varela (2021) argue that domestic labour does not create surplus value even though the capitalist class benefits from the family labour

processes (better termed ‘expropriation’ so as not to be conflated with the valorisation process in production), and only use values are created.

Understanding value creation in domestic labour requires differentiating between concepts such as use value, value, surplus value and exchange value. It is not necessary to ignore or denigrate the domestic products because exchange value is not created. It is possible to explain that value is created in a contribution to creating labour power, even though surplus value is not. As Varela (2021) points out, conflating reproduction and production, use value and surplus value, which in turn conflates labour and labour power, ignores the value of the commodity, labour power, which does not depend on the labour time of domestic labour that produces it. Working faster in the family saves time but does not produce a commodity (labour power) of greater value. The capitalist production process is different from the processes in the household. By conflating them, Varela (2021) argues, Mezzadri ignores the important characteristics of the different relations which affect anti-sexist and anti-capitalist strategies – withdrawing labour power in production can stop surplus value creation but withdrawing labour in the family does not directly affect profits. As a commodity, labour power is triply unique. In the production process “it produces more value than itself, it is the only one produced largely outside the sphere of production, and the only one whose value is adjusted by its price” (during times of higher unemployment, wages fall) (Varela, 2021, pp. 19-20).

Does this mean capitalism is not gendered? I agree with the position that it is untenable to argue capitalism is structurally indifferent to gender (or race), as Bieler and Morton (2021) argue, but it is not necessary to combine oppression and exploitation as they do when they argue that *exploitation* is gendered. They remind readers that Marx recognised, in *Capital*, that capitalism relied on gendered production relations, especially lesser paid so-called ‘women’s work’, and argue that exploitation is therefore best understood as gendered. Citing Marx, Bieler and Morton (2021) write:

[Marx writes]: ‘Not all labourers are alike, for Mary Anne Walkley is presented as a white slave, officially deceased due to apoplexy, but whose conditions of labouring constantly for more than 26 hours was due as much to garment making for the guests at a ball given by the Princess of Wales; or the gendered working conditions of consumption, undernourishment and malnutrition; or the forced supply of alcohol to

her and other women to sustain their failing labour-power; or the demand for needlewomen (over men) to conjure up magnificent dresses for the noble ladies, rather than simply over-work and overcrowding within the capitalist specificities of the millinery industry.’ This alternative reading starts to provoke one to reveal [citing Ferguson] ‘the coercive underbelly of capitalist value creation and violence, without the cost of gender blindness.’

Because exploitation is associated with various forms of oppression, as McNally and Ferguson show, “racialized, sexualised, gendered bodies, practices, and institutions matter: racism and sexism are *not* historical aberrations that can somehow be separated from capitalism’s ‘real’ or ‘ideal’ functioning”, as cited in Jaffe (2020, p. 87). However, as Jaffe (2020, p. 22) argues:

It is not that the abstract logic of valorization is itself a gendered process ... Rather, social reproduction theorists tend to mark how valorization proceeds through gendered circuits ... SRT provides a framework to chart how the reproduction of the working class is at the same time the reproduction of gendered (as well as many other) distinctions within it.

At the most abstract level, it is possible to understand that all the processes of production, during which extraction of surplus labour takes place, do not necessarily involve, or require any particular gender. Thus, I can concur with Bieler and Morton (2021) when they conclude that capitalism could not survive the eradication of such extra-economic oppressions, because it is not *necessary* to argue that exploitation is gendered in that way, although the reproduction of the working class involves “gendered distinctions within it” (Jaffe, 2020) being reproduced at the same time. Because exploitation and oppression can operate distinctly with different effects on humans, it is a question of how capitalism causes oppression to be linked to exploitation.

I discuss this because it has ramifications for this thesis in a discussion below about women workers’ role in the 1970s struggle. Relations of exploitation are relations of power – by refusing to work (create surplus value) workers exercise power against employers. Relations of oppression do not directly involve surplus value. Industrial action by key groups of workers in Australia after 1969 was pivotal in improving wage outcomes that led to the

record shift in wealth from profits to workers' income. Some employers refused to implement court decisions in their industries until unions organised industrial action. The gender of the workers was immaterial in terms of the power relations, although not irrelevant to the processes involved. However, it is necessary to understand the relationship between oppression and exploitation to develop strategy to remove oppression and understand the role of women workers. It is oppression that can inhibit the power of the working class. Bieler and Morton (2021) argue capitalism would not survive the eradication of oppression, and this is part of the reason. For women's oppression, the capitalist reliance on the family is also a major reason. Understanding the cause of oppression is necessary to understand how its eradication can be effected. I discuss this next.

A weakness in Vogel is revealed in her explanation of the *cause* of unequal relations in the family. Vogel (2013 [1983], p. 153) suggests that sexism is caused in the family when she argues that, in class societies, the family creates an unequal and subordinated position of dependency for women, reflected in "male supremacy ideology", and she says:

It is the provision by men of means of subsistence to women during the child-bearing period, and not the sex-division of labour in itself, that forms the material basis for women's subordination in class-society.

While I agree that these relations are reproduced in the family, I argue that the cause is the social structures that intervene to shape families for capital, what is best described as a capital-state-family nexus.

Vogel's analysis reflects, that in the 1970s, most women in western societies were in heterosexist nuclear family relationships, even though more are being drawn into workplaces. She notes the contradiction for capital in reproduction – capitalist competition for surplus value demands more female labour in workplaces to create surplus value, but also the same women provide reproductive unpaid labour because of their biological capability in bearing children. While women tended to have fewer births, maternity leave was non-existent and subsidised childcare was rare with women tending to juggle their time, assisted with innovative domestic tool technology. The capitalist class leaves it to women, largely, to solve the contradiction. Vogel argues that oppressive conditions remain in the relations of

reproduction, stating that women are dependent on support from, usually, their husbands during the periods of childbirth and early years of child development.

Other writers have criticised Vogel for her tendency to generalise this experience of western families, ignoring the different experiences of Black African-American slaves and the variety of experiences for women in pre-capitalist and capitalist societies, which do not fit Vogel's analysis (McGregor, 2018, pp. 89-90). Further, Jaffe (2020, p. 67) warns that Vogel's analysis risks a reliance on women's child-bearing capacity to explain the roots of oppression for all women:

Though accurate for many women, rooting gender oppression as a whole in biologically reproductive powers assumes too much about gender, and ... risks rendering the category 'women' and women's oppression in a biologically essentialist way.

While, in capitalist society, ideas develop that imply it is natural for women to care for family members, women's biology is not to blame, rather, women's oppression has much more to do with social structures than nature. Male and female bodies have different reproductive organs and capabilities so that female bodies are capable of bearing and breast-feeding babies,<sup>4</sup> but this difference does not mean that females are innately inferior or dependent. Rather, the social system is not organised to appropriately support social reproduction. There is no universal *woman* and humans are not limited to the male-female gender binary.

Jaffe (2020, pp. 61-63) argues that feminists who use a universal category of 'woman' risk giving ground to biological determinism. He also critiques Federici's analysis that women's bodies were natural in pre-capitalist societies. He disagrees with Federici's argument that the struggle for liberation is a struggle partly to return to this natural state, but Federici provides no analysis of *how* capital dominates bodies nor how agents play an active role in gendering, for example our ability to transition to a different gender.

As Jaffe argued, Vogel's insights were important because she theorised women's reproduction capacity as significant in capitalist society creating the essential commodity labour power,

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<sup>4</sup> It is important to recognise that trans men may also have this ability.

and that this put them at a disadvantage. She showed how the roots of oppression are based in the nuclear family. At the same time, she, incorrectly in my view, tended to universalise female experiences as common to all women in all class societies. The state does not force compliance on people to live in families, although there are limited alternatives, yet the family endures as what seems to be the most appropriate social formation for raising children.

This analysis provides a framework to understand the role of the Australian state after it adopted the British model of a nuclear family and supported it through the nineteenth and twentieth centuries, and its relationship with women, as I discuss in Chapter 3.

How do nuclear families continue to produce and reproduce compliant workers? Is it just a natural way for humans to behave? The family did not appear from nowhere and cannot just continue without conscious human action. I examine the origin of the nineteenth century British nuclear family below. For now, I present an understanding of how the family is maintained currently. Ferguson and McNally (2013 [1983], pp. xxviii-xxix), locate oppression in the capitalist family because of:

capital's dependence upon biological processes specific to women – pregnancy, childbirth, lactation – to secure the reproduction of the working class. It is this that induces capital and its state to control and regulate female reproduction and which impels them to reinforce a male dominant gender-order. And this social fact connected to biological difference, comprises the foundation upon which women's oppression is organised in capitalist society.

This discussion indicates that inequality between men and women is a manifestation of oppression, and oppression's foundation is a structural process involving regulation and ideology controlled by capital and the state. Obviously ordinary men and women are involved in reproducing unequal relations, but they do not control the processes. Many essential natural practices of human survival are organised through processes which are themselves incorrectly deemed 'natural' and are created artificially under capitalism.

Recognising how oppression is related to exploitation by lifting the veil of the naturalisation processes in the family and identifying the cause of women's oppression in capitalist

reproductive structures helps clarify how the state is involved. Bhattacharya indicates that SRT can help clarify these processes and relations by: “constantly unpacking all the naturalized philosophical and political categories that capitalism presents us with”, in the interview with Varela (2019, p. 3).

It is useful to trace the development of concrete social connections between exploitation, oppression and inequality, as separate categories dialectically related. Exploitation, inequality and oppression are not natural to humans and can be changed. Wage labour is not natural, and nor is the process of reproducing labour power. However, what is *naturalised* are the processes, relations and ideas located in the nuclear family of capitalism. Class and gender relations have a dialectical connection to capitalism, developing historically and which was different in previous societies. As Jaffe (2020, p. 23) argues:

A socially reproductive approach recognises that capital’s valorizing logic is temporal and always housed in a social organisation that reproduces itself. Accounts of capital are therefore stronger when, in addition to uncovering capital’s logic, they develop social and historical analysis as well.

Thus, SRT provides a framework for understanding how capitalism maintains and reproduces oppressive and unequal relations in social reproductive processes in the twenty-first century, although it does not explain the specifics of how state structures created these processes. Missing from the analysis is that behind the family and workplaces of capitalism is a state structure involved in creating families and workplaces to facilitate the economic profitmaking processes of capitalism and is central to maintaining them.

By focussing on the processes within the family, SRT mistakenly suggests that the family can be also the focus of struggle against oppression. (Although, at the same time, SRT argues that women workers have power in workplace struggles.) I discuss this issue of strategy in the next section after discussing how, while oppression is manifested in the relations of reproduction, it is caused by the policies and actions of the state, reinforced by gender stereotyped ideology. I now present an analysis of the relationship between capital, the state and the nuclear family, which involves an analysis of the origin of the nineteenth century nuclear family and how the Australian state continued to bolster a nuclear family which I apply to my discussion of the Australian state in Chapter 3 as part of the background to

understanding the state's resistance to demands for change in abortion laws and equal pay in the 1970s.

## *2. The Capital-State-Family Nexus*

SRT emphasises economic processes as being key to understanding how capitalism naturalises unequal reproduction relations. My framework extends this important analysis and recognises the role of the state in facilitating family processes – capitalism maintains what I call a 'capital-state-family nexus'. Key economic, political, and ideological social structures, acting interdependently but relatively autonomously can dominate the relationship between production and reproduction. McGregor's (2022) recent critique of SRT identifies the key role of the state in shaping family relations from the early days of capitalism. I offer this brief analysis of women's oppression within the development of the early structures of capitalism, to show the role of the state in both creating and maintaining structural women's oppression. Capitalism emerged within European feudalism, and as the new society developed it adopted some structures but ignored others. A family structure continued and was changed through state intervention following the needs of developing production relations.

First, I discuss the origin of women's oppression with the rise of private property and class society and its continuation in a new form under capitalism, based on Engels's (2019 [1902]) work. Second, I discuss how the state facilitated women's oppression in an ongoing way from nineteenth century England and then up to the 1970s in Australia. Engels' (2019 [1902]) account of the origin and development of women's oppression in Europe, in pre-capitalist family structures that protected private property including inheritance, contributes to my understanding of how sex inequality becomes accepted as natural or necessary to facilitate stable and productive industry. This is only possible by denying women of all classes control over their bodies and lives, and in European class societies laws and norms established monogamous relations for women only.

State-supported institutions, especially the family, may hide this class relation and show it to be a natural way of organising society. Family structures changed as the economy developed,

especially with the introduction of factory production. Eventually, outside the bourgeois class, “work, in the form of wage-labour, was removed from the centre of family life, to become the means by which family life was maintained” (Zaretsky, 1976, p. 57). Labour power seemed to reproduce itself naturally and automatically in families *outside* capitalism. In the nineteenth century, western capitalism replicates the notion from pre-capitalist societies of women’s inferiority, and the oppressive material basis is transformed to support capital accumulation. Gimenez (2005, pp. 24-25) notes the:

subordination of reproduction to production not only structures gender inequality as a macro-level aspect of capitalist social formations; in doing so it also affects people’s existence and practices and, therefore, their consciousness, ... [although this is always uneven] ... It is this process which conditions the take up of various ideologies, precapitalist or whatever, not a hang-over of never-changing patriarchal ideas; and when material circumstances change, or within different class locations, consciousness is affected.

To understand the cause of oppression and the prevalence of sexist ideology under capitalism requires an understanding of the terrible living conditions that threatened the survival of the working class during the industrial revolution. The voracious appetite for profit drove capitalists to employ women and children in factories because they accepted lower wages (Creighton, 1996; Fine, 1992).

Engels’ (2010 [1845]) study of Manchester, England, *The Condition of the Working Class in England*, portrays deep poverty, unsafe work practices and violence, but also positive changes in the relations between men and women in some industrial areas – often gender roles were reversed and women became breadwinners, while men entered lengthy periods of joblessness. Substantive changes in working-class life were implemented to accommodate the new machinery and production processes (Foster & Clark, 2018). The working class was under extreme pressure economically, culturally and morally; the class itself seemed to be unable to reproduce itself. Some employers preferred to employ women and children, even though this challenged morality. The state was forced to act – the government provided some albeit inadequate protections and encouraged women to stay home to care for children and male workers.

The capitalist economic system benefited – the capitalist earns more surplus value with as many selling their labour power as possible, flooding the labour market that suppressed the price (wages) of labour – and the state was able to create an adequate form of social reproduction in the nuclear family, at least cost. The government used enticements which were primarily ideological, like the idea of a family wage that would cover breadwinner males and their families (Brenner & Ramas, 1984; German, 2007). While some achieved higher wages, the family wage remained unachievable for most, and higher wages depended on the results of struggle (Brenner & Ramas, 1984; German, 2007; Harman, 1984; Vogel, 2013 [1983]).

Marx (Marx, 1864) and Engels (2019 [1902]) recognised the state's covert role in the capital-labour relationship. They argued that the development of private property was intrinsically linked to states and family structures.<sup>5</sup> The capitalist state's relationship with an oppressed and exploited majority is necessarily one of class power and domination. However, the state acts to benefit the general interests of the capitalist class. Using the concept of interdependent relationships between capital and state, Harman (1991, pp. 13-14) argues that the state operates with relative autonomy developing its own interests but within a role promoting the collective capitalist national interest – “the real, concrete history of capitalism was always very much intertwined with the history of the state” (Harman, 1991, p. 11). The nuclear family arose along with and through interactions with the development of capitalist relations: it did not suddenly appear with fully-formed capitalism at the turn of the eighteenth century but had a history over centuries (Fine, 1992).

The family was justified with pro-family ideas about the natural role of women as mothers, reinforced with a raft of laws to establish a stereotypical heterosexual family and gender binary norms (banning male homosexuality and abortion). The working class was too weakly organised to achieve equal wages for women, creating a serious conundrum for the working class. Attempting to stop a so-called ‘race to the bottom’, the organised working class (both men and their wives) tried to defend their livelihoods. They attempted to control the supply

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<sup>5</sup> Much of Engels' anthropological data has been shown to be inadequate or wrong and is outdated, particularly the characterisation of early pre-class societies as culturally backward, but anthropologist Leacock (1981, pp. 305-309) argues that Engels' historical materialist analysis of the general processes of the development of women's oppression within class societies remains valid.

of labour by supporting the male breadwinner model combined with the struggle for shorter hours (Creighton, 1996, pp. 325-326; Humphries, 1977, pp. 247-254). The capitalist system is prone to crisis, but family structures provide the stable reproduction of compliant workers able to create surplus value.

I now examine the way that sexist ideology was part of the structural form of capitalism that the Australian state developed. The framework for social reproduction in Australia was based on the nuclear family model and associated laws and ideologies. For example, the 1861 English anti-abortion law was adopted in the Australian colonies. Ideas about inequality were part of the ideology of capitalism before capitalist industry became established in Australia, shaped and naturalised in Australian conditions, and, over time in the context of family life, 'normalised' in gender-based roles (Simic, 2019; Summers, 1977 [1975]).

As social relations reproduce themselves in everyday life, inequality can become acceptable across society through historically entrenched ideologies. Orr (2015, pp. 24-28) shows how ideas about women are transmitted via the media, education, personal relationships and various behaviours, such as by women in positions of authority, peer group pressures and socialisation. Yet ideas reflect the material world. As Kerr (2014, p. 127) writes: "the restriction of access to abortion through criminalisation reinforces socially conservative discourses by institutionally relegating a woman's role to that of a mother, regardless of individual circumstances and aspirations." Thus, the role of the state is instrumental in establishing socially acceptable ideology and the processes and structures that reinforce ideas, because they are not natural for humans.

Women are now about half the active workforce, in a variety of roles and occupations, and yet, the mainstream media images are still dominated by depictions of women as the carers and most responsible parents. This affects the way their jobs are categorised and therefore, the wages they earn (Orr, 2015, pp. 203-205). Over a long history, many jobs associated with women workers, labelled 'women's work', have been linked ideologically to their so-called 'natural' abilities that do not require training. They were regarded as unskilled, even though they had specific skills like so-called 'self-taught' sewing and needlework, but also, they were seen as having low physical strength. Lack of skills and strength also justified lower

wages for children. Women were thus deemed a low-wage workforce. Yet often heavy work was required in domestic service as much as in mining operations.

Australian industry remained highly gender segregated. As reported recently on an Australian government website: “the majority of Australian employees continue to work in industries dominated by one gender. Only 46.5% of employed Australians work in gender mixed organisations” (Workplace Gender Equality WGEA, 2020b). The experience of the wages system becomes a vicious cycle for women because they tend to earn lower income than males – the female parent earning less is often the one to give up employment to care for the family, which means they have less access to developing a well-paid career, or even to maintaining their employment. This process reinforces an acceptance that women are best placed to perform unpaid and low-paid carer work, while men could more easily earn higher wages and are thus more suited to the breadwinner role, as theorised by Vogel and others (Orr, 2015; Vogel, 2013 [1983]).

In this thesis Chapter 3 shows that the Australian government bolstered the maintenance of the nuclear family with tax incentives and ideology to justify heterosexual monogamy and laws to make the alternatives illegal. Women were treated as little more than their husband’s property and could not control their fertility because of anti-abortion laws, while male homosexuality was banned. Children born outside of marriage were shunned or institutionalised, as were their unmarried mothers. Strict censorship served to hide alternatives to a repressive culture. I trace the Australian state’s role in supporting the profit priorities of employers and codifying unequal wages, including higher ‘family’ wages for most men. The state’s strategies left working-class people and unions divided. With economic and political structures hostile to equal pay, only a few struggles succeeded. The government agencies and public services performed an ongoing interventionist role to shape families.

The creation of the nuclear family was the state’s response to a nineteenth century crisis of reproduction associated with the industrial revolution. It has continued to provide capitalism with a structure that reproduces compliant workers – labour power that is suited to the needs of capitalist workplaces, without force, seemingly naturally and with consent. In Australia, the state successfully introduced this model of nuclear family in a new Antipodean context.

While the reproduction of labour power could be achieved in other ways – immigration dormitories as we see in China today and prison-like barracks which held US slaves in earlier times – nuclear families are beneficial to capital in several ways. A society based on networks of families provides social stability, and it is cost-effective to establish and help maintain social forms by consent rather than coercion. Further, families care for unemployed, aged and sick members of the working class. It is possible to pay women workers lower wages and thereby maintain downward pressure on all wages. Australian capitalism established industrial legal structures, through the Arbitration Commission, to support unequal women's wages, bolstering inequality as a natural idea.

The analysis so far has recognised the insights of Vogel and others to explain the way women's oppression is rooted in family relations and structures and is reproduced along with the family. I extended SRT to show that this is a process, that is not automatic but maintained by the state because it benefits capitalist economic processes based on exploitation to create surplus value. Class struggle is one indication of the coercive nature of the labour process and the essential nature of labour to the worker and society. The origins of oppression and exploitation are distinct, but they are dialectically interdependent. This analysis has ramifications for social change to remove oppression. Both the family and the labour process must be specifically transformed for this to occur. Humans have agency, albeit restrained.

Improvements in the situation of women were achieved in Australia during the 1970s which was a period of intense working-class struggle, involving women workers, that raised political demands for equality and reproductive rights, generated by the WLM. It was linked to working-class struggle which also sought to remove exploitation. I analyse this period in Chapters 5 and 6. The struggle was not necessarily consciously prepared, but often developed a logic shaped by the interplay of social structures and agency. I also show how conditions for such a united struggle were created through a build-up of women's campaigns for equal pay from WW2, in Chapter 4.

Workers are in a position to challenge capital if they withdraw their labour or engage in other forms of collective resistance against oppression as a step toward an alternative social organisation, as expressed in the SRT literature (Arruzza, Bhattacharya, & Fraser, 2019;

Bhattacharya, 2017b). SRT identifies the people who can change these processes – particularly women and other oppressed people who spend their lives reproducing labour power – although change is not automatic. Further, Jaffe (2020) argues that SRT identifies the tasks involved in changing the processes to build an alternative based on a different vision of how society could work, with the aim of creating alternative family and social structures.

By extending SRT to illuminate the state's role, I have strengthened the understanding for the strategic needs of working-class resistance. However, in my analysis the state is likely to act to protect the reproduction structures, which should not be unexpected. The 1970s struggle in Australia illustrates how the state resists fundamental change to social reproduction systems, protecting relevant anti-abortion laws from left-wing compromises and right-wing backlash, but concedes limited change in the process of liberalising abortion law as I show in Chapters 5 and 6.

SRT has contributed to a revival of interest in Marxism to understand what oppression is and its relationship to capitalism, as well as the potential for social change. The key to understanding capitalist economic power is its absolute reliance on the creation of surplus value. However, assuming workers have an interest in changing the system, potential power lies with the workers' social movements, comprised of people who are oppressed in multiple ways. Bhattacharya and others (2017b) point to the struggles in the range of social reproduction workplaces when oppression generates resistance. Recently, the experience of the COVID-19 pandemic illustrated how societies were reliant on what has become known as 'essential workers'; that is, those social reproduction workers in families as well as commodified and public social services including childcare, aged care, healthcare, disability care and education. SRT Marxist feminist theory supports those struggles as a step toward a challenge to women's oppression (Arruzza et al., 2019). However, their strategic analysis is weak on recognising the role of the state in defending capitalist social reproduction, which therefore needs more analysis.

Munro (2021) shows that SRT underplays the role of the state in this regard, too. The carceral workplaces, like prisons, police and detention centres, show that not all those who reproduce labour power are oppressed in the same way and many do not organise resistance against capitalism; oppression does not necessarily lead to struggle. Large sections of the employees

of the state are trained to protect capitalism. Nevertheless, anti-capitalist struggle in many social reproduction workforces, especially teachers, hospital workers, public transport workers, etc. has shown the *potential* working-class power in strike action to win demands.

There is another weakness in Vogel's analysis that the recent SRT analysis of struggles overcomes. Vogel did not theorise the role of women workers' struggle to challenge oppression. Instead, she argued for a cross-class women's movement to campaign for democratic changes. As SRT argues, resistance to oppression and exploitation is possible because, in both the family and the workplace, experiences reveal the contradictory effects of class domination.

I now explain how, when the state is compelled to respond to the inevitable instability of economic and political crises, women can be drawn into political action, which may include workplace struggle as well as community action. The next section presents a Marxist explanation of this process which can be applied to the 1968-1980 Australian context.

### ***3. Capitalist crises, social change, gender and class interests***

Understanding society's contradictions is crucial for understanding social and economic change. Social contradictions between structures of the capitalist economic system cause crisis, the outcome of which will be determined by class struggle which is not predetermined. When conflict develops, humans at every level of society respond, actively or passively, according to their interests and ideas. Agency represents "the causal powers persons have. Intentional explanations of human action ... are necessary because of the peculiar kind of living organisms human beings are" (Callinicos, 2009 [2005], pp. 274-275).

However, Marx also wrote that the dominant ideas of any period are the ideas of the ruling class. How can the working class take power against the rulers, how can they even develop ideas about an alternative? How do workers bridge the gap between the overwhelming oppression of their lives and a future of emancipation? Struggles tend to develop stepwise at first.

The women's struggle against the Australian state began as a struggle with specific demands against the structures established by that state. It was a struggle for specific reforms not revolution. However, as the name suggests, radical women of the Women's Liberation Movement labelled the goal of their struggle as liberation. Many of the activists identified with previous feminist struggles and some with contemporary national liberation movements. They recognised a link between the changes that were necessary to make women's lives easier and the idea of liberation – there was confusion over the aims because some saw the struggle as a liberation from men or male domination, and others saw the struggle as one against capitalism and class society. There was also a longer-term struggle by women workers for equal pay which overlapped with the WLM. Wider struggles emerged over other oppressions, including for Aboriginal land rights and gay rights, and workers' strikes.

Callinicos (2009 [2005], p. 168) argues that only minorities accept the official ideas of their societies that justify class rule and, more likely, workers accept partial truths rather than developing so-called 'false consciousness', and perhaps assume that "capitalism is just part of an unalterable order of things". Rees (1998, p. 88) asks "what is it about workers' lives that makes the ideas of the ruling class seem to fit, at least partially, their own experience?" Marx developed the concept of 'commodity fetishism' to explain how capitalism is naturalised via the workings of the market (where social relationships are mediated by the exchange of commodities), establishing an objective basis for how ideologies are spontaneously generated in capitalist relations of production. The nature of workers' existence as exploited labour is obscured, preventing the knowledge that labour acting on nature is the source of wealth (profits and capital).

Lukács (1971 [1968]), especially in *History and Class Consciousness*, analysed further the effects of commodity fetishism and alienation (Marx's concept for the separation of workers from means of production and products of labour), and argues that commodities and the market appear as the reification of real human relationships, and the process is a mystification of real economic processes. Struggle, for example over the hours of work (a struggle to reduce the time within, for freedom from, exploitative relations) can clarify their real situation as exploited labour and open a clearer view of the nature of capitalism and their place within it.

Rees (1998, p. 221) explains that the workers are unusual as owners of a commodity because they remain attached to their commodity of labour power, and so when there is a dispute over the terms of the sale, they are there protesting. If there is no agreement, when right meets right, force is necessary; the strike is a weapon that mobilises collective class power. When workers see this contradiction, then other mystifications may unravel, although consciousness develops unevenly and partially, requiring collective struggle (praxis) and intervention by a political party. A minority of workers can quickly become politically anti-capitalist, but not all, not all at once. The developments in the Australian workers' movement indicated an uneven but significant shift leftwards after the 1969 defiance of the Penal Powers, as I set out in Chapter 4. Women workers were involved in the increasing levels of strike activity over equal pay and other issues as discussed in Chapter 5.

Callinicos (2009 [2005], pp. 159-160) identifies “an indefinite number of different ways of interpreting” ideological beliefs. His analysis of humans as creative beings able to reject or adopt available ruling class ideas and other ideologies establishes a dynamic role for workers in developing their alternative worldviews and can explain why some workers actively support certain ideas even when they contradict objective interests for unity in struggle; for example, some workers adopt racist and sexist ideas (Callinicos, 2009 [2005], pp. 173-176). This analysis aligns with Gramsci's concept of ‘contradictory class consciousness’ – the concept of one contradictory consciousness, as Gramsci labels it, comprised of workers' common sense (the ideas they adopt uncritically from society) and good sense (ideas that are developed in practice from experience). Gramsci also rejects the notion of false consciousness and argues that workers' ideas change in struggle to form more coherent class consciousness.

Activists in the 1970s learnt quickly as they clashed with the Australian state in many ways, and the demands of the WLM in 1970 reflected a deep understanding of the causes of banned abortion and unequal pay. The analysis of these clashes, presented in subsequent chapters, advances a cogent explanation of the significant development in allegiances as the struggle for abortion rights won supporters over the period analysed in this thesis, and reflected changing ideas reported in opinion polling. A battle for ideas is part of any struggle and, in tracing the campaigns for abortion rights and equal pay, this thesis shows how the struggle impacted on public opinion. In Chapter 4 I report that Australian opinion polling showed that

the elite's attitudes were out of touch with majority opinion on equal pay from the 1940s and that attitudes to abortion rights changed as the issue became public. Most people were not swayed by the government's justifications for resisting equal pay and abortion rights, as the struggle progressed.

Classes exist even if members' shared material interest is not conscious. There is a relationship between interests and ideologies.

The primary sense in which ideologies are socially caused is that they are articulations of interests. They are attempts to give conscious expression to the needs of agents occupying particular positions within the relations of production ... Since interests differ and conflict, so too will ideologies (Callinicos, 2009 [2005], p. 173-174).

For Gramsci (Cited in Callinicos, 2009 [2005], p. 174) "discourse generally is ... the articulation of interests: our knowledge of things is nothing more than ourselves, our needs and interests". Therefore, workers' ideas and attitudes are usually full of inconsistencies; the generation of ideas to support the rule of capitalism (promoted in the many institutions like the media and education system) – the maintenance of their hegemony – acts to prevent consistent revolutionary consciousness and coherence, rather than automatically inducing false consciousness.

The analysis presented in this thesis recognises the potential for either passivity among confused workers, or revolutionary action when workers are clear on their objectives. Ideas are not secondary to the struggle 'on the ground' but are the essential way that class struggle is articulated (Blackledge, 2006). Brenner and Ramas (1984) argue:

[I]deology and consciousness are processes in which individuals actively, creatively engage ... Thus we would argue that gender ideology, like all ideology, is rooted in and shaped by women's and men's actual experience and practice in everyday life. ...Historically developed social relations construct the possibilities within which women and men imagine and order their existence.

Sexist ideology is created, re-created and reinforced through the lived experience of all humans, although class determines the extent of discrimination and nature of that oppression.

Orr (2015, p. 23.) argues, exploitative relationships under capitalism define class divisions, and oppression “is generated by this process and can help facilitate it in the interests of the ruling class”.

Oppression is not determined abstractly as domination but emerges with the way capitalism organises for exploitation and accumulation of wealth. Women in different classes are affected differently by relations of oppression. Exploitation of women workers creates a regular experience of domination but also unequal mutual dependence between employer and employee. Thus, working women are doubly oppressed but they also have a potential economic power should they choose to collectively withdraw their labour. They have an interest in removing exploitation and oppression and have the means to struggle. Of course, there is always the possibility that tensions may develop within the category of women workers, stratified by their different degrees of bargaining power at work and within the union movement.

Middle-class women have an interest to improve their own financial and political situation, and their main struggle is in competition with men of their own class. They are less likely to continue a struggle so that all the poor are satisfied. While wealthy women of the ruling class suffer women’s oppression, they have the resources to ameliorate their condition; they can readily obtain an abortion and have access to funds to avoid and escape family violence. Particularly if they are of the capitalist class, these women will have no interest in increasing the wages of other women. Women and men workers have an interest in collective struggle to gain benefits in changing capitalism. Similarly, Indigenous women do not see men as their enemy – they are both racially oppressed by the state. It is clear there are class divisions between women which help explain the multiple conflicting responses that emerged in women’s struggles.

If dominated by middle class elements, cross class movements can downplay working-class agency. The women’s movement of the 1970s did not deliver lasting improvements for most women. As argued in *Feminism for the 99%* (Arruzza et al., 2019), in the aftermath internationally, liberal feminism became a mantra for neoliberal policies, which did not benefit the poor and working class, including cuts to public services taking hold in the 1980s.

In the 1970s, a growing number of women were becoming permanent wage-workers which meant their power to change their situation increased in their industrial campaigns outside the home. This was reflected in the successful strikes for equal pay as I report in Chapter 5. Fighting capitalism effectively relies on impeding the process of capital accumulation (the creation of surplus value) from which profits are derived and it is the resistance of those paid wages that can impede accumulation (in the processes of production) and unite struggles against oppression and against the exploitative system.

“Classes are defined relationally, by their objective relationship both to the means of production and labour power and to other classes. Exploitation in turn gives rise to class struggle” (Callinicos, 2009 [2005], p. 54). The dynamic nature of the economy encourages class conflict, potentially empowering workers in struggle. To argue that class divisions have a primacy over other divisions in capitalist society is not to argue that oppressive structures can be reduced to class; nor is it to argue that class is more important in a moral sense (Jaffe, 2020).

Class remains the fundamental economic division which is protected via various social structures involving oppression. The outcome of class struggle is not inevitable, nor is it “simply indeterminate”; class position will shape the outcome but also capacities and class interest “have primacy in explaining their actual behaviour” (Callinicos, 2009 [2005], p. 106). Class interests will be recognised when people engage in the class struggle “by exploring the extent of their powers” (Callinicos, 2009 [2005], p. 150). Equal pay struggles led to a challenging of sexist ideas as women and men took strike action and recognised that equal wages benefited all workers, as is discussed in Chapter 6 where I show the changes that developed in union organisations that embraced women workers’ rights.

The analysis presented in this thesis is directed at answering the question about why the state made concessions on abortion rights and equal pay for women. The state’s motivations were based on stabilising the political environment in the interests of the capitalist class. While public opinion, as expressed in opinion polls, did not sway governments to legislate for equal rights for women, the state was concerned about clamping down on their expressions of crisis, like strikes and the abortion scandals.

In the nineteenth century the social reproduction crisis became an opportunity for governments to establish the nuclear family which continues to serve capitalism well. The crisis of reproduction which led to the state conceding the liberalisation of abortion laws, during the wider economic and political crisis of the 1970s, led to a re-shaping of the norms of social reproduction and a flourishing of alternative ideologies of sexual liberation. This experience shows the contradictory nature of human relations in the family and the flexibility of the state's structures and actions to maintain family stability. Using a concept of the capital-state-family nexus as a framework for understanding women's oppression clarifies the role of the Australian state in making concessions in the 1970s.

### *Conclusion*

This chapter has shown that the capitalist production process involves relations of exploitation bolstered by a hidden relation of force, supported by the state, against oppressed workers who "are made" (Varela, 2019) into wage labour via the nuclear family in purportedly naturalised unequal gendered relations. This is a dynamic contradictory process of interdependence between the state, the ruling class, and the working class, which confers potential social power on the actors involved. Crisis is inevitable in an economy based on market forces, and the capitalist state will seek to impose measures to ensure economic and political stability. Thus, the role of the capital-state-family nexus, is a relation between social structures controlled in the interests of capitalist power while undermining power in the working class. Workplace and privatised reproduction processes contribute to the atomisation and disempowerment of workers, but also bring workers together.

Up to the 1970s the concerns of Australian working-class women were not the key issues for government and public discourse. However, states in western capitalist societies paid considerable attention to building the social networks of families. Chapters 3 and 4 of this thesis show that the Australian state invested much in terms of political, if not financial, resources in shaping women's lives. In capitalist democracies, parliament and state bureaucracies became arenas for challenge to the existing order to win concessions.

In Chapter 5, I also show that the early WLM raised demands that would possibly lead to socialise domestic labour and grant financial and political equality to women, linking class

and gender demands – they benefited from the concessions on abortion access and equal pay but also government funded health insurance scheme, Medibank, despite the limitations of these measures.

In the 1970s, social struggles attempted to change the social priorities of Australian capitalism. Abortion and equal pay campaigns won allies in the medical profession and among trade unionists, increasing their social power but not all doctors and trade union officials supported women's rights. Most politicians, and government bureaucrats reacted to maintain the status quo, while judges ruled on a compromise. This struggle is discussed in Chapters 5 and 6. The changes that were achieved did not amount to women's freedom, but they were beneficial to women's lives. I show that the outcomes also strengthened the state, helping stabilise the political crisis. The outcome was not inevitable. The framework I outlined in this chapter provides a lens through which these events can best be understood. It helps explain why organisations of the state made concessions and how radical and working women organised and shaped the outcomes impacting their lives.

### **Chapter 3: The state, reproductive rights, and equal pay**

In this chapter I begin the analysis of the economic and political context of the period leading up to the 1970s, to understand why the Australian state made concessions in response to demands for equal pay and abortion rights during the period 1968-1980. This chapter explains the political framework in which abortion and women's wages were treated by agencies of the state, through a history of these issues from the early twentieth century to 1969. This explanation clarifies the nature of abortion legislation and reproductive healthcare at this time along with an understanding of the political structures involved in determining wage rates.

I focus here on the role of the Australian state in creating restrictions and repressive structures which shaped and limited the lives of most women. My aim is also to open a discussion about the nature of this Australian society to understand the reasons for opposition by women workers and feminist activists, and some struggles are mentioned briefly in relation to state policies and practices in the period before WW2. In Chapter 4, I cover the changing post-war economic and political context and response of abortion reformers and equal pay activists in the 1950s and 60s, to show how the state could make concessions.

I analyse both issues together, the state's role in abortion restrictions and equal pay, because of the connection between them. Both issues reinforce capitalism as a sexist system when viewed within the SRT framework, but more specifically they reinforce the ideological roles expected of women. By applying the lens of SRT, enhanced by the concept of an historical capital-state-family nexus, I show a relationship between capital, the state, and women.

I analyse the changing interdependent relationship between capital, the state and the nuclear family; this capital-state-family nexus was firmly rooted in the system to maintain stable gender relations, involving women's and LGBTIQ+ oppression. In Australia, the nineteenth century state of the Australian colonies looked to the example of a nuclear family in Britain; including importing laws that banned abortion and male homosexuality, reinforced by pro-family ideology, and unequal pay rates. To understand the state's concessions on reproduction

and equal pay in the 1970s, I develop a historical materialist understanding of why and how women's oppression developed in Australia. First, I argue a historical analysis of various state roles in creating, and maintaining, family structures, which were beneficial for Australian capitalism to access an ongoing supply of labour power. The nuclear family is not a natural formation. Indigenous society has had no comparable family structure (J. Hill, 2019, pp. 322-325).

Women, capital and the state were in conflict: while birth control restrictions helped society to raise the birth rate and increase population growth, these same restrictions denied women control over their bodies; unequal wages not only provided a source of cheap female labour and had a negative impact on all workers' wages, but women were also denied just remuneration for labour. In conjunction, these issues worked together to reinforce ideological ideas about the role of the nuclear family to provide capitalism with cheap labour power – maintenance of the family by consent is crucial for the most effective processes in the creation of labour power. During this period, waged work was generally considered acceptable across Australian society as a secondary role for women.

These issues may not seem connected – after all, this chapter covers 60 years of intermittent conflict over women's wage rates, and abortion rights only became a major political issue in the late 1960s. The history of these issues shows a logical development according to a specific usefulness to the state. This chapter shows that when crises develop, a veil is lifted and the connection is revealed more clearly, as is both the ideological and economic role of the family for capitalism. This was the case in the period between 1910 and 1920 when equal pay was on the political agenda (as discussed below), in the context of war, population growth and economic uncertainties. In this context struggles emerged and exacerbated the crisis. By adjusting policies and structures, agencies of the state attempted to solve crises. I present this understanding of the historical development of these issues and the context to explicate how crises develop due to the social relations of capitalism and its contradictory economic processes, and the nature of the response, according to class interests, by the working class and the state, as discussed in Chapter 2. By the late 1960s a new crisis was developing because of the economic boom, which generated uncertainties, including labour and skills shortages and political instability associated with the war in Vietnam.

## *Chapter structure*

In this chapter I provide an analysis as background of, and context to, the structures of the Australian state to understand why certain pressures built up and how the agencies of the state – namely, governments - dealt with those pressures. First, I outline the roles of relevant structures of the state, which are always compartmentalised, separating population issues from the labour market even though they are strongly interrelated. I show the female population as an underpaid minority in the workforce and unpaid creators of labour power with the establishment of the Australian nuclear family. Second, I show the development of social attitudes to abortion from pre-capitalist ideas to the codification of abortion in capitalist law, and Australian legislation up to the late 1960s. This history of attitudes and laws allows me to trace the relationship between population issues, morality, the medical profession and the family to understand government opposition to abortion law liberalisation. The Australian Government's position on issues of population, birth rates and fertility were dominated by national interest concerns and a pro-family moral stance. Third, the compulsory industrial arbitration legal system is explained followed by a brief history of unequal pay rates for women codified in industrial law in the context of struggles, up to 1969. I analyse the arguments of industrial tribunals during two key equal pay cases – in 1911 and 1969 – which shine a light on the state's strong opposition to equal pay. This chapter creates an understanding of the oppressive relationship between the state and women workers before 1970.

### *1. The Australian capitalist state, women and the family*

After the 1788 invasion by British armed forces, Australia became a military base and convict jail, and then a colonial settler state. It was not formed out of a revolution against a precapitalist feudal regime, nor from a national liberation movement against imperialist oppression. Its origins are in the violent dispossession of Indigenous people and control by force over stolen occupied land as a colonial racialised state was established. Gibson (2020) has recently updated a Marxist analysis of this process. A capitalist economy developed, based on largely British capital and other resources, and a cheap imported convict and immigrant labour force. The state relied on capitalist wealth and capitalist economic interests relied on a strong state. Australia became an independent capitalist formation with liberal

democratic structures including three branches of political control of relevance to this thesis – the legislature which includes the parliament, the executive which includes the bureaucracy and welfare provision, and the judiciary which includes the courts, police and prisons. These act as independent, relatively autonomous structures. After Federation in 1901, the six colonies became States in the Australian Commonwealth, with two mainland Territories, and the parliamentary system was established on three levels of government – Commonwealth or Federal, State and Local. The Commonwealth controlled the Territories, the ACT and the NT, until territorial self-government in 1989 and 1978, respectively. State governments hold some major responsibilities, like criminal law, police, and prisons. It is important for this chapter, to show that this compartmentalism of the state roles and responsibilities obscures the overlaps of responsibilities, for example, legislation affecting abortion access was the responsibility of both Federal and State jurisdictions, as was health service provision. This set of relations maintains effective social control, even though there may be conflict between and within elements of the state organisations.

Historically there are three main parliamentary political organisations in Australia. On the conservative side, two usually in coalition, called Liberal and National/Country parties, represent two different overlapping factions of the property-owning class, broadly city-based and rural/mining wealth respectively, and on the reformist side, the Australian Labor Party (ALP) which is also committed to the national state interest. The ALP is based on the trade union bureaucracy. The middle and working classes vote for both. Social movements, groups and individuals often attempt to influence the government and bureaucracy to change policies and improve people's lives, specifically to remove the symptoms of women's oppression. The word, 'reform' has implied progressive changes implemented by governments, but reforms are often regressive; so, I use the terms, 'compromises' and 'concessions', instead of reforms.

Two state policy innovations set Australia apart from other capitalist societies – the White Australia policy and compulsory arbitration, which were both included in the constitution, and both won support among sections of the working class. The former divided workers broadly between Asian and non-Asian white workers, while marginalising the Indigenous population who were not considered human in the Federal constitution, until after the 1967 referendum; white women were called on to procreate in the interests of racial purity of the new settlement and national defence; the slogan "Populate or Perish" was promoted by

governments (Featherstone, 2008; Millar, 2015). Industrial laws, based on compulsory arbitration, were developed to contain a new working class (Goldfinch & Smith, 2017), and had a contradictory effect on workers' living standards, as discussed below in section 3.

There were few women on ships of the First Fleet which arrived at what became Sydney Cove in 1788, with 347 males to each 100 females (Willey, 1978, p. 2). Summers (1977 [1975]) describes women's role from the beginning of settlement to the mid-1970s; she reports women provided essential sexual, caring and cleaning services for the colony at very low cost. Soon more were transported from Britain to overcome the sex imbalance and help establish family structures; they were 50 per cent of the non-Indigenous male population by 1841 (Willey, 1978, p. 2). MLA Henry Parkes, announced in the NSW Legislative Assembly on 14 August 1866, that: "Our business being to colonise the country, there was only one way to do it – by spreading over it all the associations and connections of family life" (referring to white settlers in nuclear families) (Summers, 1977 [1975], p. 291). From the 1840s moral crusaders, like Caroline Chisholm, argued for a working-class nuclear family structure based on Christian morality and social order, but also to reproduce labour for the economy and increase the white population (Summers, 1977 [1975]). While women were drawn into factory and domestic work, Chisholm supported arguments that women should be paid lower wages (50 per cent) to deter them from labour force participation. Such a family structure was reinforced by the ideologies accompanying a raft of pro-family legislation – especially against homosexuality to promote strict gender roles and against abortion. While women predominated in domestic and some factory labour, they remained a minority, less than one-third of the workforce, pushed into low paid areas of so-called 'women's work'.

The supply of female labour for this market was achieved in various ways. From the Indigenous population, there was forced removal of children from their mothers, and both children and their mothers then became sources of limited categories of low paid labour, usually in slave-like domestic labour. From unmarried white mothers there was a comparable process, a process of coercive adoption by which the state and the churches forced their children into care. Young women were introduced to the labour market as low-paid workers. The politics of the White Australia policy played a role in determining that most white women would idealise the 'stay-at-home' maternal role, as society urged mothers to have more children for the 'white' Australian population, but this strategy was unavailable for

Indigenous and migrant women. Cost of living pressures, combined with inadequate reproductive services, birth control options and state support, ensured at least 20 per cent of women opted to sell their labour power (Fieldes, 2002, pp. 7-8), and when the economy boomed after World War 2, immigrant and non-immigrant female labour was in high demand. One aspect of the immigration program ensured that single mothers were valued for their labour over their motherhood (Kevin & Agutter, 2017). This history illustrates a range of experiences for women, based on economic and ethnic background, which ensured different needs and demands to solve multiple problems of managing motherhood, education and waged work; necessarily this fractured situation for women was reflected in the campaigns for women's rights in the 1970s (Swain, Grimshaw, & Warne, 2009).

Throughout the thesis I note the flexibility of the state in responding to the pressures of economic and social change. The content of this chapter illustrates my analysis in Chapter 2 where I argued that state structures and capital relate interdependently and that state organisations mediate the contradictory interests within the ruling capitalist class to maintain stable environments for local capital accumulation. I discuss the Australian state organisations' policies and actions regarding abortion in the next section, which reveals how the political context shaped public moral discourse led by the government.

## ***2. The state, law and abortion, before the 1970s***

Today we understand abortion as a surgical or medical procedure to remove an unwanted pregnancy. Historically, societies have treated the foetus as part of the woman's body until birth because of its vulnerabilities – a foetus is a collection of cells developing in a woman's uterus, unable to sustain a viable human independent existence until live birth. With the development of reproductive knowledge and technology over the past century, premature births can survive, with viability usually regarded as possible after 24-28 weeks' gestation. British laws and attitudes regarding reproduction and families were adopted in the new colony, based on the subordination of women. Aboriginal communities were totally disrupted and then marginalised, and our knowledge of Indigenous reproductive health is very limited. According to Hill (2019, pp. 322-325), while women were subordinated in settler

communities, relations among Aboriginal people were egalitarian; it is clear there was no tradition of such strict control over women's bodies as under capitalism. Attitudes to abortion in Western class societies have developed historically as social formations and human needs changed. I now examine those attitudes in the Australian context; I analyse laws and public discourse that shaped legal frameworks, followed by the role of the medical profession and civil libertarians who challenged them in the period leading up to the late 1960s.

### *Capitalist law, population, public discourse and abortion*

Capitalist law was based on different philosophical and ideological concepts compared to earlier human societies. Abortion was accepted in both ancient Rome and Greece. Early philosophers also argued that a foetus did not become formed and live until at least 40 days after conception for a male, and around 80 days for a female. Several legal passages in the Bible refer to abortion in the Old Testament in terms of property loss and not sanctity of life. The New Testament doesn't explicitly deal with abortion. Through much of Western history (when religious ideas dominated the elite) abortion was not criminal if carried out before what was called 'quickening', that is around 18 to 20 weeks' gestation. The foetus was regarded as part of the mother and any surgery no different from other health procedures. The Catholic Church has held different positions over time and has often become a major influence in capitalist societies. According to McGarry (2018), writing in *The Irish Times*, 15 May 2018:

In a letter to his diocese on April 12th last the Church of Ireland Bishop of Limerick and Killaloe Kenneth Kearon noted that: 'The Bible certainly speaks of life in the womb before birth (Ps 139. 13-14, Luke 1.41-45, Psalm 22. 9-10, and many other references), but none of these seek to identify the moment when life begins, and do not say that life begins at conception.'

... In 1591, Pope Gregory XIV determined that quickening took place at 166 days of pregnancy, almost 24 weeks. He said that, prior to quickening, 'no homicide' was involved if abortion took place. However, in 1869 Pope Pius IX outlawed abortion from the moment of conception under penalty of excommunication.

Abortion restrictions begin with the industrial revolution (Kaplan, 1996, pp. 79-82). In 1803 the Ellenborough Act carried the death penalty for abortion after quickening; it was amended in 1837 to remove the distinction between abortion before and after quickening. In the Offences Against the Person Act, which was enacted in 1861 in the United Kingdom, performing an abortion or trying to self-abort carried a sentence of life imprisonment. Brown (2019, p. 30) writes:

There is a ‘false idea that these laws were imposed because of the promiscuity of women,’ wrote abortion advocates Lana Clarke Phelan and Patricia Maginnis in 1969... [however]... ‘The abortion laws, or compulsory motherhood laws, were placed on the lawbooks of every nation to guarantee a steady flow of increased population, as soldiers, as breeders, and future consumers.’

Women are recognised in this capitalist law as human beings with legal rights; a foetus is not. While a foetus is respected as a potential human being, women’s lives are more important in law and abortion can be justified because protecting a person’s life and health must come before that of a non-person. Rankin (2018, pp. 60-61) argues there is a balancing act in the law; if the foetus should be recognised as a legal “person” then the current legal defence for women being granted a legal right to abort would be redundant and abortion would equal “murder”. The next section analyses why the capitalist state supported such strict anti-abortion laws.

State action to control abortion via criminal law in western countries coincided with capitalist concerns for reproduction of the new industrial production processes and labour power, as well as concerns about a healthy military force composed of male members of the working class; creating nuclear family structures was central to reproducing the workforce with little cost (Harman, 1984). Feminists have analysed liberal state agencies revealing a contradictory approach with three aims in intervening in fertility, which Albury (1999, p. 65) writes, following Petchesky, are: “an interest in the size and health of populations; a concern with setting the boundaries of women’s control of female sexuality; and an overwhelming interest in maintaining its own legitimacy”. Population was more critical to settler states like Australia which “had a fear of underpopulation” (Kaplan, 1996, p. 80).

Australia was the only nation with the intention to legislate for a racially homogeneous population, encouraging white women to bear children, impacting on the history of birth control. However, while strict laws banned abortion, successful early abortions continued, especially among working-class women who rely on midwives. Society only heard about unsuccessful operations, which may have caused mutilation, injury or death because of infection.

Rankin (2018, p. 32) confirms that, in each colony, the Australian anti-abortion laws were modelled on the 1861 Act; States took over from colonies the responsibility for criminal law with Federation. Even though, in 1946, the Commonwealth took over responsibility for various health measures, abortion provision was not included because abortion was legislated within criminal law controlled by States (De Costa, Douglas, Hamblin, Ramsay, & Shircore, 2015, p. 106). Children by Choice website carries a summary of the NSW Crimes Act 1900 relating to abortion, which was similar for each State/Territory, which I include here:<sup>6</sup>

In NSW abortion is contained in sections 82, 83 and 84 of the NSW Crimes Act, with penalties of up to 10 years imprisonment for women and anyone who assists abortion, and life imprisonment for doctors:

Section 82. Whosoever, being a woman with child, unlawfully administers to herself any drug or noxious thing; or unlawfully uses any instrument to procure her miscarriage, shall be liable to penal servitude for ten years.

Section 83. Whosoever unlawfully administers to, or causes to be taken by, any woman, whether with child or not, any drug or noxious thing; or unlawfully uses any instrument or other means, with intent in such cases to procure her miscarriage, shall be liable to penal servitude for ten years.

Section 84. Whosoever unlawfully supplies or procures any drug or noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used with intent to procure the miscarriage of any woman whether with child or not, shall be liable to penal servitude for life.

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<sup>6</sup> Please note since October 2019, the decriminalisation of abortion in NSW removed these sections of the Act. Retrieved from <https://www.childrenbychoice.org.au/factsandfigures/australianabortionlawandpractice#NSW>

The Crimes Act specifies that abortion is a crime only if it is performed unlawfully. However, it does not define when an abortion would be considered lawful or unlawful.

Allen (1990, pp. 243-255) argued that while records are often scant, there is a fluidity in the relationship between reproduction norms, crime and birth control; access to birth control technology and information (covered by censorship laws) was legally ambivalent, yet restrictive, until 1971 when the Conservative government, and in 1972-3 the Whitlam government, lifted most restrictions (Nile, 2001; Summers, 1977 [1975]). Allen (1990, p. 254) writes: “It is the investigation of these illegal practices in a social history framework that discloses their connections often with legal practices in the same domain”. Even though criminal law lies within the State jurisdictions, it was not unaffected by overlapping concerns of the Federal parliament; for example, Medibank subsidies for abortions was a commonwealth issue.

When the birth-rates declined from the late nineteenth century the state drew its policies unevenly on recommendations from various Royal Commissions (RCs) and Inquiries; governments did not consider granting abortion rights. I will discuss three: first, the *1904 Royal Commission on the Decline of the Birth Rate and the Mortality of Infants in New South Wales*; second, the 1944 Inquiry; and third, the 1974 Royal Commission on Human Relationships (RCHR).

First, in 1903-4 the NSW government resourced their RC. In his conclusion to the book which reported on the RC, Hicks (1978, pp. 157-158) writes that the conservative attitudes of commissioners were reinforced by similar attitudes of clergymen and doctors who gave comments and who were concerned that the birth-rate would undermine confidence in the “national vitality”:

Their Report produced no theoretical illumination, offered few effective remedies and made little contribution to public understanding of reasons for the decline of the birth

rate ... most of the public commentators, being either secure or affluent, were largely out of touch with the circumstances leading a large proportion of the population to limit the size of their families ... [and] ... They heard nothing to shake their rooted belief that the decline of fertility was the fault of the lower orders, the result of moral degeneracy and the harbinger of national decay.

These views were in tune with “leaders in commerce and industry who saw a growing population as the precondition of their prosperity” (Hicks, 1978, pp. 157-158). Contraception and abortion were condemned, and their ongoing use blamed on the decline of “religious feeling” and increasing knowledge of contraception. (Hicks, 1978, p. 23). None of this was a practical response to what seems to have been a genuine health crisis as much as a birth-rate crisis:

the birthrate had been in decline since 1888, with the average issue per married woman decreasing from seven in 1870, to four in 1900. ... While fewer infants were being born, the infant mortality rate was higher in 1900 than it had been even at the height of the 1890s depression. To make matters worse, while ever larger percentages of women of reproductive age were having fewer children, more women were making their way into the maternal mortality statistics. (Allen, 1990, p. 67).

It is the political context rather than considerations of moral principles that are most influential in determining the government’s actions. This was a time of low immigration; once immigration was re-established at higher levels, by 1911, the public discussion of the birth rate declined markedly. The First World War 1914-18 intervened to cause another cessation of immigration until the early 1920s.

[A]lthough the largest single year was 1912 which had a net immigration of some 90 000. The troughs occurred during the early years of the century in the aftermath of the 1890s depression, during World War I, and during the 1930s depression” (Langfield, 1999).

“Between 1925 and 1935 Australian fertility fell again ... Once again there was official concern, public expression of disquiet and invocation of the twin spectres of physical decline

and national powerlessness” (Hicks, 1978, p. 158). The Australian state’s “pro-natal focus to this point was on pragmatic questions of national interest, relating to the labour force, defence strategy, the survival of the race, immigration and foreign relations, and invariably assigned responsibility for the declining population to women’s selfishness” (Gregory, 2005, p. 230).

Secondly, an inquiry into reasons for the fall in the birth rate in 1944 by the National Health and Medical Research Council (NHMRC) which was part of planning by the ALP government for post-war (WW2) reconstruction ... “specifically contradicted the previous claims that selfishness was the main factor” ... stating that the evidence suggested that:

‘[T]he decreasing dependence of women and feelings of insecurity were responsible for the growth in the use of birth control’ ... it did not question women’s willingness to raise as many children as they could financially afford. (Albury, 1999, p. 75).

Inquiry officials seemed to conclude that if the economic circumstances and financial security for women could be improved then post-war reconstruction may be more secure (Albury, 1999, p. 118). This was probably in response to another xenophobic scare – as WW2 ended. In the context of the White Australia policy the encouragement of white women to reproduce encapsulated mainstream concerns and resulted in the so-called baby boom (5.5 million people born between 1946 and 1965) (Allen, 1990, p. 201).

Thirdly, in 1974 the RCHR was launched by the ALP Federal government and reported in 1977. Although the report was rejected by the Fraser government, the RCHR determined: “the persons best placed to assess the need for abortion are the woman herself and her doctor” (Riseman, 2005, p. 101). “Analysis of these and other data suggested that ‘pregnancies are most likely to be unwanted when they occur to married women with more than two children and to young single women’ ... By 1977 the desire to limit births was accepted” (Albury, 1999, pp. 74-75). The influence of the WLM played a part in the state’s recognition both of the legitimacy of women’s own experience and their right to be heard, as evidenced in many debates on abortion since (Albury, 1999, pp. 75-76).

This history of birth control implies that the Australian state became less likely to blame women and more likely to accept family planning, and possibly abortion rights, but not until the late 1970s after political campaigning by women. However, other developments such as the increasing role of the medical profession and certain legal clarifications, in conjunction with ideological change made abortion practice and law reform more acceptable to the state.

*Doctors, civil liberties, morality and abortion*

Albury (1999) shows that with the rise of the liberal state in the nineteenth century came scrutiny of populations based on the authority of science and medicine, all monitored by economic and social planning with the help of statistics and bureaucracy. Doctors, usually men, were reified as the experts on all aspects of health. Many were wealthy but not all. They had close relations with other sections of the elite middle class identified with progressive ideas. Until 1975 there was no public health insurance system. Criminalising abortion went alongside criminalising “non-professional”, as midwives were labelled, traditional practices which were deemed unlawful. Midwives declined in number because the strongest anti-abortion stigma denigrated non-medical practitioners who were gradually seen as unsafe, even if they were better trained and more knowledgeable. The Private Hospitals Bill was enacted in 1908. According to Allen (1990, p. 72):

It irrevocably altered the *modus operandi* of midwife abortionists ... [resulting in] ... a deterioration in the service non-medical abortionists could offer their patients and indirectly this assisted the gradual ‘medicalisation’ of abortion. (original emphasis).

What is clear is that, even though abortion and contraception were criminalised, women continued to access fertility control measures. However, performing abortions brought not only legal risks for doctors, but moral concerns. Catholic doctors were banned by the church from abortion operations; this religious label created a stigma against any doctor performing abortions. Yet, some doctors continued the practice for either financial reasons or for concern for the women involved; abortions continued to be performed and there were also high incidences of abandonment of infants and infanticide. Through the process of illegality followed by liberalisation, the medical professionals were established as not only experts but also as safe and trusted by the state. The medicalised industry of abortion with doctors as its

gatekeeper over time would be deemed separate from parliamentary responsibility yet framed within the needs of the capitalist state.

Until the 1960s the law left most doctors confused – while seldom enforced, the laws were strict, and this made the abortion industry a legal uncertainty. They may have included exceptions for when an abortion could be deemed lawful, but they weren't tested. So-called 'lawful' abortion was clarified to some extent in England, through a trial, which was a response to an abortion performed on a young rape victim by Dr Bourne in 1938; the surgeon was acquitted, after which it was argued that the abortion would not be unlawful to preserve the "life of the mother" (Warhurst & Merrill, 1982, p. 120). However, the head of the homicide squad in Victoria from 1966, Inspector Holland, made it clear in terms of police actions that: "Bourne's case does not bind us ... One judge can't make a decision affecting the rest of the world" (Cited in Bennett, 1968, p. 5). However, one policeman could not decide abortion rights for "the rest of the world" either. By the early 1980s, legal commentators clarified that: "At the heart of the abortion issue is the part the [s]tate ought properly to play in relation to an induced abortion, whether by determining the legality or otherwise of the action or by supporting such actions through the provision of public hospital facilities or support for appropriate medical insurance or other measures" (Warhurst & Merrill, 1982, p. 130). The Supreme Court played a role from 1969 in Victoria after civil libertarians took the initiative.

Discussion about the morality of contraception and abortion has sometimes coincided with other struggles for expansion of citizens' rights and against the anti-liberal aspects of capitalism. Between the 1930s and 1970s, censorship seemed based on protection from so-called 'unhealthy' attitudes, as well as pornographic, vulgar and indecent (among other epithets) materials (Summers, 1977 [1975], p. 391). The Customs Department was responsible for censorship and Customs officers acted without adequate guidelines, their opinions based broadly on the categories of seditious, obscene or blasphemous, with birth control caught up in their net, according to Moore (2012). Discussion of contraception and abortion were also considered offensive. In 1939 the Trade and Customs Department sent a reminder to leading Australian booksellers of a directive issued in 1935, that prohibited the importation of periodicals and magazines containing advertisements for "medicines for use in

the cure of venereal disease or the alleviation of female irregularities or influencing the course of pregnancy” (Nile, 2001, p. 137).

The liberalisation of abortion law was an initiative from civil libertarians as an international phenomenon and was a response to societal changes and political pressure from outside parliament, as argued by Charles (2000, pp. 157-160). In Australia, like Britain and the US, the post war ideological developments and economic boom helped fuel confidence that change was possible.

To understand why the governments avoided discussing abortion rights for women, I summarise: There was a system in place that seemed to work in capitalism’s interest. Until the late 1960s abortion was shrouded in secrecy and stigma, not just because it was a crime; it reflected the way a repressive morality shaped society’s view of women controlling births and helped to hide the prevalence of (illegal) abortion, and by avoiding prosecutions, no official records revealed the truth. The 1904 NSW RC reported that women were regarded as selfish and amoral when they birthed too few children (See above: report on Royal Commission findings by Hicks, 1978). Population panics exacerbated the hysteria, as did moral panics of the Catholic Church, yet there was a recognition that women continued to access abortion because abortion was available on a kind of black market. The 1944 NHMRC Inquiry (See above: Albury, 1999, p. 75) recognised the financial constraints and recommended assistance for motherhood, and the rhetoric seemed to change.

After WW2, the state remained committed to population growth both to defend the nation from the Asian north but also for the burgeoning industries of the boom. The government funded child endowment<sup>7</sup> to encourage women to have children, yet contradictorily turned a blind eye to the growing abortion industry (O'Donnell, 2004; Summers, 1977 [1975]). This issue is discussed further in Chapter 4. While women had been proactively controlling their fertility through illegal abortion for decades (Baird, 1998), indicating the strength of their agency in opposing social norms, the society continued to deny women’s legal rights codified in harsh laws. My analysis of women’s oppression remains valid in this period as a result of the capital-state-family nexus; despite their agency women remained in an oppressed condition, finding different ways of responding to this condition. However, the context was

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<sup>7</sup> See <https://www.findandconnect.gov.au/guide/australia/FE00135> .

changing and political pressures growing on governments. The economic boom provided an opportunity for economic independence for women. While a new wave of immigration became possible, and the White Australia policy was even adapted to allow for non-British migrants, yet more women's labour was also needed.

The contradiction grew: mothers needed to reproduce labour power were the same people needed for industry. There were other problems: employers of women expected to pay them lower wages than men, but in the post-war context there was a new push for equality and that could mean wage pressures. The post-war campaigns for equal pay were undertaken in a workforce significantly enlarged by the immigration program. In the struggles over equal pay, migrant women were noticeable participants, sometimes as leaders (Burgmann, 2003; Kaplan, 1996).

Through the SRT lens, I surmise how the abortion question is related to the question of women's work and pay. The work-life system, and Australia's idea of the 'family wage' (see next section on equal pay), was based on a single breadwinner model. This was changing but the state wanted to ensure costs were kept low. So long as women prioritise motherhood, they do not demand to be the same as male workers and they can be treated differently, and even unequally, compared to men. If abortion restrictions were lifted, a discipline on women to ensure adequate fertility would disappear. That same discipline ensured unequal, lower wages. The capitalists expected social reproduction costs to be borne by women workers. Higher pay may encourage women to give up motherhood. With growing economic uncertainty, employers wanted certainty over wage rates and their control. Equal pay had to be resisted as well as abortion rights. I now examine the equal pay campaigning history.

### ***3. The equal pay campaigns and court decisions, up to 1969***

This section discusses the nature of Australian compulsory arbitration and the role of the state in abstractly setting wage rates for women as less than for men. First, I explain briefly the role and procedures of the compulsory arbitration system; second, I explain the concepts, 'family wage', and 'women's work', and examine the history of their use to identify the gendered nature of work and remuneration; third, I focus on the significant equal pay dispute

by clerks in the early twentieth century when equal pay was achieved briefly in 1911 to illustrate the resistance of the official industrial tribunals to equal pay; and fourth, I examine the 1969 Equal Pay Case in the CAC which explains how the state's equal pay concession for some sections of women workers, would work. It also shows the strategies by state actors to avoid equal pay.

### *Arbitration and industrial action*

Industrial laws constrained the attempts by workers to improve wages and conditions. This analysis of arbitration and industrial action is largely based on Hutson's work, *From Penal Colony to Penal Powers* (Hutson, 1983 [1966]); he worked in the office of the Amalgamated Metal Workers and Shipwrights' Union (AMWSU, a key Metalworkers' union) during the 1960s and 70s. The Arbitration Act in Australia always included penalties – employers could apply for “no strike” clauses and the court could de-register any union. The specific elements of the Act to prohibit strikes and lockouts generally were included when the arbitration court officially set up in 1904 – the ALP and conservative, particularly craft, unions supported the legislation, including no-strike clauses.

The Act was designed to prevent strikes and lockouts in the aftermath of major strikes in the 1890s, but also provide general basic wage rises regularly in an ‘award’. An award outlined wages and conditions, and the registered unions represented workers employed in relevant industries, so that these unions had legal ‘coverage’ of those groups of workers, in their representations and negotiations with the industrial court. Any of the parties could apply to insert special ‘bans’ clauses that restricted industrial action particularly strikes, in an award. If a union or anyone associated with the union in the workplace took strike action, an employer could make a claim that the union had breached the award, and the court would decide penalties. However, it was possible for unions to lift industrial action before penalties could be applied and avoid sanction.

Strikes never disappeared, and strikes have won key demands, almost regardless of laws. Even during World War 1, in 1917 a mass strike took place in NSW. There were equal pay strikes during the WW2. Unions looked to ALP governments to legislate the removal of penal powers, but Labor governments did not always favour unionists. During the 1930s Great Depression years the Scullin Labor government removed the explicit outlawing of strikes, but there were

still clauses that could be enacted by applying for the bans clause. Scullin changed the first “objective” of the Arbitration Act, which had read “to prevent lockouts and strikes”, to “to promote goodwill in industry” (Hutson, 1983 [1966], p. 232). The penal powers were re-established in 1947 by Labor Prime Minister Ben Chifley who legislated to make the Arbitration Court a Superior Court of Record and criminal courts to impose penalties (only one ALP MP, Mrs Blackburn, voted against). In 1951, Liberal Prime Minister Robert Menzies increased penalties (Hutson, 1983 [1966], p. 232).

In 1955, the Menzies government was caught out by the Boilermakers Union who noticed that the Arbitration Court could not exercise both judicial and arbitral powers under the Australian constitution, which meant the fines previously paid were illegal (Hutson, 1983 [1966], p. 233). The unions may have had an opportunity here to campaign but didn’t seem to – all the previous fines should have been returned but weren’t. The government merely changed the Act, and Menzies split the court into two bodies, the Commonwealth Conciliation and Arbitration Commission (CAC) (ACAC, 1969) and the Industrial Court (IC). The CAC could facilitate putting the no-strike clause in awards, while the IC doled out penalties, under section 111, for contempt of court when a union refused to lift industrial action.

In this period, there were two industrial arbitration systems, Federal and State-based – the CAC (ACAC, 1969) dealt with industries which crossed State boundaries, while each of six State-based arbitration jurisdictions covered workplaces in State-based industries – and groups of workers or specific workplaces would be covered by a legally-binding award (employment agreement) (Hutson, 1983 [1966], p. 66). A basic wage amount was applied to the relevant State or Federal award along with a secondary wage including margins for skill and allowances (like overtime payments, clothing allowance, etc). The Federal system tended to set standards and dominated the wages determination system, but the States could lead changes; approximately twice as many women were covered by State awards during this period (Ryan & Conlon, 1975, p. 162).

The arbitration system was not universally supported. At times, sections of both employers and left-wing unions were hostile, for different reasons (Gahan & Hearn-MacKinnon, 2005; Hutson, 1983 [1966]). Even though these courts set the standards, strongly organised workers could demand higher rates in certain circumstances through union-led industrial

action, and also win “over-award” payments. Weaker unions preferred industrial peace, so long as settlements on wages and conditions were adequate and they could avoid industrial action (Hutson, 1983 [1966]). Unions had to be registered with the appropriate arbitration body to be eligible for the relevant wage rises. Registered unions could intervene in arbitration cases.

### *‘Family wage’ and ‘women’s work’*

The idea of a so-called ‘family wage’, called the award ‘basic wage’ in Australia, was a standard established in the industrial arbitration system (Ryan & Conlon, 1975). The following is a summary of the industrial relations structure of compulsory arbitration and an explanation of the basic wage that supported the unequal pay conditions for female workers up to the 1970s. Initially the basic wage was based on an amount which started with a (usually male) breadwinner’s ‘family wage’ (which varied according to States’ and Federal jurisdictions and was meant to cover needs for a male worker, his wife and between 2 and 4 children). This was known, in legal jargon, as a “needs” or “social” definition for a wage amount. Federally, the key industrial law decision was made in 1907 by President of the Arbitration Court<sup>8</sup> Justice Higgins (the court’s 2nd President, 1907-21), known as the Harvester Judgement of 1907.

Higgins’ Harvester Judgement came into being with the 1906 Excise and Tariff Act provision which stated:

that an Australian manufacturer of any item on the schedule would have to pay the same tariff as an equivalent imported item. He could however obtain exemption from such payment if he obtained a declaration from the President ... that he considered that the manufacturer was paying ‘fair and reasonable’ wages. (Hutson, 1971, p. 2)

The name comes from the test case conducted at H.V. McKay, agricultural implements manufacturer, Harvester Factory in Sunshine, Victoria. Higgins explained: “The Act left me free to inform my mind as best I could; and I am at full liberty to limit the evidence, or even to act without evidence” (Cited in Hutson, 1971, p. 3).

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<sup>8</sup> Arbitration Court was the name of the arbitration system’s Federal tribunal at this stage and the name was changed to the CAC under the Menzies government in 1955 (see below).

While he limited it to rent and certain food, excluding “clothing and miscellaneous items”, Higgins decided that wages should be based on a certain rate of pay that, after arguing for the male breadwinner idea, he calculated would be needed for one man to support himself and his wife and three children. It was an arbitrary calculation (ultimately, he decided on an amount he considered similar to the “going” rate of pay). According to Hutson (1971, p. 4), this is how Higgins based his calculations on the “needs of the average employee, regarded as a human being living in a civilised community”, which was translated into a money amount of seven shillings per day based on his comparison of various contemporary industrial agreements. It was named the ‘basic wage’ in 1911. “Such meagre evidence was to mainly determine the standard of living of the Australian people for many years ...’ (Hutson, 1971, p. 3). Federal Parliament further defined the basic wage in the Arbitration Act 1949 (Hutson, 1971, p. 6).

Thus, by 1907 the arbitration court imposed a family wage for male breadwinners and consolidated the unequal status of women generally. According to equal pay historians, Ryan and Conlon (1975, p. 91): “The imposing edifice of a ‘family wage’ was to bar the progress of women’s pay rates for over half a century.” Wood (2015) argues that the concept was contradictory, it was a step forward because:

it established that a minimum wage should be set on the basis of (admittedly presumed) social need, not the right of an employer to set whatever price they determined. But in the context of Australia’s peculiar compulsory arbitration system and the union movement’s commitment to that system, it was a step back in that it laid the basis for decades of subsequent decisions justifying unequal pay.

As the following history shows, any working women (married or single) would usually be legally entitled to receive a proportion of the male rate for both a basic award wage and various over-award payments. However, the history also shows successful and unsuccessful attempts to equalise the rates.

Equal pay became a public issue in the early years of the twentieth century, after campaigning by feminists and labour movement activists in western countries (Hutson, 1971, pp. 108-110). The Commonwealth Public Service (CPS), often setting a standard, adopted the

principle 'equal pay for equal work' from its origin in 1901 and telegraphists won equal pay in 1902, but only until 1916:

Judge Powers decided to set *lower* rates of pay for women in the clerical division of the Commonwealth Public Service. ... In 1918 separate wage claims for female and male telephonists were presented for the first time, and the Government decided to refuse women any entry to the clerical division at all. The "problem" of women's wages in the public service was to be solved in the fashion long since discovered in industry: the increasing differentiation of jobs into 'male' and 'female' with different rates of pay. (original emphasis) (McMurchy, Oliver, & Thornley, 1983, p. 66).

Between 1915 and 1949 women were excluded from selection tests for admission to the Clerical Administrative stream in the Third Division of the CPS. In 1930 a report outlined the divisions between men's and women's work in the CPS:

As for the employment of women, generally, this is chiefly confined to routine positions and positions of typist, machine-operator, short-hand writer, and the like. It is not usual for females to be recruited as junior clerks. Women with suitable qualifications are sometimes appointed, however, to professional positions, and to such positions as those of Public Library Assistant and Departmental Librarian. (Simms, 1987, p. 109)

As Francis (2003, p. 60) analysed, until the 1950s, Victoria's conservative government had established a particularly anti-woman structure for the teaching profession from 1883, where both women and men worked side-by-side; legislation was passed to ensure "a woman teacher was not placed in authority over a man." From 1889, married women were "removed from the permanent teaching service [they could work as cheaper temporary labour]", while:

the Victorian Education Department had to offer men preferential treatment in the form of higher pay and a greater range of promotions ... Although sufficient numbers of men were never available, the Education Department could restrict women teachers' eligibility for promotion. (Francis, 2003).

A wage for women was not officially established as a 'female basic wage' until 1950. There were earlier arbitration hearings which decided that women's work was worth 54 per cent of that basic wage; they were entitled to this lower amount because they were regarded as single people without dependents; and yet, single men would get the full "family wage". All women would be entitled to 54 per cent, although throughout the female workforce the rates varied. Occasionally some women workers received 100 per cent. Higgins, himself, ruled that in the 1912 case of the fruit-pickers, where women and men both undertook the same task, picking fruit, women were to get the same rate as men; although in the packing sheds the labour was considered "women's work" and paid at 66 per cent of the male rate (Hutson, 1971).

The following statement by Judge Powers in his judgment on the 1917 Theatrical Case in the Arbitration Court indicates the semi-official coding of the situation and represents general principles which were adopted in the fixation of female rates. I quote it in full, despite the complicated language, to establish this is the position of the state, including the government:

... this Court has, since 1912, laid it down that women and men should be paid equal wages if women are employed to do a man's work – or where the work done by a woman is of as great a value as the man's work. It is only where the work in question is woman's work – suitable work for women – that the Court awards what it considers the value of the work as woman's work; or if the value is less than a living wage for a woman then it allows a living wage for a woman for a week's work. This Court allows to men a living wage based on the assumption that the average man has to keep a wife and family of three children whatever the value of the work he does may be. The Court allows a living wage to a woman as a single woman. The single man often gets more than his work is worth, but if single men are paid less than married men the cheaper labour would be employed and they could not make the necessary provision for marriage. (Hutson, 1971, p. 113).

### *Equal pay struggles: from the clerks in 1911 to 1969*

The many kinds of clerical employment before the First World War were dominated by male workers. One would have expected on Powers' reckoning, that women clerks who worked alongside men doing the same work, would receive equal pay; they had the same qualifications, same ability and same responsibilities as men. This period saw a formidable

campaign to win equal pay, involving unions and women's organisations, feminists such as Vida Goldstein who had campaigned successfully for the vote (which was won for non-Indigenous women by the federal 1902 election and in every state by 1908). However, their three-pronged campaign for equal pay for public servants, teachers and commercial clerks failed. This struggle took place within widespread union campaigning leading up to the First World War which has been documented by Irving (Irving, 2020), which I do not have space to write about. Wood (2015) reports that, in 1912 more women organised:

which resulted in the founding of 31 female unions or female sections of unions in Victoria. Female representation on the Melbourne Trades Hall Council (THC) peaked at about 10 percent, a figure that was not rivalled until after the women's liberation movement. ... a Women's Industrial Convention was held that year with THC support, and an equal pay demonstration took place in Melbourne.

Brigden (2007) also reports a growth of female activity in the Trades Hall Council, albeit short-lived:

Women were active delegates in the THC, contesting elections with varied success. Demonstrating a degree of acceptance by male delegates, Mrs A. Jones (Rubber Workers 1912–1913), Sara Lewis (Female Hotel and Caterers 1913), Muriel Heagney (Clerks 1921–1922) and Nelle Rickie (Theatricals 1924) all served time on the executive, maintaining women's voices in this key decision-making body. Women maintained a constant presence on the THC's organising committee from 1910 through to 1920 (THC Council Minutes).

Nolan's (1991, pp. 110-111) study of the Victorian Clerks' Union (VCU) campaign reveals a significant campaign for equal pay, with:

clerical workers dividing at least four ways over equal pay from 1911. For reasons of both strategy and principle, the union leaders sought equal pay. The male rank and file initially supported equal pay in the hope that employers would choose men over women. When this did not happen they abandoned claims for equal pay. One clique of women, with Labor Party and radical connections, supported the union leadership. But a second group, with conservative connections, formed a woman's association

which supported employees and organised against equal pay out of fear that women's jobs will be threatened were an equal pay campaign to succeed.

The unionists were successful but for only three months – they won “a minimum of 48 shillings for men and women in August 1912... The determination came into effect on 3rd January 1913” (Nolan, 1991, p. 112). At this time Victorian Wages Boards oversaw working conditions and pay. The VCU did not fail for want of trying, and the THC supported every equal pay proposal bar one:

Three times equal pay was won in the lower tribunals in 1912, 1913 and 1921 and three times it was lost in the appeal court. The CIA [Court of Industrial Appeal] also refused an appeal against its 1914 decision in 1917... The union was not to win a victory in the battle for wage equity until 1936 when it sought to have women paid 80% of the male rate and the wages board awarded them 75%. (Nolan, 1991, p. 118).

Nolan (1991, p. 101) shows how the different opinions were based on class position, with these comments in the CIA, reported in the *Woman Voter* of 24 November 1914: *Mr Stark (appearing for the employers)*: ‘The plea of equal pay for the sexes is a selfish one raised by the men for the express purpose of drawing the women out of the occupation.’

*Mr Clarey (Secretary of the Federated Clerks' Union)*: ‘No it is a matter of justice for women. The employer gets the same return for work whether it is performed by male or female clerks. The appeal for lower rates for women is selfishness on the part of the employer who desires the same value as received from a man at less than the man's rate ... You intimidated and frightened women by threatening them with dismissal when you knew there were not sufficient men available to take their place.’

The most significant motivation against equality was exhibited by capitalists who could reduce costs of production through manipulating multiple divisions among workers. Gender was only one divide – others included ‘race’<sup>9</sup>, job classifications and seniority. Both female and male workers held different attitudes and acted in their *perceived immediate* interests. By the 1920s the family wage became central for union campaigns and was counterposed to

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<sup>9</sup> When used alone in this thesis the word ‘race’ will always be in quotation marks to express that there is no scientific basis for considering there is more than one existing human race.

equal pay. Many married women supported a family wage to improve the level of resources at home; this meant they could oppose equal pay for working women as well as view those working women as a cheap labour threat to their male breadwinner and the family income. They were not held at gunpoint or forced in other ways overtly, rather they were subject to ideological pressure from confusing and not always accurate explanations of a desperate economic situation.

This was a key defeat for women workers, and for poor working-class families, justified by pro-capitalist ideology supported by an elite that included many union officials. With the decline of women's groups and the equal pay campaign, female trade unionists and feminists focussed on winning child to supplement what was clearly an inadequate family wage. Fieldes explains that, while the family wage played an ideological role, reinforcing women's unequal status, it was not adequate financially; it "was further discredited when the Hughes Government set up a Basic Wage Commission in 1920, which found that a family of five needed £1-11-0 a week more" than the highest basic wages in awards at the time (Fieldes, 2002, p. 5). Endowment played a dual role of supplementing family income but undermining equal pay claims (Summers, 1977 [1975], pp. 391-401).

In 1919 and 1921, the court addressed the question of the female basic wage. According to Hutson (1971, pp. 113-114), while equal pay was granted in a handful of cases: "the general standard ... settled down to mainly the 54% ... within a range of 48% to 58% ... [and] ... this was maintained for the next 20 years with the female basic wage being adjusted at the same time as the male one, but only to the extent of 54% of the male increase". In 1925 the Amalgamated Clothing and Allied Trades' Union (ACATU) nationally decided to claim equal pay of five pounds per week minimum for men and women for the first time. "When awards were handed down on 1 March 1928, equal pay was quickly rejected"; and the female minimum was set at about 56 per cent of the men's rate of just under five pounds (Ellem, 1989, p. 146). During the 1930s, in conditions of the Great Depression, another defining characteristic for the basic wage amount was "capacity of business/employer to pay", known as the "economic" definition (Hutson, 1971).

Labor Prime Minister Curtin established the Women's Employment Board from 1942-44 to assess the wages of that minority of women (around 10 per cent) replacing men who had

joined the armed forces during World War 2; few women benefited, despite the labour shortages (McMurchy et al., 1983; Wood, 2015). In response to a war shortage of clothing, in 1943, female clothing workers were granted a 75 per cent basic wage flat rate across the industry, state-subsidised (Ellem, 1989, p. 213). Curtin had supported equal pay before the war, as had the ACTU, but would now put the war effort first, as did many union leaders. So, a women workers' strike wave eventuated for equal pay, including hospitality, munitions and textile workers (McMurchy et al., 1983). Post-war, the Chifley Labor government sent a clear message that women would continue to be paid less than men (Sheridan & Stretton, 2008, p. 134). The government implemented changes in the Arbitration Act in 1949 to give the Arbitration Commission the power of: "determining or altering the basic wage for adult females", which meant that part of the wage that was calculated only on the basis of social need, without reference to the nature of the work (Hutson, 1971, pp. 116-117). For the first time, the 1949-50 Basic Wage Inquiry assessed a female basic wage.

The unions claimed the same as the male basic wage, but a majority of two judges fixed it at 75%, with the third judge supporting the retention of the old 54% standard. The determining factor in the majority judgment was that the actual rates being paid to females in industry were around 75% anyway. (Hutson, 1971, pp. 117-118).

The majority judgement continued "the theme that 'it was socially preferable to provide a high wage for the male because of his social obligations to fiancée, wife and family'" (Nieuwenhuysen and Hicks (1975) cited by Fieldes, 2002, pp. 7-8). Thus, for the first time, the court *entrenched* a difference between the basic wage of men and women which could only reinforce women in a lesser position; some women immediately won higher rates and others lost out. This *female* basic wage would affect wage determinations until 1974.<sup>10</sup> The outcomes in both the 1969 and 1972 Equal Pay Cases were affected by the concept of the 'family wage' with female workers entitled to 75 per cent of the male rate whether single or married with family responsibilities.

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<sup>10</sup> The actual decision was: "In 1949, The Arbitration Act was amended to give the arbitration court the power of: "(d) determining or altering the basic wage for adult females (that is to say, that wage, or that part of the wage, which is just and reasonable for an adult female, without regard to any circumstances pertaining to the work upon which, or the industry in which she is employed) or the principles upon which it is computed" (Hutson, 1971, p. 117). This point becomes relevant in the future discussion about why abolition of the female minimum wage required an additional court case in 1974.

*'Equal pay for equal work': state manoeuvres 1958-69*

This section examines the response to the ACTU claim for equality of basic wages from the CAC and how this outcome was prepared at state level, to the benefit of employers and government. The ACTU claim was for an increase in pay of 25 per cent of the equivalent of the basic wage, for all women wage and salary earners, private and public sectors (representing \$8.20 per week/ \$428 per annum) – this was to equalise the remuneration rates of men and women workers at the basic wage level. The ACTU argued this would be only the first step toward a process for determining equal pay for equal work performed. So, the claim did not involve the measurement of wages based on work/tasks performed at this point. The claim was supported by the Australian Council of Salaried and Professional Associations (ACSPA) and the High Council of the Commonwealth Public Service Organisations (HCCPSO), and various unions, as well as four women's groups.

Until 1972, the Federal parliament and its Department of Employment were hostile to equal pay, apart from some wartime exceptions during the 1940s. However, state parliaments run by the ALP were sympathetic in some areas, so that in 1958 NSW teachers won what was called 'equal pay for equal work'; other States' public services followed, unevenly. The Arbitration Commission rejected the ACTU claim and handed down a decision, similar to that of the NSW government in 1958, supporting 'equal pay for equal work', with nine determining principles, the last of which stated in part "equal pay should not be provided by application of the above principles where the work in question is essentially or usually performed by females but is work upon which male employees may also be employed" (ACAC, 1969, p. 1159; Hutson, 1971, p. 125).

The NSW State Labor government moved on equal pay in 1958 with legislation, the *Female Rates (Amendment) Act*, based on the principle of 'equal pay for equal work' with the new rates to be phased in by 1 January 1963. It was supported by the Commonwealth government, but not the employer organisations nor the unions (ACAC, 1969, p. 1149). This benefited only those women who were working beside and on the same tasks as males, such as teachers and public servants, and excluded 'women's work', so that by the end of 1969 this decision gave equal pay to only up to 14 per cent of NSW workers, mostly public servants (Fieldes, 2002, p. 10; Ryan & Conlon, 1975, pp. 146-148).

Under the 1958 Equal Pay Act, 12,000 teachers, 1,000 women public servants and 1,000 women local government workers will receive equal pay by January 1, 1963... [but]... nurses, typists, dieticians, laundresses and many categories of shop assistants are among the women who do not reap any benefits ... (*SMH*, 29 March 1962).

In April 1964, as well as the Commonwealth, four States were stating “they were not prepared to ratify the [ILO – International Labour Organisation] convention” (Equal Remuneration Convention No 100, which called for ‘equal pay for work of equal value’)<sup>11</sup> (*SMH*, 10 April 1964). Later, Tasmania legislated for ‘equal pay for equal work’ for government employees in 1966, Victoria for teachers in 1967, and Western Australia and Queensland for government employees in 1968 (Hutson, 1971, pp. 119-120; Nolan, 2003, p. 88).

To understand the outcome of the 1969 hearing, it is necessary to trace developments in the thinking of the CAC, expressed in the CAC Judgment. It provides a window on the tactics to limit equal pay, by private employers and Commonwealth government. In so doing, it reveals the role of the CAC as the key arena of the state for managing industrial conflict and protecting the interests of the capitalist ruling class. Their thinking was based on a process of four steps over four years:

(1). In 1966 the commission, with ACTU support, introduced a minimum wage for male workers only. Plowman (1995, p. 261) explains: “It represents the minimum wage which may be paid to federal award employees, irrespective of award rates. Any award employee whose rates do not sum to the minimum wage must be paid the latter”. This was the functional equivalent to the Harvester Judgement’s “needs” concept (based partly on family responsibilities of men only), including its sex differentiation component; the minimum wage was to apply to male workers only (Nieuwenhuysen, 1974, p. 99). See on page 66 this chapter, the explanation for the Harvester Judgement.

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<sup>11</sup> The ILO Convention can be accessed here:  
<https://treaties.un.org/doc/Publication/UNTS/Volume%20861/volume-861-A-2181-English.pdf>

(2). In 1967, the CAC indicated that movement on equal pay was possible: In April, a three-Judge bench decided to equalise the margins in women's wages (Clothing industry case); in the June National Wage Case, they abolished the basic wage and established the what became called the 'total wage' combining the basic wage and margins, granted an equal increase for males and females of \$1.00, and invited the ACTU, ACSPA and HCCPSO combined group to bring a case before the court for equal pay. (Hutson, 1971, pp. 120-122). The CAC "urged unions, employers and the Commonwealth government to undertake a 'careful study' of the relationship between male and female wages" (Patmore, 1991, p. 177). It is interesting to note that, "in accepting the concept of the 'total wage', the Commission noted that 'the Clothing Trades' decision affirmed the concept of equal margins for ... equal work [without defining 'equal work']". However, in 1969, when other cases were decided, the Commission fell back explicitly to excluding from equal pay work 'usually performed by females'" (Ellem, 1989).

(3). In 1968 the ACTU claim was lodged; it was based on workforces that already had equal margins – meatworkers (members of the Australasian Meat Industry Employees Union (AMIEU) – and some private sector white collar workers and public servants. Due to start on 25 February 1969, it was subjected to delaying tactics by the employers and finally opened on 28 April 1969 (D'Alpuget, 1977; Hutson, 1971).

(4). The hearing concluded on 16 May with a unanimous judgement which it reported on 19 June 1969; Hutson (1971, p. 124) reports that it would apply to all applications made by unions:

The unions claim for the elimination of the 25% differential was rejected, as it was considered that the equality of the work must first be determined ... The concept of equal pay was accepted in principle, although the interesting question of just what was equal pay was not answered as no attempt was made to formulate a definition.

I summarise the history of the government's attitude to equal pay after 1950; their arguments are different from the employers' arguments, initially. The Menzies government had made contradictory promises to the electorate – full employment based on the white male breadwinner and equality for women. Meanwhile they offered the capitalists a stable

economic environment and cheap labour. Women were encouraged to enter the workforce, but equal pay was rejected because of the argument about ‘the capacity of business to pay’; other common arguments suggested women were only temporarily in jobs and they had a family to fall back on for financial support (Simms, 1987, p. 111).

In 1964 the CAC rejected employers’ arguments for merging the “Basic Wage and Margins into a Total Wage” (Sheridan, 1975, p. 277). Conservatives supported Commonwealth Department of Labour and National Service (DLNS) secretary Bland’s position, so that the government could resist the pressure for equal pay, when he said in 1959 opposing the total wage idea:

our favourite backstop to equal pay claims would be gone because the basic wage would be gone with its differential ... for females ... In short, if the total wage concept got a run, we would finish up with a higher wage level than now – certainly a higher wage for the unskilled and for females. (Sheridan & Stretton, 2008, p. 142).

However, in 1967 abolishing the basic wage (and its family wage concept) made sense to most employers, because the family wage concept had implied a value that was greater than the economic cost of labour power. In the minds of unionists, abolishing the family wage implied a wage cut, so most unions would continue to support the idea of a family wage. The ACTU position was opposed to the total wage idea because it had no connection to the “needs of a family” (Hutson, 1971). However, the trick for Bland, became to abolish the basic wage but maintain Bland’s ‘differential’. Timing was everything – it involved abolishing the basic wage and replacing it with a total wage, before considering equal pay claims, but after introducing a new version of the minimum wage for men in 1966 (that maintained a connection to the idea of a breadwinner who had family responsibilities and maintained the ‘differential’) which was agreed by the ACTU.

The CAC ruled on the total wage in 1967 and removed the basic wage element of the wage determination, with the support of the employers and opposition from the unions. “The adoption of the total wage was the culmination of a four-year effort on the part of the employers”, and finally accepted by the CAC in the 1967 hearing (Sloane, 1967, p. 201).

This CAC process overlapped with the process of discussions about equal pay, to the detriment of claims for equality. Looking back, feminist writer Werth (2011, p. 148) could comment: “wages would be reviewed annually on ‘general economic grounds’. These decisions flagged an era in which issues of the family began, very gradually, to be separated from wage fixation”; although, she adds, the “male breadwinner model” never completely declined. The CAC transcript of the 1969 Equal Pay Judgment supports this analysis in its history of the concept of the basic wage and the changing relativities between the male rate and the 54 per cent female rate, based on the family responsibilities of (male) heads of families (ACAC, 1969, pp. 1152-1153).

The 1950 decision to increase the female rate to 75 per cent, while based on “economic grounds”, still retained the relativity. The secondary wage, called margins, had evolved so that in some instances women received equal margins (public service and some meatworks and metal industries).

The most we are able to say is that there is still a relic of the concept of the family wage in most of the present total wages ... we consider it no longer has the significance, conceptual or economic, which it once had and is no real bar to a consideration of equal pay for equal work. (ACAC, 1969, p. 1153).

The ACTU claim in 1969 recognised the history and argued that the CAC should grant an increase to equalise the inequality still existing in this continuing ‘relic’. This would have made up for the loss to females in the total wage process before the abolition of the basic wage. The wages of more women would have benefited had the CAC agreed to the ACTU proposition of granting the equivalent of 25 per cent of the old basic wage in 1969 to overcome sex discrimination since 1950.

The CAC argued against the ACTU claim by putting forward the proposition of ‘equal pay for equal work’ in which work had to be measured to ascertain the value of the work, first. The judgment stated: “The awarding of an increase to all females whether or not their work is equal to the work of males seemed to us to be putting the cart before the horse. The equality of the work must in our view be first determined. ... and that no increases should be awarded without an examination of the work done” (ACAC, 1969, p. 1156). This meant most working

women would remain on unequal wages; anyway, they inherited an unequal starting point if ever their work value was to be measured. The ACTU also argued for the minimum wage to be granted for males and females; this claim was rejected in 1969.

All kinds of arguments were raised to justify paying women less, especially the officially sanctioned myth that so-called ‘men’s work’ was worth more than ‘women’s work’ (McMurphy et al., 1983). In the first half of the twentieth century arguments became entrenched that women’s place should be at home caring for children (D’Aprano, 2001, p. xxii) and that women should only participate in activities that prepared women for motherhood – this referred to both education and pre-marriage jobs for women who had to work. These were part of the common sense of Australian society. Some employers argued that women’s jobs were unskilled and ‘naturally’ appropriate for women, the natural proclivities for caring and needlework, because of their role in the family. So-called ‘women’s work’ was clearly under-valued. Low wages were common for work usually performed by women, like domestic service, and work requiring deft small fingers like in textiles, clothing and footwear factories, certain automated factory process work, packing, retail service; and later, in work educating and caring for others like teaching and childcare, nursing. The apprenticeship system underlined the myth that women’s work was *unskilled* because women were usually employed in jobs that required only one skill, whereas men who were able to gain apprenticeships learnt many skills. Australian industry became one of the most gender segregated in the world.

I offer this analysis to understand the state’s actions in conceding equality in principle but, at the same time understand the union movement’s difficult steps to achieve equal pay. The actions of governments would differ over three key arenas – policy and legislative, government departments as employers, and industrial law. Sheridan and Stretton argued that all the governments, Labor and Liberal, state and federal dragged their feet, from the first post-war Chifley Labor government on, aided by the union movement (Sheridan & Stretton, 2008). Female public servants had been excluded from the Commonwealth Public Service (CPS) Third Division, for clerical work, between 1915 and 1949, although ‘equal pay for equal work’ was government policy since 1901; post-war, from 1949, the 1901 situation was restored and these women were paid equally with men (Simms, 1987, p. 109).

The Liberal Party pre-election rhetoric in 1949 was that it would favour women's equality (Sheridan & Stretton, 2008, p. 133), but the policy reality beyond CPS clerks was to block equal pay in both the legislative and CAC arenas throughout. In 1950, when the arbitration court ruled that women be paid 75 per cent of the male rate, the court stated that, according to Wood (Wood, 2015):

it would put an 'intolerable strain on the economy', not just because employers might not be able to pay but also because women's higher purchasing power might skew the economy into crisis. The commissioners also argued that equal pay would discourage single women from getting married, which apparently would be a social catastrophe.

In refusing to ratify the 1951 ILO Equal Remuneration Convention No 100, the Federal government argued that Australia's wages structure was too different from other countries. The government would neither amend the Arbitration Act and nor would it raise a positive proposal for equal pay with the CAC. Secretary of DLNS Henry Bland clearly displayed a strategy of preventing equal pay in his actions and conversations recorded and held in the Australian Archives. On 4 April 1960, he revealed his opinion, to Labour Minister William McMahon, a Liberal Party member:

My guess is that like long service leave ... we will have equal pay [via] legislation of the [S]tates within the next ten years. Meantime I suppose we must continue to behave like... King Canute. On this approach we can keep raising doubts and fears such as –

- (a) the displacement of men by women and greater competition among women if higher wages meant fewer jobs.
- (b) the cost ... I just don't believe it would stop at an equation of women's and men's pay when the same job was being done. In time all women's rates would tend to rise
- (c) on the basis of decisions of the arbitration tribunals to date ... a general increase in female rates can only be at the expense of an increase in male rates.

Perhaps this and point (a) explain why the A.C.T.U. has not pushed for equal basic wages for men and women in the last 10 years. (Sheridan & Stretton, 2008, pp. 141-142).

He also devised a long seven-year campaign of support for lifting the bar on married women working in the CPS as a distraction and sop to those who demanded equal pay, from 1959 to November 1966 when the bar was lifted. In a handwritten note to Minister McMahon, he said, regarding lifting the bar:

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” (Sheridan & Stretton, 2004, p. 91).

When Menzies retired in January 1966, Harold Holt became prime minister and Leslie Bury replaced Bland who moved to Defence. John Gorton became leader in January 1968.

Nolan (2003, p. 88) argued that there was a conflict between the state’s role as upholder of the 1950s “male breadwinner model” (across Australian and New Zealand societies) and the government role as major employer during a labour shortage, leading to a positive response to equal pay from the growing public services. She also identifies the introduction and continuation of federally-funded child endowment which illustrated that the “family wage” concept was inadequate (Nolan, 2003, pp. 78-80). Child endowment also contradictorily weakened the argument *for* equal pay because it reinforced a notion that women could rely on the family for support if they left work.

It is not suggested that these actions were all strategically planned, but they do paint a picture of the state as incoherent in action with various departments responding to labour market pressures rather than clear policy, as a priority. In three years the so-called independent ‘umpire’ would adjust its position on equal pay. Bland could hold the line as secretary of the DLNS in terms of a general negative policy, but around him were economic and political forces affecting other parts of the bureaucracy that would eventually be felt in the CAC. As it turned out, the family wage/breadwinner principle, which was ideologically-driven, was retained until 1974 in the minimum wage rates, while it was removed in terms of the total wage rates. A discussion of wage outcomes will be discussed further in Chapter 5, after tracing the history of union campaigns in the next few years and the achievement of the next CAC hearings in 1972 and in 1974.

## *Conclusion*

This chapter has established the nature of the Australian state's involvement in women's oppression, in terms of reproductive healthcare policies and industrial tribunal decisions on equal wages for work performed. As the government led the shift from wartime in the late 1940s, women workers, feminists and unionists expected improvements towards wage equality. However, the Australian state – through its agency of government - created the illusion of change with the 1969 CAC decision on equal pay, but unequal pay rates for most women continued.

I have shown how capitalism established a stable framework for social reproduction at a considerable financial cost to working-class families and illustrated the Australian state's hostility to women's rights. By the end of the 1960s, it is possible to say there was not sufficient economic and political pressure for the (Australian) Commonwealth government to consider a change to the regime of privatised family-based social reproduction processes. The abortion laws, set in Australian State criminal codes, remained despite arguments and actions of civil libertarians, feminists and doctors.

I argued at the beginning of this chapter that state structures are relatively autonomous, and in the late 1960s such structures enabled the Commonwealth government great flexibility. It benefited the Australian nation-state when government arbitration tribunals handed down decisions after considering various submissions, including government policy. The government could avoid legislating policy as law, giving them great flexibility to manoeuvre and adapt to conditions. Wages policy was manipulated to suit the changing economic circumstances from the 1930s Great Depression to the longest economic boom after WW2.

In bringing abortion rights and equal pay issues together, the connection helps explain the context. But this history also shows there could be cracks in the state's edifice. For example, the events of the period immediately before the First World War indicate that women may have responded to the lifting of ideological pressures when the population was increasing through immigration (see above). This was also the period of the 1911 clerks' strikes which

led to public awareness and women workers assuming leading roles in unions (as discussed above). Many unionists argued that equal pay was a right and rejected accusations that women were taking men's jobs, as class solidarity was built. Callinicos's (2009 [2005]) arguments (as discussed in Chapter 2) point to an interpretation of this period as revealing more long-term class interests of trade unionists involved in those early struggles and overcoming divisive sexist attitudes. Was 1911 a glimpse of what could happen in future times when the greatest boom in history grew after WW2, causing instability and conflict?

The world was changing politically, in the context of national liberation movements toppling dictators and empires from 1949, and the UN declaring women had a right to equality. Chapter 4 provides a brief analysis of the Australian political economy after WW2 until 1969, and a background to provide an understanding of the context for Australian state responses to the disruptive effects of the boom and pressures for improvement in women's situation. Women and others organised for wage equality in the late 1950s and through the 1960s in response to a developing crisis of reproduction. As economic and political pressures on the Australian state increased, concessions could be made on abortion law reform without changing government policy fundamentally, which I address in Chapter 4.

## **Chapter 4: The roots of the struggle, up to 1970**

This chapter traces the history after WW2, providing a brief analysis of the Australian political economy until late 1969 and a background for understanding the effects of the boom and political pressures on the state. In this chapter I continue to analyse the two issues together, abortion restrictions and equal pay, because the connection remains important to understand the ongoing Australian government policies and laws concerning birth control, viewed through the lens of Social Reproduction Theory (SRT), and women's struggles for change. The post-war years potentially showed some limitations on the government's framework for reproduction, as scandal erupted in Melbourne and Sydney over corrupt police protecting doctors performing illegal abortions. Demands were made to clarify and even change abortion laws, as thousands of mothers entered workplaces in permanent jobs for the first time. Equal pay was clearly on the agenda. While the state's control over wages, via the arbitration court, held through the 1960s, important achievements in State public service wages policies and in isolated industries provided a starting point for change as was explained in Chapter 3. The chapter provides an explanation for economic and political pressures that are reflected in growing dissent and opposition to government policies, as well as equal pay strikes, leading up to the 1970s.

### ***Chapter structure***

First, I describe the economic and political situation from the late 1940s to provide an overview of the different social forces affected by the economic boom. In particular, the growth of a white-collar workforce which involved new layers of women workers and increasing pressures on the state for political and cultural change. Second, I analyse the changing ideas about gender and reproduction internationally which led to public campaigns for abortion law changes in some states while a Supreme Court reinterpreted Victorian law. Third, increasing activity by workers for equal pay in this period provides an explanation for the response by unions to lead the equal pay campaigns in CAC hearings of 1969 and later. Finally, I analyse the union campaigns against the anti-strike Penal Powers which won

concessions and underpinned the political militancy of some unions. My conclusion argues that in the late 1960s, women workers' issues were becoming entangled with a broader political crisis for the government, which involved the industrial pressures of an insurgent workers' movement and military defeat in Vietnam. Throughout the period, women workers' agency is growing as they join unions and press their claims.

### *1. Economic and political overview post-World War 2*

In the period after WW2, Australians faced a different reality, of economic boom compared with the pre-war 1930s when depression stalked western capitalism. Economic and political change resulted directly from experience of war, as the state and business united under a Labor government to develop intensive industrialisation. According to Rowley (1977 [1972], pp. 268-269), war and militarism:

served to stabilize a youthful, still-emerging capitalism ... there was a rapid expansion of industries such as chemicals and explosives, rubber and metal-working, arms and munitions, and basic steel production ... the foundations of what were to be the growth industries of the post-war period.

The production of motor vehicles and electrical consumer goods, providing the basis for the iron and steel industries' expansion, were central to the boom. A small market like Australia's required foreign investment, the majority of which shifted from British to the US sources, which rose from about 500 million pounds in the late 1940s to about \$10,000 million in the early 1970s (Connell & Irving, 1980, p. 294). Expanded immigration programs provided new sources of labour.

The state always played a crucial role in the Australian economy. "In 1968-9, of a total government expenditure of \$5,868 million on both fixed capital and goods and services, expenditure on transport, communications, fuel and power, development of resources and assistance to industry totalled \$2,266 million." This amounted to more than was spent on education, public health, welfare, housing and cultural facilities (\$1,655 million) or defence and war, including Vietnam, (\$1,078 million) (Rowley, 1977 [1972], p. 279). Thus, the

capitalist class was transformed: from the nineteenth century domination by mercantile, financial and speculative wealth, interlocked with the pastoral elite and the wool and meat industries, to the ascendancy of corporations and the *nouveaux riches* based on industrial wealth, along with upper strata of professional groups (community leaders and ideologists of the ruling class) (Rowley, 1977 [1972], pp. 282-283). Rural industry for export continued but mining of minerals, new metals and oil offered investment opportunities. “Migration, foreign investment, and protection combined to create a greatly expanded Australian manufacturing sector in the decades after World War II. In the late 1950s and early 1960s, it peaked at just under 30 per cent of GDP” (Brett, 2020, p. 25).

Despite the tremendous economic wealth accumulated by the state and small numbers of entrepreneurs, the economy benefited only a minority because of its capitalist dynamic, profit-making imperatives and divisive class rule. Connell and Irving (1980) outline a class structure of dependence and conflict: capital and labour locked in contradictory and developing relations, with a working class contained in capitalist structures. What is revealed are contradictory responses from different organisations of the state as capitalists in positions of economic and political power navigate the various crises that emerge. This brief general analysis continues with a focus on the issues that affected women most.

### *Politics*

Political issues of the 1950s were determined by the Cold War context of anti-communism, right-wing family values and repressive constraints on personal mores and lives. The Chifley Labor ALP government was defeated by Robert Menzies’ Liberal government in 1949. The Communist Party’s (CPA’s) membership had grown during the war to about 23,000 and it had come close to winning the majority of the ACTU leadership positions, reflecting a shift to the left among workers, but also their support for the government’s war effort against fascist Germany and Japan. An attempt by the Menzies government to ban the CPA was narrowly defeated in 1951 but highlighted the party’s vulnerability post-war. Yet the CPA retained a respect among militant workers, especially in the metal industries.

The Labor Party split in Victoria in 1954, which weakened it until the early 1970s. Although much smaller than the ALP, the break-away Democratic Labor Party (DLP) held right-wing politics that combined pro-family, pro-Catholic, anti-communist politics, including

opposition to women's right to abortion and contraception, making them often an ally on the Liberal/National parties. When Menzies introduced conscription and sent troops to Vietnam in 1965, it provoked a small opposition movement including mothers of conscripts and both male and female radical students (V. Burgmann, 2003; C. Collins, 2021). In the Cold War atmosphere, the war was popular as a war against what the government argued was the threatening spread of communism and a "yellow peril" invasion. However, opposition grew, and an August 1969 opinion poll indicated that a majority opposed Australian participation.

Demands for equality and compassion came up against government indifference to the plight of many poorly paid workers in the context of growing economic wealth, and to the plight of women unable to cope with unwanted pregnancies for fear of moral persecution and unsafe medical procedures. Right-wing pro-family ideology and the Victorian-era legislative controls over morality contributed to post-war repression. Much of women's experience was hidden in open secrets of family life, the private sphere: violence against women was concealed. These issues helped fan feelings of disappointment and growing opposition to government policies, by the end of the 1960s. The emergence of new social movements, beyond trade union organisation, indicated the breadth of concern by both middle-class and working-class people.

#### *Extra-parliamentary political organisation develops*

As the 1950s became the 1960s, expectations of improvements in living standards grew along with wider expectations for cultural change. Civil libertarians campaigned for legal rights for male homosexuals and abortion law reform, from the mid-1960s, opening the way for sexual liberation movements. Many young people revolted against conscription and the war in Vietnam. Students were also campaigning around campus democratic rights, civil liberties, for Aboriginal rights and against the war and the White Australia policy.

Women were radicalising as activists within these social movements, although the WLM would start taking shape only from the end of 1969. Working women had been involved in campaigns through their unions as activists and delegates, often collaborating with feminists in equal pay campaigns. Socialist women in the CPA and ALP, often members of the Union of Australian Women (UAW), built solidarity with striking workers and organised against the rising cost-of-living. It is important to recognise the breadth of women's involvement around

different issues at this time. Women were involved as leaders and activists in unions, political parties and other social movements like the campaigns against war and conscription, for Aboriginal rights, gay and lesbian rights, migrant rights and for environmental protection (C. Collins, 2021; Keirs, 2021; Lake, 1999). The UAW were impacted by the political debates about feminism, some opposing the radicalism of the new feminism but others working with the WLM. Keirs (2021, p. 26) shows this was reflected in the organisation's language:

and notably its use of the term 'housewife', [which] remained consistent until the mid-1960s. However, during the latter half of the decade, UAW publications referred more often to 'women', 'our members' or contextual terms like 'shoppers' and 'mothers' ... This subtle change marks the shift in popular discourse around women's societal role in the late 1960s.

The change was too slow for Zelda D'Aprano who became a central figure in the fight for equal pay. She left the UAW and founded the Women's Action Committee (WAC) in 1970 as part of the WLM.

From early 1968, links were being forged between radical anti-war students and young male and female workers (V. Burgmann, 2003; Hastings, 2003, pp. 7-66). Some of the young men were also facing the conscription lottery from late 1964 – all men turning 21 could be conscripted if their name was drawn matching their birthday;<sup>12</sup> this was before they had the legal right to vote, at 21. New migrant and women workers were also raising demands for their rights along with Indigenous people campaigning against racism and oppression (V. Burgmann, 2003). The Gurindji strike at Wave Hill, supported by left-wing unions, won equal pay for Indigenous workers by 1966, codified in the CAC (FWC, 2016). Both the WLM and the Black Power movement were emerging. Divisions between different social groups were breaking down, as they identified a common enemy in a Liberal government stuck in the Cold War. Isolated strikes and protests broke out and the government was vicious in its reprisals, criminalising the activities of the Left and the workers' movement with jail and fines for those on strike and those protesting war and conscription. Expectations fuelled

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<sup>12</sup> The "Birthday Ballot" is explained on this government website: <https://anzacportal.dva.gov.au/wars-andmissions/vietnam-war-1962-1975/events/conscription-and-birthday-ballot>.

determination and a higher level of struggle, which led many activists to build collective organisation in social movements, often collaborating with the political unionists.

### *The working class*

The 1930s Depression had hit most workers hard and high levels of poverty remained in some areas through to the 1960s (Mendes, 2017). The boom created the circumstances for an expansion of the working class as new industries sucked in new forms of labour – these were the new younger and migrant (women and men) process workers on expanding assembly lines for the car industry and the labourers in the burgeoning construction of city development – greater populations<sup>13</sup> meant a demand for growing infrastructure including roads, shopping centres and schools.

Technological development involved major changes in working-class composition. With the growth of manufacturing, the metal industries became pre-eminent in industrial relations and the 1946-47 metal dispute reflected how this industry became the key to industrial conflict (Connell & Irving, 1980, p. 281). Manufacturing output grew as a percentage of GNP (from 18 per cent in the 1930s to 30 per cent in the 1960s), outstripping the growth in the number of workers (remaining about 25 per cent of total workforce), indicating the increase in productivity and labour discipline in the new machine world of work. “This was caricatured by Essington Lewis ... (BHP) ... firing people on the spot for ‘slacking’ ... with a text on his office wall reading ‘I Am Work’” (Connell & Irving, 1980, p. 274). The growth in secondary industries was accompanied by a decline in rural industry. As measured by workforce:

the major areas of expansion between 1947 and 1971 were in public authorities and professions, by 193 per cent, and in commerce and finance, by 146 per cent ... the absolute number of white-collar workers increased by 130 per cent, compared with a growth rate of 67 per cent for the labour force as a whole. The proportion of white

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<sup>13</sup> The national resident population in 1971 was just over 13 million in 1971, according to the Australian Bureau of Statistics (ABS) and the details can be accessed here: <https://www.abs.gov.au/statistics/people/population/historical-population/latest-release>.

collar workers ... increased from 33 to 45 per cent ... [and] ... blue collar workers declined from 42 to 38 per cent. (Lansbury, 1977, pp. 35-38).

Women entered a range of occupations. Women workers' skills (presumably typing, clerical and social) were needed for sales and clerical jobs in the growing service industries and public service bureaucracies. However, along with unskilled migrant labour unskilled white women were also preferred in factories where new machines no longer required highly trained operators. Many skilled tradesmen's jobs were threatened in a process called 'de-skilling' as employers sought to replace skilled men with unskilled migrant and female labour, which could weaken existing union organisation. "Between 1947 and 1961, it has been estimated that the contribution of migrants to the increase in the Australian workforce was 73 per cent" (Rowley, 1977 [1972], pp. 270-271).

The war had caused more women to enter the factories. While many left their jobs after the war ended, others continued, and new workers entered waged employment for the first time. Fieldes (2002, pp. 7-8) reports a growing number of married women:

In 1947, 15.3 per cent of women workers were married; by 1971 56.8 per cent (or 18 per cent of the total labour force) were married women. ...women had never made up less than 20 per cent of the paid workforce during the twentieth century [often short-term, temporary or part-time]. However by the early 1970s almost a third of Australia's workers were women.

More of these working women became permanent employees. "The number of women joining the labour force between 1947 and 1971 increased by 138 per cent, compared with only 47 per cent for men ... Those engaged in professional occupations were mainly employed in lower paid areas such as nursing and school teaching" (Lansbury, 1977, pp. 38-39). "At the end of May, 1965, it was estimated that there were 876,900 female civilians in the Australian workforce," according to the *Sydney Morning Herald (SMH)* (Industrial-Roundsman, 7 June 1967).

*Trade unions*

Unions flourished in the period 1946-1950, reaching their highest membership density ever, approximately 60 per cent, reflecting the immediate post-war upsurge in union-led industrial disputation when the shorter 40-hour working week was won in 1947 (Tom Bramble, 2008, pp. 9-11; Markey, 1997, p. 54). Gains in unionisation, among the highest in the West (never below 50 per cent density in Australia 1950-1985), continued through the period 1947-1971 and were “greatest among employees in public authorities and manufacturing” (Lansbury, 1977, pp. 41-42; Markey, 1997, p. 49). White-collar unionism advanced among civil servants, education, banking and insurance staffs while organisation among private sector clerks was more uneven (Lansbury, 1977, p. 40). Sections of the workforce became among the highest paid in the world. The unique arbitration system underpinned a complex situation in organisation and pay rates.

Pockets of low-paid casual workforces remained, particularly in construction and among women. Women workers were starting to join unions in large numbers to fight their pay disparities. In the meat industry many were already campaigning for better conditions as well as equal recognition in their union. Zelda D’Aprano and Yvonne Smith worked in the Victorian office of the AMIEU and Alice Hughes was an AMIEU delegate in Borthwicks meatworks: all were active before the 1970s in different ways before playing stronger leadership roles fighting for equal pay from the late 1960s (Willis, 2022). The partial gains in margins rates of women meatworkers set them up as a test case for the 1969 equal pay hearing (see Chapter 3).

While the anti-strike laws dampened union campaigns, especially after the defeat of the 1949 miners’ strike, labour shortages and low levels of unemployment<sup>14</sup> reduced the threat of being sacked for industrial action, and a new militancy especially among young workers was developing and winning results. Average weekly male earnings jumped from \$47.60 in financial year 1961-62 to \$70.20 in 1968-69, and then \$93.20 in 1971-72; during the same time frame the “minimum weekly award” rate shifted from \$38.54 to \$48.50, to \$61.26, indicating the average wage gains were therefore due to over-award payments gained outside

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<sup>14</sup> According to the ABS, “In the late 1960s and early 1970s, the unemployment rate stood at 2% but over the 1970s rose gradually to 6%. The data can be accessed here: <https://www.abs.gov.au/ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/855e6f87080d2e1aca2570ec00c8e5f!OpenDocument#:~:text=Unemployment%20rates%201966%2D2000&text=In%20the%20late%201960s%20and,peaking%20at%2011%25%20in%201993>.”

of arbitration (Based on Commonwealth Bureau of Census and Statistics data, cited in Nieuwenhuysen, 1974, p. 108). The combativity of the working class further increased, as measured in the number of strikes, from 1967, and these skyrocketed in the 1970s after the anti-strike laws were overturned in May 1969 (Tom Bramble, 2008, pp. 41-66) (see below, section 4).

Population was a key concern of the Australian state at the end of WW2 for two reasons: to maintain military protection as well as to increase the supply of labour. The roots of the boom partly lie in the war economy. The government was aware of the unreliability of unplanned immigration and natural population to solve 'grave' labour shortages. "In 1945 ... the Department of Immigration was set up to initiate ... the longest phase in Australian planned migration since the convict settlement. ...this period also coincided with the impact of the low birth rates during the depression years" (J. Collins, 1975, p. 108).

In 1944 a government commissioned NHMRC inquiry into the birth rate (as I reported in Chapter 3) recognised the need for welfare support for mothers and families to encourage births (NAA, 2020). Thus, the state turned to mothers to solve the fertility problem. The birth rate increased until the 1960s and then declined as women heeded the call for more labour and higher education standards. The next section analyses the impact this situation had on families and social reproduction processes and the response of women, as they take up opportunities to participate in society beyond the home, although not always for the first time. The framework of state control over issues like birth control that I discussed in Chapter 3, began to weaken, as the developing economic forces impacted on people's life experiences and their attitudes and ideas.

## ***2. The liberalisation of abortion law – SA and Victoria***

It is important to acknowledge the deep reach of oppressive ideology and sexist practices, as Arrow (2019, p. 6) reports about the 1950s:

[T]he Australian way of life could cast long shadows. Many [I]ndigenous people were alienated from their traditional lands and subject to intrusive state controls. Homosexual acts remained illegal across Australia. Abortions were illegal and often dangerous. Women being terrorised by their husbands had few places to go. Unmarried mothers were left with little choice but to give up their babies for adoption. Girls deemed to be in ‘moral danger’ were packed off to institutions. Indigenous children were (and sadly, still are) being removed from their families in high numbers. Inequality between men and women was widely experienced, unchallenged by law and socially sanctioned. Sexual ignorance was common. Most of these problems were considered ‘private’; they were rarely discussed publicly, and they were certainly not on the political agenda.

From the late 1950s, expectations were changing: women were having fewer children, and more were taking jobs or attending university; by 1966, a third of married women workers were migrants (Arrow, 2019, p. 23).

Birth control was primitive and unreliable. It was considered that Australians experienced the most severe censorship rules in the west, apart from Ireland, at this time (Coleman, 1988, p. 84), with contraception information banned until 1971, as discussed in the previous chapter on pp. 56 and 60 (Moore, 2012; Nile, 2001). While childbirth had always been a cause for celebration, as Albury (1999) discusses: “[O]ther aspects of the development of the female body were private, secret, taboo – puberty, ovulation, menstruation, sexuality, menopause, still-births, miscarriages, contraception and abortion.” Yet thousands sought abortions, although national statistics have never been kept. “The number of abortions carried out clandestinely by doctors, midwives, abortionists, and women themselves can only be guessed. Women who had means could attend a skilled abortionist; otherwise, they went to someone less skilled or tried to abort themselves” (Siedlecky, 2005, p. 16).

This was the time of the ‘backyard abortions’, symbolised at protests and demonstrations by the coat hanger. The situation was perfect for a corrupt but lucrative abortion industry. If women were prepared to pay, were able to pay, certain doctors were available. A crisis was brewing as illegal abortion caused unsafe situations with fatal consequences for some. And police kept everything above-board and underground for a hand-out. This was a social crisis,

beyond personal, which the state would attempt to handle; but for most politicians, the lawmakers, there was ‘nothing to see here’ (Baird, 2018; Gregory, 2005; Haigh, 2008).

*The reality of experience and women’s ideas*

In this period in Australia, reformers and activists recognised the need for a political response to sexual oppression. Politics had to be redefined to include previously personal and taboo subjects of conversation like abortion and homosexuality. While the public framework for discussing birth control, including abortion, was contained within the state’s discourse on population issues and morality, sexuality could remain in the private realm. As 1970s feminist historians revealed, Australian women’s history was hidden, and many people thought that women had accepted their lot. However, the two centuries since white settlement of lack of control over their lives was not accepted, rather it was challenged in different ways throughout by Indigenous and non-Indigenous people with inadequate political power (Kaplan, 1996; Lake, 1999; Moreton-Robinson, 2020 [2000]).

Before invasion, Aboriginal women were part of a society with different lore and customs of social reproduction, which did not include the strict gendering of the capitalist nuclear family structures. At this point in the 1960s, Aboriginal women did not share the concern of non-Indigenous feminist women that abortion was central to liberation, given they were fighting to preserve their family relations from a state later shown to be racist in non-consensually and wrongfully aborting and sterilising women, and removing their children, according to Bobbi Sykes (Rowland, 1984, pp. 63-69). Forced sterilisation continues today for people with disability.<sup>15</sup>

All women were oppressed, however, because women were not a single category, being divided by class, ‘race’, ethnicity, ability and sexuality, their experience of oppression and therefore access to abortion was determined differently, and this was also hidden (Kaplan, 1996). Some feminists opposed abortion but supported the rights of others to legal terminations. Talking about abortion openly was new and it was complex. By criminalising

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<sup>15</sup> Forced sterilisation of people with disability and people with intersex variations is an ongoing practice that remains legal and sanctioned by governments in Australia, as of March 2018. (DPOA (<http://dpoa.org.au/factsheet-sterilisation/>)).

abortion, the state and therefore politics is immediately involved, yet this was a hidden factor because few doctors or women were prosecuted. According to feminist historian Baird (2018, p. 130) talking about abortion challenged the “gendered politics of the public/private divide”, whereby the public domain of:

reason, education, economic production and government ... is coded masculine (and white and middle class). The private, its opposite, is the domain of the emotions, the body, the domestic world of family and intimate life, thus of sexuality and reproduction, and is historically coded feminine (and other to the white middle class).

Next, I trace the experience of the abortion debate opening in Australia.

#### *Attitudes to abortion*

From the mid-1960s the public and media debate regarding the law liberalisation process and the struggle “was waged in terms initially of ‘deserving’ cases such as deformity, rape, or incest; then as a matter of civil liberties versus moral governance of sexuality; and subsequently as the rights of woman versus those of the unborn” (Coleman, 1988, p. 86). The nature of this change in mass opinion as illustrated in the polls, and the struggle to make sexuality an issue of public concern showed a great social division. The interests of the majority seemed to be clearly counterposed to those at society’s highest levels who continued to defend existing laws.

Gregory (2005, p. 230) argues that “a shift to the more radical stance became evident”. In analysing Australian political debates, Coleman (1988, p. 76) argues that the issue:

traverses the traditional separation between public and private domains, juxtaposing women’s right to choose and to control their own lives and bodies, against a public interest in regulating sexuality, population, public health and the rights of the foetus.

Opinion polling began around this time and while not reliable as *proof* of how people thought, the results provide indicators of opinion, and the developments recorded in various polls over the period are a useful barometer of change. From the mid-1960s polls showed a majority, including religious people, in favour of law reform for abortions in certain circumstances (although for Catholics a 1967 poll indicated slightly less – 49 per cent in

favour); fewer people approved of abortion for social and economic reasons, but this changed in the 1970s (Bennett, 1968, pp. 25-26; McMichael, 1972, pp. 35-37). By 1970, there was “a significant swing ... the majority of the community considers abortion should be legalised in circumstances where the woman will be unable economically to support the child, but they want to keep some controls ... in the public’s view the woman herself cannot make the decision” (McMichael, 1972, pp. 36-37). While reformers argued that the decision to abort should be made by the woman and her doctor, only a minority, 28 per cent in a 1970 survey, would support the woman deciding. At this time the concept of ‘abortion on demand/request’ was supported by a minority, including feminist and left activists and student unions, while the majority, including some involved in certain religions (Church of England, Greek Orthodox, Methodist), doctors, psychiatrists and some politicians supported reform with controls, with only an 11 per cent minority (including Catholic Church, Presbyterians, some politicians) opposing abortion in all situations (McMichael, 1972, pp. 37-43). Victorian newspapers called for clarification of the laws (McMichael, 1972, p. 43).

The history of changing ideas about fertility is captured in the following ABS statement:<sup>16</sup>

After reaching a TFR [Total Fertility Rate] of 3.1 during the early 1920s, Australian fertility rates were relatively low during the Great Depression of the 1930s, falling to 2.1 babies per woman in 1934. In 1961, at the height of the ‘baby boom’, the TFR peaked at 3.5 babies per woman. Fertility rates then fell sharply during the early 1960s as the oral contraceptive pill became available.

Between 1966 and 1971, the TFR remained around 2.9 babies per woman. The reinterpretation of abortion law in New South Wales in late 1971 had a substantial impact on women’s ability to control their fertility ... Subsequently, a fall in births to young women contributed to a further decrease in the TFR and an increase in the median age of mothers.

Between 1969 and 1971, abortion became an openly discussed political issue and accessible more widely, as was safe and reliable contraception. Even though the 37.5 per cent import tax and 27.5 per cent sales tax on contraceptives was not lifted until 1973, the contraceptive Pill

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<sup>16</sup> ABS details can be accessed here:

<https://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/451BFD1C377B7908CA2577CF000DEF53?opendocument>.

had been available since 1961, although only more affordable after 1972 (Summers, 1977 [1975], p. 451). Accessible contraception made a significant difference to women's expectations about control over their bodies and fertility.

### *Pro-reform groups organise*

Humanist Societies and Councils for Civil Liberties led the process of legal liberalisation, based on a libertarian-humanitarian stance; their aim was to treat abortion as a matter of private conscience and remove state interference in private lives, treating men and women equally (Arrow, 2019; Gregory, 2005). They argued that issues like censorship, homosexuality and abortion were inappropriately regulated by the state and more a matter of social conscience, and saw an opportunity to act after the successful, widely accepted liberalisation of liquor licensing and gambling laws in the early 1960s. "Arguments were presented in terms of rights: either a right to privacy – that is, non-interference in their sexual lives – or the right to equality with men as the recognition of citizenship implied" (Albury, 1999, pp. 107-108).

The Abortion Law Reform Association (ALRA), as its name suggests, was established to lobby for reform of the laws. Based on the British Abortion Law Reform Association (set up in 1936) and associated with the Humanist Society and various Councils for Civil Liberties, it was established in Sydney in 1967, and in Victoria on 24 April 1968 (Gregory, 2005, pp. 237-238). ALRA was affiliated to the Victorian Council for Civil Liberties, the Family Planning Association of Victoria, Zero Population Growth and the National Council of Women, indicating the reformist birth control politics – they "assumed abortion was only safe and legal when performed by a qualified doctor" (Gregory, 2005, p. 246). ALRA focused on attempting to convince doctors and lawyers, rather than taking control of the abortion issue themselves (Gregory, 2005, p. 231). The key aim was to give doctors the control over abortion provision as a health service, which would be a "matter between a woman and her doctor ... Access to abortion was part of a broader vision of fertility control services" (Albury, 1999, p. 9). Individual doctors were members of ALRA but the official doctors' organisation, the Australian Medical Association (AMA), kept its distance and did not support law reform until 1979 (Albury, 1999, pp. 115-116).

From 1965, a new Liberal Country League-led government in SA turned its attention to liberalising abortion (and male homosexuality) in the wake of the 1961 international thalidomide crisis (a drug that was linked to foetal abnormalities) (Orr, 2017, p. 74; Parker, 2016; Warhurst & Merrill, 1982, p. 130). The SA Criminal Law Consolidation Act 1935 was reformed in 1969 (amendments were enacted in early 1970) but included restrictions such as the woman must be a resident for at least two months and abortions must be performed in public hospitals (this, at the time, most liberal of Australian laws still allowed for a maximum penalty of life imprisonment). Parker (2016) argues that its success depended on two arguments: “[T]he liberal ideal that morality should be separated from the law, and that safe abortion was a public health issue.” Between 1966 and 1970 in Western Australia a member of the Legislative Council, Dr Gordon Hislop, unsuccessfully attempted to reform the criminal law. Australian attempts to change the laws were inspired by developments in Britain where the government was acting to reform the 1861 Act with the 1967 Abortion Act, which legalised abortion in the first 28 weeks of pregnancy. The law provided that two doctors must agree that the woman’s physical or mental health would be endangered by continuation of the pregnancy, or there was a serious risk of foetal abnormality. Abortion was allowed if the woman’s life was in danger, or her health would be permanently damaged (Orr, 2017, pp. 20-23).

Liberal branches in Victoria, Queensland and WA urged reform (Bennett, 1968, p. 27). According to Coleman (1988), the Liberals “did in the past maintain a (somewhat muted) small ‘l’ liberal commitment to certain issues ... For example, it was a Liberal government which eventually reformed Australia’s draconian censorship laws in 1971. The National Country Party’s position is more restrictive than the Liberals.” A split from the Liberals, the Australian Democrats, favoured reform. Overall, Labor supported reform of abortion laws more often than the Liberals, although “some of the strongest opponents of reform have been Catholic ALP parliamentarians” (Warhurst & Merrill, 1982, p. 128). The WA ALP State Conference in 1970 supported reform legislation; then the branches in Victoria, WA and NSW, and the National Labor Women’s Conference (NLWC) attempted to win the party to a reform position in the 1970s. The DLP supported the Catholic position to ban all abortions (McMichael, 1972, pp. 40-43; Warhurst & Merrill, 1982).

### *1969 – liberalisation of abortion access and the response*

Three political positions created three different movements for abortion law changes by the end of the 1960s, and all appealed to governments for legal reform – liberal humanists and feminists continued to argue for civil rights and reform of the laws; radical feminists, socialists and Marxist revolutionaries argued for self-determination and women’s control of their bodies and repeal of all anti-abortion laws; and the right argued a reactionary position to ban all abortions, counterposing woman’s rights and what they called the foetus’s ‘right to life’. In between were a range of positions, depending on political attitudes to women’s role in capitalist society, as political parties split down the middle (Albury, 1999; Coleman, 1988; Riseman, 2005). Parliamentarians were unwilling to test the law, but some doctors acted, and courts ruled a more liberal interpretation in Victoria (1969) and NSW (1971). In these states in the late 1960s a moral panic linked to abortion erupted – maternal mortality and morbidity resulting from unsafe abortion combined with police corruption linked to the lucrative doctor-led abortion industry (Haigh, 2008). According to Arrow (2019, p. 26): “doctors charged with abortion offences exposed the police corruption behind abortion provision and were found not guilty [of procuring ‘unlawful’ abortion]”.

One case, involving Dr Davidson, assisted by Dr Bertram Wainer, was heard in the Supreme Court by Judge Clifford Menhennitt in May 1969 and became a test case. The Menhennitt ruling stated that the abortion was *necessary* to preserve the woman from danger to her life or to her physical or mental health (not being merely the normal dangers of pregnancy and childbirth). By so doing, the ruling acknowledged that the law allowed exceptions and that some abortions were “lawful” when Menhennitt “specified the definition of ‘unlawfully’ ...” (Albury, 1999, p. 114).

The outcome was political polarisation. Abortion remained a crime and radical women took up the call to repeal anti-abortion laws and for free abortion on demand through the organisations of the WLM. And the right responded to condemn abortion. Set up in 1969 in Australia through the Catholic Church, the first Right to Life (RTL) group (Quartly & Smart, 2015) responded to the liberalisation of abortion laws; their main opposition was around what they called foetal “rights to life” and that abortion was “murder” (Gregory, 2005, pp. 229-230; McVey, 1983). Australian politicians were clearly concerned that electorally-focused anti-abortion groups, such as RTL, could damage electoral chances. The DLP used the

electoral preferencing system to influence candidates (threatening to launch a decisive vote against them) on certain issues, like abortion (Coleman, 1988). The ALP moved to allow conscience-voting on certain issues like abortion from the early 1970s, allowing MPs to vote individually and not *en bloc* (Pringle, 2008) (see Chapter 5).

This section covered how the liberalisation of abortion laws developed, in a divisive environment; while majority opinion favoured some change as did some politicians, a minority organised to prevent change. Chapter 5 analyses the campaigns for and against women's reproductive rights after this point. In the following section, I examine the growing battle for equal pay during the same period from the 1950s.

### ***3. Women workers' struggle builds on equal pay***

This section provides a summary of key events and issues of campaigning, leading up to the mid-1960s and then examines the attitudes and actions of various players in the processes. Equal pay had been a matter of public debate since the early days of the twentieth century but, with the labour movement divided, lacked a vehicle for struggle with sufficient social power and remained a minor issue until the 1940s. The ALP was contradictory, as was the peak union body, the ACTU. There was no support from the conservative parties for equal pay.

#### *Women and work contradiction 1950s-60s*

After the war, a question for women, particularly married women, was: should women have large families and stay at home, or should they provide their labour in the workplaces? Nolan (2003) reports that the aim of the Commonwealth government was to deliver on the promise of full employment for white males, as women were encouraged to vacate jobs. Immediately post-war there was pressure to increase the birth rate. "The slogan was 'Populate or perish,' as Australia looked beyond its traditional sources of migration in the British Isles ..." (Brett, 2020, p. 25). "A National Health and Medical Research Council inquiry into the declining birth rate in 1944 threw its support behind child endowment, instituted three years earlier, as a suitable response to the 'problem' (O'Donnell, 2004).

Initially there was a decline in married women working, more severe than in both Britain and the US, and then an increase: from a low of 9.7 per cent (Australia and New Zealand combined) in 1951, rising to 13 per cent in 1956 and doubling by 1966 (Nolan, 2003, pp. 75, 80). At least some women were encouraged into workplaces because of the higher pay rates. By the end of the war in 1945, “the employers ... were unable to maintain the lower 54% rate because the demand for female labour continued, and this forced the market rate above that rate” (Hutson, 1971, p. 116). As feminists argued, payment of child endowment (family allowances) revealed that the family wage was insufficient, while others accepted that family allowances would assist mothers stay at home; it can be argued that endowment created the illusion that equal pay was unnecessary. From 1941 endowment was not increased in relation to the cost of living, and it reduced from 11 per cent of the basic wage to 3 per cent in 1972: this created “an incentive for married women to enter employment” (Nolan, 2003, pp. 78-80).

The 1950s brought improved standards of living including the development of new consumer goods, like the car, the refrigerator and the vacuum cleaner; home ownership was on the agenda, which meant increased living costs increasing pressure to fight for higher wages. Population pressures were partially met by higher levels of immigration. Women were called on to be waged workers and unwaged carers, and issues remained: mothers needed maternity leave and state-sponsored childcare, but the state did not step in. There was some experience during the war of governments and communities providing childcare, albeit inadequately and temporarily.

During this period, public opinion was changing. As early as 1941, the first “Gallup Poll” in Australia was conducted by Roy Morgan (the founder of Roy Morgan Research), on “equal pay for men and women” – it showed a majority supported equal pay, although only a minority among the wealthy did.<sup>17</sup> There were clear class differences. Sheridan and Stretton (2008, pp. 137, 143-145) report that in 1956 two-thirds of other survey respondents supported equal pay, in July 1961 it was 70 per cent and by 1964, 80 per cent; however,

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<sup>17</sup> “Interviewing for the survey began on September 15, 1941 and on October 4, 1941 the first finding was released showing 59% of Australians agreed with equal pay for men and women. ...At the time there were clear differences in response to the question based on personal circumstances with only 35% of the “well-to-do” favouring equal pay compared to 53% of people “comfortably off”, 63% of “artisans” and over two-thirds, 68%, of “the poor”. ... Two out of three Labor supporters (66%) voted in favour of equal pay compared to 52% of supporters of other parties.” The material can be accessed here: [askroymorgan@roymorgan.com](mailto:askroymorgan@roymorgan.com)

fewer people, only one-sixth, supported married women working according to a national women's magazine *Woman's Day* in 1956. Equal pay was firmly on the agenda, especially among women workers who took action in workplaces. Metalworkers, teachers, clerks, unskilled and professional white-collar workers and meatworkers continued to campaign through the 1950s and 1960s. Women working was still controversial, and workplaces and unions were divided over equal pay. From late 1965, postal workers in Sydney were taking action *against* the proposed employment of women on new sorting machines; by April 1966, a strike threatened over the payment of the women at men's current rates (*SMH*, 1 April 1966).

#### *Attitudes to equal pay – employers, parties, feminists and unions*

##### *Private employers*

Hutson (1971, p. 109) argued: "The employers naturally bitterly resist the introduction of equal pay, for to do so would destroy the extra profit obtained by them from the exploitation of cheap female labour". He lists seven reasons variously used by employers to deny the value of women's employment which continued to be used during the period of this thesis. In response to the 1952 recession, employer organisations tried, in the 1953 Basic Wage Hearing, to turn back the clock on women's wages and reduce the 75 per cent rate to 60 per cent, on the basis that women's employment was threatened. This was defeated. However, the expansion of industry and increased profitability depended on more labour, specifically women's labour; thus, unions' bargaining power increased. Equal pay was won in individual enterprises in piecemeal fashion over the period of the 1950s and 1960s as employers responded to demands and threats of industrial action, preferring to avoid stoppages and instability (Nolan, 2003; Sheridan & Stretton, 2008). The *SMH* reported the following list of workplaces in NSW where equal pay had been achieved before 1958: "[J]ournalists, pharmacists, hospital technicians, policewomen, tram and bus conductresses, some railway employees, some shop assistants, Malley's employees, musicians, A.B.C. announcers and actors" (*SMH*, 29 March 1962).

##### *The Liberal Party*

The Liberal Party was the senior party of the Liberal-Country Party Coalition government during this period. Menzies' pre-election promise in 1949 included:

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. (Cited in Sheridan & Stretton, 2004, p. 84)

The Menzies government did not introduce legislation reflecting these sentiments. Menzies retired in 1966, replaced as leader by Harold Holt, then John Gorton from 1968 until 1971 when he was replaced by McMahon. The Gorton government intervened in the Equal Pay Case of 1969 to support the equal pay for equal work outcome. Four female Liberal senators usually sided with the ALP on equal pay (Sheridan & Stretton, 2004). The two decades-long blame game between the Coalition government and the ACTU was only stopped toward the end of the 1960s.

### *The Labor Party*

In his book on the ALP, Childe (1964 [1923], p. 63) identified “equal pay to women for equal work” on a 1916 “... list of nineteen industrial planks ignored by the Parliamentary Party ...”. The Labor Party formally supported equal pay as well as the family wage, reflecting their contradictory relationship with the capitalist class and their working-class base – the ALP was committed to improving Australian capitalism and running the state to serve those ends, but, at the same time, legislated improvements in living standards for the working class (Kuhn, 1980). In government during and after the war, Labor Prime Ministers John Curtin and Ben Chifley would not legislate for equal pay, rather the opposite – after the war the Chifley government amended the Arbitration Act to allow a ‘female basic wage’ below the men’s rate, opening the way to entrench the 75 per cent rate. In opposition from 1949, Labor supported equal pay legislation federally, and in the States. Most unionists drew the conclusion that equal pay was more likely under Labor governments, even though the labour movement remained inconsistent. Equal pay was confirmed as ALP policy during the 1961 Federal election campaign along with one pound for Child Endowment for third and subsequent children (Keirs, 2021, p. 54). The ALP raised the matter in Federal parliament, promising, on 1 May 1962, “a Labor government would implement equal pay without delay”

(SMH, 2 May 1962). Soon after his election in 1972, Whitlam reopened the Equal Pay Case of 1972 and supported the concept equal pay for work of equal value'. In 1974 that government supported abolishing the difference between male and female minimum wage rates, which is discussed in Chapter 5.

### *Feminists and labour movement activists*

Labor Party member and unionist Muriel Heagney opposed the family wage and led the campaign for the concept designed to support a pay rate not determined by sex, 'the rate for the job', throughout the 1930s and 1940s, continuing into the 1950s, but was often held back by the labour movement's inconsistency (Francis, 2005). She won the support of key unions and feminists to establish the Council of Action for Equal Pay (CAEP) which held a conference in Sydney initiated by the NSW branch of the Clerk's union in May 1937:

Members of the organising committee of the CAEP included communists, feminists and trade unionists. Jessie Street represented the United Associations (of Women) (UAW), Eileen Powell the Australian Railways Union (ARU), Muriel Heagney and John (Jack) Hughes the Federated Clerks' Union, Ruby Rich the Feminist Club, Lloyd Ross the Communist Party of Australia (CPA) members and ARU secretary, and Lucy Woodcock the New South Wales Teachers' Federation (NSWTF). (Francis, 2005).

However, a split arose when feminists in the UA<sup>18</sup> around Jessie Street supported a gradualist approach and Heagney continued to favour immediate implementation of the principle of "same rate for the job". The ACTU adopted this principle as "equal occupational rates based on the nature of the job and not on the sex of the worker" at the ACTU Congress of 1941 (Hutson, 1971, p. 111). However, they did not attempt to implement it during the war years; the left-wing union officials in the CPA also opposed fighting for equal pay because it would undermine the war effort (Wood, 2015). The unity expressed in the 1937 conference broke, replaced by a different unity behind a wartime government. Prime Minister Curtin, who had supported equal pay, instead established the Women's Employment Board (WEB) to assess the rates of women directly replacing men, which only granted a tiny minority equal pay,

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<sup>18</sup> UA were the initials used by the United Associations of Women, associated with Street; and the UAW referred to the Union of Australian Women.

despite the labour shortages. Many women, including hospitality, munitions and textile workers, engaged in industrial action, regardless of the war, to fight for equal pay (McMurchy et al., 1983).

Post-war, the ACTU took the lead; while this provided a vehicle for struggle with political influence, it remained contradictory, reflecting the political inconsistency of the labour movement. In D'Aprano's two books (1995 [1977]; 2001) she illustrates the ongoing debate within the union movement as small numbers of women activists continued to argue for equal pay against the main leadership. Often, even these women also acted within the parameters set by the union movement's commitment to the family wage. Long-term activist Kath Williams held the position of Victorian Trades Hall Council (VTHC) secretary of the Equal Pay Committee (an honorary position) and was also loyal to the Communist Party (they also formally inconsistently supported the family wage at this stage) (D'Aprano, 2001). The UAW, established by CPA women, campaigned for equal pay, as well as a number of issues including price control, housing, childcare, support for striking workers, support for Aboriginal communities and solidarity with migrants (Keirs, 2021). Usually conservative in their manner, they became an important part of the equal pay campaigns in the late 1960s, attending the CAC hearings; unusually, two members, Betty Olle and Yvonne Smith, joined D'Aprano in the protest outside the Commonwealth Building in 1969 (McVey, 2020). The next section provides more detail of women unionists' campaigning for equal pay.

### *The union movement*

The union movement's inconsistent attitude reflected their close association with the state via arbitration processes (Hutson, 1983 [1966], p. 117) as well as the ALP's reformist stance (Thomas Bramble & Kuhn, 2011). The unions included and industrially represented the broad layers in the working class. The ACTU supported the concept of the family wage to defend male employees' income standards up to the mid-1970s while organised sections of the union movement, both men and women, continued to argue the family wage concept protected family living standards. At the same time, and seemingly contradictorily, individual unions would support women's right to equal pay, with significant union struggle supporting the demand around 1912 (see Chapter 3) and the VTHC briefly supporting equal pay in 1923 (Lake, 1999, pp. 100-101). The official union attempts to challenge the wages structures established over decades since the 1907 Harvester Judgment were few.

The old union view that women workers were a threat to male workers' jobs, which often led to banning women, was under challenge at the ACTU Congress of 1941 which supported CAEP's equal pay principle of "one rate for the job". The AEU (Amalgamated Engineering Union – a key metalworkers' union) opened its books to women metalworkers during WW2, primarily to counter "dilution", the process whereby employers encouraged women with less skill and on lower wages into key engineering jobs, effectively displacing more-skilled males (Sheridan, 1975, pp. 159-160). Wood (2015) explains the issues of recruiting women at this time:

AEU rules precluded women from joining, but this position became untenable with the influx of women engineering workers. By 1941 shop floor organisers were agitating within the union to admit women, ... By 1943 women made up 20 percent of the SMWU's [Sheet Metalworkers' Union] membership and the AEU employed Heagney as an organiser. By 1945, union membership in the female workforce was 51.9 percent, only 3 percent less than for men.

After the war, women workers chose unionism in their tens of thousands. According to the *SMH* in 1968: "Both the number and proportion of female workers who belong to trade-unions have increased considerably in the past 20 years. Between 1940 and 1964, female membership rose from 149,000 to 431,000. In 1964, 41 per cent of female wage and salary earners were trade-unionists, compared with 62 per cent of males"; in this article "equal pay for work of equal value" was listed as a key objective of the trade union movement (*SMH*, 1 October 1968).

Despite their weaknesses, it would be the union movement leaders who eventually led on equal pay, largely because of members' political pressure. In the context of post-war strikes, the 1953 ACTU Congress decided to set up Equal Pay Committees in the various state-based Trades and Labour Councils; they campaigned with activities like "Equal Pay Week" and at Labor Day and May Day celebrations, then a special Equal Pay Conference in 1956. In Victoria the ALP included equal pay in its policy speech in 1955. Small meetings in the VTHC rooms became, by 1958, rallies and marches, and the journal of the Victorian ALP, *Scope*:

reflected changing values and conditions on its 'women's page', where cooking and beauty tips gave way slowly (but never completely) to features on equal pay, politics and prominent women activists and officials. (Ellem, 1989, p. 257-8).

Union branches often took the lead, such as the Clothing and Allied Trades Union (CATU), whose membership was overwhelmingly female. Despite the official female basic wage rate of 75 per cent, clothing workers found "the relationship between men's and women's total wages [basic wage plus margins] had not altered from 1950. In 1965 women were receiving 64% of the total male wage compared with 65% 15 years earlier" (Ellem, 1989, p. 257). As explained in Chapter 3, margins were an amount paid for skills on top of the basic award wage increasing the worker's pay packet. In 1961, the union drew up a claim for equal margins, which was partially successful, and was delayed until 1967. "[However] ... the judgement encouraged the ACTU to act more vigorously and pave the way for future changes" (Ellem, 1989, p. 259).

In 1960 at Borg Warner in Melbourne, AEU members supported an equal pay campaign winning a 90 per cent rate for women, and a more vigorous struggle took place at Commonwealth Industrial Gases (CIG) in Melbourne in 1962, where male and female AEU members struck and won support from unionised canteen workers. D'Aprano quoted the canteen shop steward: "Up until now most women were under the impression that they had to fight a lone battle in industry. This strike had definitely proved otherwise" (D'Aprano, 2001, p. 141). Wood (2015) argued that increased mechanisation was encouraging "dilution" practices by employers in the 1960s, as was attempted and thwarted at CIG: "The response from the union movement was mixed. The CIG metal unions gave a positive example, but the right-wing Vehicle Builders showed the negative, ... attempting to exclude women from the industry."

From this time the white-collar workers' peak council, Australian Council of Salaried and Professional Associations (ACSPA), and the High Council of the Commonwealth Public Service Organisations (HCCPSO) were also involved, joining the ACTU campaign in 1962 and its third annual "Equal Pay Week" (Sheridan & Stretton, 2008, p. 144). A petition with 61,000 signatures supporting equal pay was sent to the Federal government in 1957 and during Equal Pay Year, 1964, a delegation met with Labour Minister McMahon who advised

them to take a case to the CAC. Hutson argued that the weakness of the movement's campaign was that: "the activity around the question of equal pay was, ... only a propaganda effort. No industrial action was taken, ... The main hope was put on getting legislation passed (Hutson, 1971, p. 112).

By 1964 labour demands were rising and even achieving gains after pressure on employers. The conservative clerks' union could report their women members receiving more than 75 per cent of the male wage, while some workplaces were getting equal pay; a debate broke out that year at the ACTU conference on equal pay with some workers demanding more action (Sheridan & Stretton, 2008, pp. 145-146). Teachers at Sydney Catholic schools held a protest meeting in the Domain on 6 February 1966, demanding equal pay for females who received \$54 a week compared with males on \$70 a week (*SMH*, 9 February 1966). In Victoria, teachers in the VSTA (Victorian Secondary Teachers' Association) were organising but found progress was hampered by attitudes of sexist men and women in the profession; during the 1960s many women teachers were reticent to become union activists, regarding "union activism as 'unfeminine' and were reluctant to enter a male domain" (Francis, 2003, pp. 6162). In the post-war context in Victoria married women were allowed to teach from 1956, but the conservative Liberal government did not grant equal pay until 1967, nearly nine years after NSW.

D'Aprano (2001, p. 181) summed up the situation, around 1967, noting the reticence of the ACTU to raise the matter in the CAC and that some Labor State governments had begun "to phase in equal pay for several categories of female employees from the late 1950s", she continued:

By the end of 1966, the combined efforts of the unions and equal pay committees had produced a number of successes, more frequently within the professions and the organised workforce. ... Liberal governments ... [said] ... that unions should seek equal pay through the Arbitration Commission, but the ACTU would not take up this suggestion having resolved in 1964 'that the unions be advised that ACTU policy is to continue the campaign for the Government to legislate relating to Equal Pay and this precludes the ACTU at this stage, from taking a major case to the Commission for Equal Pay.'

By 1968 more unions had shifted to support equal pay for women, under pressure from their members. In 1968, ACSPA set up its own committee and soon merged with the VTHC's committee. Union membership had been growing. "In the 27 years between 1940 and 1967, membership of the trade-unions grew from 956,000 to 2,151,300" (*SMH*, 1 October 1968). On Tuesday 14 January 1969 *SMH* reported:

The NSW branch of the Metal Trades Federation has decided to launch a vigorous campaign to support equal pay for the sexes in industry. It proposes to hold workshop meetings to elect delegations to seek from employers their agreement to the immediate implementation of the principle of equal pay. Collections will be made in workshops. (*SMH*, 14 January 1969).

This section has traced a growing recognition within the union movement that the ACTU needed to lead more effectively on equal pay, in the period from 1941 when the ACTU Congress supported the 'one rate for the job' position. During the 1950s and 60s, women had become a much larger proportion of the workforce and were raising demands more loudly in the context of public protests and cultural change. They could not so easily be ignored by union leaders. Some unionised workplaces won equal pay through industrial action in the context of their employers' responding to labour shortages. By 1968 the ACTU lodged the application for a case to be heard in the CAC, as I reported in Chapter 3. While the outcome was not ideal, the process revealed the growing participation of women as union activists, which would continue to impact on the union movement to benefit women workers' influence.

#### ***4. The Penal Powers, wages and the workers' movement***

The following account is based on Fieldes and Hutson (Fieldes, 2002, pp. 17-22; Hutson, 1983 [1966], pp. 240-264). From 1956, the Menzies government both strengthened and divided the Industrial Relations Commission by establishing a CAC (ACAC, 1969), which set award pay rates, and the Industrial Court (IC), which enforced penalties. Awards often included "no-strike" provisions and penalties could be imposed if industrial action was taken – under Section 109 of the Arbitration Act employers could seek an order to stop industrial

action and a second court hearing could find unions in contempt, under Section 111. Penalties under these Penal Powers included fines and jail sentences. Between 1956 and 1969 unions were fined 799 times, the fines totalling \$282,410 plus costs. Employers could also be fined, but the system was stacked against unions and over 25 years fines on employers collectively amounted to just \$2,978. An indication of a growing anger among workers and some unions was illustrated when the left-wing union officials protested, albeit unsuccessfully, at the 1964 ACTU Congress. At this stage (mid-1964), the Industrial Court had amassed 76,000 pounds in fines (Hutson, 1983 [1966], pp. 244-245).

In Chapter 3, I explained that the introduction of the total wage, which replaced the way wages were calculated combining the different elements – basic wage, margins for skill and other over-award payments – with one amount; it was accompanied by the removal of the ‘family wage’ element in determining wage outcomes. I summarise Hutson’s (1983 [1966]) account: the total wage was a government attempt to hold back all wages in the situation when some groups of workers were gaining higher wages outside the award system through collective bargaining because of unions’ increased bargaining power during labour shortages. At the same time the changes in workplace technology led to changes in various practices. The CAC prepared a case to measure the work value of these workers to assess changes in wage rates, starting with the metal industry workers who were considered the pace-setters in establishing wage rates, from November 1965. This suffered delays into 1967. The CAC wage reform policy of the total wage became a serious attack on all wage rates because workers in weaker unions relied on a “flow-on” of rates from standards set by the pace-setting metals unions, rather than collective bargaining.

The metal trades unions responded with their own claim to cover what they considered was being lost in the new system and because of inflation; it became a complex situation involving a government intent on maintaining low wages and undermining union rights. In imposing the new total wage rates, the government tried to force workers to “absorb” any losses; if workers resisted with industrial action, the penal powers threatened fines and jail. From 1967, a mass movement of organised workers and supporters was built to oppose “absorption” in what was called the “absorption battle” (Hutson, 1983 [1966], pp. 264-280). The unionists decided to refuse to pay fines. On 25 July 1967, six metal unions struck for four hours in the opening salvo of a campaign that would last nearly a year. In January 1968,

180,000 metalworkers were involved in 400 strikes, which was the first industry-wide strike since 1952, and on 6 February metalworkers struck nationally for 24 hours. On 22 May the ACTU Executive decided that no affiliated union was to pay fines until the issue of Penal Powers was resolved by negotiations with the government (Hutson, 1983 [1966], pp. 265-266; Sheridan, 1975, p. 281).

It was a victory for the metal unions. Soon after, the President of the CAC granted wage increases in two instalments without absorption. The government achieved their total wage without the metalworkers absorbing cuts to pay, at the huge political cost of losing the battle over anti-strike laws. Despite the wholesale use of the penal powers' court orders served on unions described colourfully as: "court orders flew about like confetti at a wedding", fines were not paid, and no one was jailed – over the whole period, 405 fines totalling \$98,000 plus legal costs of \$87,000 (a total of \$185,000) were imposed, which was more than for the previous ten years (Hutson, 1983 [1966], p. 265). The confidence built in this victory became the driving force for the strike movement in 1969, which extended the metal unions' political gain across all industries.

On 15 May 1969 Victorian tramways union official Clarrie O'Shea was sentenced to jail for non-payment of fines. The union movement responded immediately, but unevenly, with some unions again defying the law and calling strikes, without ACTU support, causing widespread social disruption including limited power strikes, stoppages of trams, trains, and gas and meat supplies. Even musicians joined in. During election campaigning, the Labor Party indicated support for the action. The unionists maintained a series of strikes for six days, involving an estimated one million workers, before an individual third party (not connected with the unions) paid O'Shea's fines on 20 May. (Hutson, 1983 [1966]). The ACTU declared that no union would pay fines until a settlement was reached with the Liberal Prime Minister John Gorton concerning the penal powers. The action destroyed the capacity of the Arbitration Commission to ever use those powers again. Fines continued briefly beyond this dispute, leading to minor skirmishes, but effectively the penal clauses were a dead letter (Sheridan, 1975, pp. 281-282).

The movement that won the release of O'Shea indicated the willingness of organised workers to use industrial action as a political weapon; for example, strikes over social and political

issues. As Simms reports: “In 1969, 40 per cent of the total working days lost were for ‘other’ [i.e., non-industrial] causes, principally protest stoppages around the time of the gaoling of O’Shea” (Simms, 1987, p. 12). I acknowledge her definition of “political industrial action” and “political unionism” as “action over issues outside the confines of wages and salaries”, although sometimes, especially regarding public sector workers, wages struggles can have political overtones (Simms, 1987, p. 13).

The outcome of the dispute over the total wage won the defeat of anti-strike laws but meant the government succeeded in removing the family wage element; while this indicated a possible victory for equal pay campaigning, this enabled the CAC to avoid raising the official pay rates of women workers by the demand of 25 per cent discussed in Chapter 3, at the 1969 Equal Pay Hearing. Further, a ‘family wage’ component remained in the male-only Minimum Wage until 1974. This was a contradictory outcome for women workers but the cessation of fines for striking and other industrial gains at the time helped develop a confidence which underpinned the success of later equal pay disputes and led to a more united working class, as Chapter 5 shows.

This section provided an appreciation of the extent of union action in 1969 and the development of political unionism. Strikes would grow through the early 1970s, underpinning the crisis of a wages blow-out and the social movement radicalism, which added pressure on the state. The continuation of union militancy also benefits the next phase of the equal pay struggle which I discuss in Chapter 5.

### ***Conclusion***

This chapter has brought together the different government bodies and agencies intervening in different ways to defend the status quo, challenged by women and other activists responding to growing economic and political contradictions. The pivotal year was 1969 when the state exercised its powers in three different flexible ways. First, while State and Federal parliaments stood firmly against abortion rights (except in South Australia where limited reform was achieved in 1969), the courts were more amenable and allowed a liberalisation of the law for many women through the court determination in 1969 in Victoria

(this would be followed later in 1971 by Judge Levine in NSW). Criminal anti-abortion laws remained in each State and threatened a penalty of life imprisonment for abortion. While the SA legislation provided for public hospitals to perform abortions, in other states the hospitals were bound by State law and abortions were banned. Those hospitals could assist women only if the abortions went wrong, so a new private reproductive health industry would develop. I have not discussed the controversial issue of public versus private provision of abortion. To some extent, the issue was obscured by the Medibank rebates which were available to all patients who paid for abortion surgery. While I realise privatised healthcare is accompanied by provider priorities of making profits (often to the detriment of quality service), some women preferred what they considered more personal and safer service in small clinics. See section on ‘mutual support’ and clinics as ‘self-help’ in Chapter 5. In the context of neoliberal economic ideas, all healthcare has suffered in quality and cost. Today, there remains the issue of public hospitals, such as in Victoria, which are run by Catholic institutions whose management refuse to provide a number of reproductive services including abortion.

Second, the CAC ceded an equal pay determination in 1969, the process of which I discussed in Chapter 3. This determination, when applied across the workforce, would prove unsatisfactory for 82 per cent of women, even though they ruled that equality was a principle. However, the build-up of political and industrial action before 1969 intensified in response to the hearing outcome. Third, the state conceded that industrial action would not be penalised, as the penal powers of the Industrial Court became a “dead letter”. Union campaigns would benefit, especially the equal pay strike movement.

Oldham (2020, p. 9) sums up the mood generally among trade unionists: “By 1969, the power of the union movement had been growing for three decades. Around half of all workers were in unions, and full employment had given them confidence to take action with a low fear of being unemployed.” With the national strike wave in May 1969 defeating anti-strike laws, the working class was on the cusp of very radical union mobilisations, including the highest number of strike days, several workplace occupations, worker control experiments and the famous green bans, which all occurred between 1969 and 1975. Still, women were often excluded because of the gendered societal norms of the time, and “many men ... did not do enough to support their female comrades” (Oldham, 2020, p. 13).

However, the struggles intensified. I highlighted the gendered nature of the change that was developing. Once people had broken with the idea of harsh anti-abortion laws new ideas about gender and reproduction encouraged further change, which became known as the 'sexual revolution'. Women workers' union struggles encouraged new ideas that impacted on their workmates. The next chapter traces a volatile period of struggle and new economic challenges for the state. Developments challenging the status quo were reflected in the electorate which was shifting toward a reformist Labor outcome, and the conservative parties were returned in 1969 on a reduced majority. The concessions of 1969 caused opposition among women activists because they were not adequate and led to further demands, increasing the instability in the context of the wider anti-war struggle that was growing. Activists responded to growing economic and political contradictions with struggles and built their own collectivities that would become new social movements, like the WLM and continue to build old movements, like the union movement, leading a significant mobilisation of radical workers.

## **Chapter 5: Concessions and Campaigning 1970-1978**

This chapter traces the campaigns for abortion rights and equal pay in the context of the outcomes of the concessions of 1969 and develops an understanding of the strength of the women's struggles. The 1970s opened with a combination of anger, hope and confidence in the wake of the Equal Pay Case outcome 'equal pay for equal work' – anger that the outcome was estimated to benefit just 18 per cent of the female workforce yet hope because a hearing had agreed on equality as a principle and confidence that the union movement would continue to be a vehicle for more change. In 1972 the election of a Whitlam-led ALP was successful, ushering in more outcomes for equal pay in workplaces and in the federal industrial legal sphere. The campaigns for abortion rights took the form of street protests and mutual support (feminists directly supported women to access abortions, including establishing referral agencies and health centres). Both struggles made gains.

Industrial action and especially strikes continued to escalate, reaching the high point in 1974, but the recession from 1974 truncated the union campaigns (Tom Bramble, 2008). Of concern to capitalists was the falling profit rates – one measure of this was the increasing working-class share of national wealth, measured as a proportion of GDP, relative to capitalists' share. By March 1975 the share of GDP going to wages and other benefits for workers rose to an all-time high of 58.31 per cent from 47.25 in March 1960, while profits fell to 15.24 per cent from 17.97 per cent in the same period, and declined thereafter (Jericho & Richardson, 2022). A political crisis, the sacking of the government in 1975, exacerbated economic crisis and opened a new context for the new conservative government of Malcolm Fraser.

### ***Chapter structure***

First, I briefly discuss relevant features of the WLM, its origin and political development to provide an understanding of the way radical ideas fed struggle and reflected the growing

opposition to the state. The WLM was a cross-class movement that, for a time was united around the abortion and equal pay struggles and became influential in the struggles. In the second section I examine the equal pay struggle, including the response of unions and WLM activists to the CAC's 1969 decision on equal pay and the campaigning involving industrial action in major industries and protests. I draw conclusions about the improved outcomes after the two hearings in 1972 and 1974, but which left oppressive structures, like gender segregated industries, in place. The third section traces the various attempts to reform abortion laws between 1970 and 1973, and the abortion campaign activists' response to the common law rulings and parliamentary strategies. The pro-choice political campaigns attracted growing opposition from the anti-abortion campaigns. Lastly, my conclusion evaluates the nature of the state's concessions on equal pay and abortion in the light of this new post-Whitlam period.

### *1. The rise of the women's liberation movement*

This section briefly covers aspects of the WLM most relevant to the thesis. A chronology of the Sydney Women's Liberation (SWL) events, between 1970 and 1979, compiled by Wills indicates the breadth of this decentralised movement across a range of issues from reproductive health and equal pay to art and filmmaking (Wills, 2007a, 2007b, 2008). The first meetings of the movement were held in Sydney in late 1969, and the following year in Adelaide, Melbourne and Canberra (Summers, 1977 [1975], p. 64). A broad range of strategies developed – from political and union activism to parliamentary and government administration, including so-called 'femocrats' who would assist initiatives in limited ways by working within government departments, evaluated by Eisenstein (1996) and Burgmann (V. Burgmann, 2003, pp. 98-164). While feminists played a small but significant role in policy-making of the Federal Government, Sawyer (2007) has identified that the women's movement contributed essential support for this kind of activism. The first conference was held at the University of Melbourne from 16–18 May 1970, attracting around 100 women from three states, and launched a "national campaign on abortion linked to other demands" (Wills, 2007a). International Women's Day (IWD) on 8 March annually, provided a link between issues and activists.

While small in terms of activists, the WLM developed a broad influence through the 1970s, with sections having significant links with the labour movement; for example, during International Women's Year in 1975 a Women and Politics Conference in Canberra attracted several thousand over eight days, from 30 August to 6 September, reflecting the level of acceptance of the movement, as activities were organised and funded by the Commonwealth Labor Government (Wills, 2008).

As in the US, the social base of feminism, the activist core, at this time was, as Curthoys (1988, p. 81) explains:

that expanding group of women who were entering the professional, technical, administrative and skilled occupations ... [Along with their male counterparts] ... as students, this group formed the basis of the New Left and later of feminist, ecological, and other radical movements ... The new movement quickly attracted to it many women who had no connection with Left or socialist ideals at all ... The key issues were housework, childcare, work opportunities, pay, abortion, and sexual exploitation and objectification.

Australian women adopted the US label, 'Women's Liberation', reflecting some of the same conditions in society as well as in the left; Kate Jennings famously took a stand for woman activists in the anti-war movement at a 1970 rally on Sydney University's front lawn. "It was in this growing schism between radical men and women ... that women's liberation grew in the late 1960s" (Arrow, 2019, pp. 157-158). However, the underlying anti-war politics, in the context of a looming victory by the Vietnamese National Liberation Front, meant that the word 'liberation' conjured up the desire and potential to remove oppression from society. The movement's name contained a range of ideas:

[F]eminism has been radicalised to mean rejection of sexism and sex roles, and what radical feminists seek today is the freedom to decide what to do with their lives without the determining mantle of sex limiting or impeding their opportunities. The older form of feminism has also resurged ... demanding an expansion of existing sex roles" (Summers, 1977 [1975], p. 27).

The early movement was imbued with New Left politics. “Organisationally, the new movement took more from anarchist than socialist traditions, but ideologically, at first, the socialist tradition was dominant.” (Curthoys, 1988, p. 80). As Burgmann (2003, pp. 98-164) explains, the movement’s public united face concealed class divisions which would emerge later, but initially allowed a common struggle to succeed in raising the general concerns. ALRA and the WLM differed over strategy but also collaborated; and ideas developed as they fought for change. Individual liberal feminists like Beatrice Faust were among the key leaders of ALRA in Victoria and established the Women’s Electoral Lobby (WEL), which initially overlapped with WLM. Burgmann (2003, pp. 104-109) explains that ideological differences reflecting class differences were evident during debates for example over whether to demand reform or repeal of the anti-abortion laws: the demands and actions of ALRA were limited within capitalism’s framework compared to those of more radical sections of the movement whose demand was ‘free abortion on demand’.

Unionists, socialists and communists, like Zelda D’Aprano who left the CPA, and other women who stayed in, raised class demands. They joined in promoting militant direct-action tactics and arguing for a vision of liberation. Trade union women and socialists recognised that equality could never be enough – it meant equality only within one’s own class. Kaplan (1996) accuses the movement of ambivalence toward Indigenous, migrant and lesbian women.

Indigenous women assert that by working to improve the conditions of impoverished women in Australia, the status of all women will be enhanced. This differs from the position of white feminists, who aspire to live under the same conditions and have the same opportunities and rights as white men. (Moreton-Robinson, 2020 [2000], p.159).

Working women and trade union activists gravitated toward the emerging WLM because it was taking up their equal pay struggles, according to Fieldes (2002, p. 119), as radical ideas became more popular. D’Aprano reports that the first meeting she called of Melbourne-based WLM group, WAC, was held on 2 March 1970, with 15 women continuing to meet thereafter (D’Aprano, 1995 [1977], p. 190). The year before, in October 1969, D’Aprano had chained herself to the doors of the Commonwealth Building in Melbourne as part of a protest over

equal pay, while critical of the lack of action by her own union, the AMIEU, and the CPA. (D'Aprano, 1995 [1977], pp. 170-171).

The second WLM national conference was held at the University of Melbourne on 28-29 August 1971 with the specific theme 'Women at Work and Women in Trade Unions', timed to coincide with the ACTU Congress on Monday, 30 August (Wills, 2007a). In late 1972 in Melbourne and Sydney, activists rallied to support the claim for equal pay in the CAC and rode public transport refusing to pay full fare. Feminists engaged in activism to access jobs where they would receive equal pay with men in male-dominated industries, such as driving trains and trams, construction and the steel industry (McMurchy et al., 1983, pp. 146-151). The targets of their protests were male domination, the sex-segregated industry and, for some, capitalism.

Early actions by feminists in the 1960s were defiant and angry that women's expected roles left them disadvantaged compared with men. The first protests against sexism, sexual exploitation and for sexual equality were against beauty contests at the same time as campaigns for equality. According to Wills (1981), Sydney Women's Liberation (SWL) was interested in the plethora of discriminatory and oppressive situations women faced, and how they interrelated. In August 1970, when they reacted to the NSW Public Service Board advertising of "a series of jobs divided into 'sex-appropriate' categories" their demands were partially met when more jobs were made available to women. In 1973 and 1974 they held demonstrations and had some success in demanding welfare reforms in girls' training schools (Wills, 1981, pp. 376-377). Their strength relied on the combination of broader struggles they initiated and maintained, including the right to abortion, free childcare and the right to work. And their tactics won more media coverage than earlier women's campaigns. A range of struggles, including the gay rights, anti-war and anti-racism movements contributed to a more liberatory political environment.

Ideological questions were high on the WLM agenda. The concept 'the personal is political' emerged with the New Left, as Yeats (Yeats, 2009) explains. Arrow (2019, p. 7) maintains that the formulation:

... destabilised a foundational concept of modern political culture: the notion that there were two separate spheres of life, 'public and private', [and argues that women

became]: a distinctive constituency with their own political demands: for women's refuges, child care centres, equal pay and a host of other reforms.

Talking about family violence became a social issue of concern for the first time; along with the word 'sexism', concepts such as 'domestic violence' and 'sexual harassment' were coined in the 1970s (Simic, 2019, pp. 3-6). The results of the Royal Commission (RCHR) established by the ALP government in 1974 were published in 1977 and detailed personal and political attitudes about abortion and family violence (Arrow, 2019, pp. 159-160).

Public activities pushed these issues onto the political agenda. The WLM both reflected and contributed to the radicalisation of thousands, developing an unexpected influence in politics about which the government showed some concern. For a short while the Australian Security and Intelligence Organisation (ASIO) monitored the WLM for subversive activities; the government was concerned about possible links with the CPA and social disruption (E. Smith, 2018). It is important to note that the WLM in its early days was part of the general upturn in struggle which came from below in a disruptive way.

Some struggles were very radical, in terms of prominent issues like abortion rights and sexuality, as well as the tactics of struggle. Middle-class and working-class women could participate at their own level given the decentralisation. A key division developed over the methods of organisation, with many arguing for organisational structures that excluded men. Separate organisation was most relevant for white middle-class women, and they came to dominate the movement's committees. By late 1975, the movement became the Women's Movement, losing the word 'Liberation' from the name, according to Summers (Summers, 1977 [1975], pp. 470-471), although many women continued to identify as women's liberationists. Right-wing women joined the anti-feminist backlash; however, while women were a large proportion of the anti-abortion mobilisations, the pro-choice movement attracted many more participants (Arrow, 2019, pp. 204-212).

As the struggles increased, would the WLM have the social power that could force the state to make more material concessions? In Australia the traditional vehicle for anti-government struggle, the union movement, was one of the most powerful in the world at this time (O'Lincoln, 2012 [1993], pp. 8-12); the next section traces the struggle for equal pay which

would unite sections of both movements. As I identified in Chapter 2, in the gendered capitalist system, while class interests have primacy in explaining behaviour, the outcome of state actions will also be affected by gender. In Chapter 6, I discuss the process of changing ideas and allegiances in this period, which accompanied the WLM struggles.

## ***2. Responses to decisions on equal pay***

This section examines the response among unions and women's groups to overcome what was regarded as a poor outcome in 1969. I will then report on the next two CAC cases: in December 1972, immediately after the election of the Whitlam ALP government, and in 1974 when CAC would hear a case for equal minimum wage rates.

In 1969, while the CAC had supported equal pay in principle, the actual effect was to deny equal pay to more than 80 per cent of the workforce (ACAC). Many white-collar and professional women who worked alongside men doing the same work, such as teachers and public servants, already had equal pay or achieved it at this time. As Fieldes (2002, p. 165) points out, the 1969 decision did not address the situation that there was no minimum wage set for women "... [which] meant the lowest-paid male in 1973 got \$60.80, while employers could still pay women as little as \$34.50." The case was based on the Meat Industry Interim Award, but the principles were so restrictive that, even in that award, "by its application to female classifications [in that award] ... Commissioner Gough [who presided over the case] granted equal pay to about 120 women out of 2,000 employed under the award." (Fieldes, 2002, p. 165).

The 1969 decision meant women who worked alongside men doing the same tasks should receive the same pay, but officially this required a measurement organised by employers. Even conservative unions complained about the arbitration outcome: FCU official Joe Riordan described the 1969 decision as an:

an outstanding victory for the Commonwealth Government and a severe defeat for the trade union movement [and that] it represented 'a principle from which practically no women would receive any benefit (Fieldes, 2002, p. 152).

However, some unions accepted the rulings at face value, relying on employers to implement the decision. Fieldes (2002, pp. 167-168) draws comparisons between various union strategies: “Some unions, such as that of the bank officers, and the clerks, attempted to gain equal pay through solely legalistic rather than industrial means. This was a failure.” Some unions interpreted the decision more realistically recognising they would have to impose industrial pressure on employers and possibly mobilise members in action.

Fieldes draws on detailed examination of three unions as case studies – the Amalgamated Engineering Union (AEU) metalworkers, the Australian Insurance Staffs’ Federation (AISF) insurance clerks and the Federated Clerks Union (FCU) clerks and other workers. The more activist and militant AEU, covering workplaces with small minorities of women workers, used industrial pressure, and achieved equal pay for 90 per cent of women members by the beginning of 1972, after workplace-based industrial action (Fieldes, 2002). For the FCU, equal pay would become an issue of industrial action for the wider union membership, after 1972, as they organised solidarity in key industrial sectors, the airlines, the container and oil industries which would have worried major employers. (Fieldes, 2002, p. 154). The insurance workers were forced to organise independent protests after 1973 against their own union leaders; there eventually was union action, and the employers were intransigent.

WLM groups intervened in equal pay decisions and linked campaigns of the labour movement to other issues, not only the pro-choice campaign. Feminists built public sympathy and helped shape the general political and cultural environment. As noted above, WLM demands were presented to the ACTU Congress on Monday, 30 August (Wills, 2007a).

### *1972 – ‘equal pay for work of equal value’*

On the back of militant union and WLM campaigns the Whitlam government supported the 1972 claim, re-opening the hearing immediately after the December election. The CAC changed their concept for equal pay, commenting in the 1972 case that it had decided:

to state positively a new principle. In our view ... the concept of ‘equal pay for equal work’ is too narrow in today's world and we think the time has come to enlarge the concept to ‘equal pay for work of equal value’ ... [to be] phased in over a maximum

period of 2.5 years (by the middle of 1975), with female rates determined by ‘work value comparisons’. (Nieuwenhuysen, 1974, p. 101).

Rather than requiring male and female jobs to be the same, the 1972 decision required work to be measured and compared with similar jobs, to see if it was very similar in tasks, to attract an equal pay rate. However, it maintained the discriminatory minimum wage, based on only men having family responsibilities; thus, the breadwinner model continued with the minimum wage. The need to compare work value would not be straightforward and would cause delays as employers contracted experts and manoeuvred to reclassify women’s jobs to avoid pay improvements for women and minimise *all* workers’ pay.

In the insurance industry, Fieldes (2002, p. 94) reports that when the AISF called its first mass meeting about the issue on 6 April 1973, “a thousand members had turned up and unanimously carried a motion for a national industrial campaign if agreement had not been reached within 21 days.” No campaign eventuated. The insurance employers, in 1974, refused to recognise the equivalent value of women’s work, saying:

‘It can be the same nature in that both people may be doing what is loosely referred to as filing work and one set of employees may be doing difficult filing work and others doing very simple filing work...I have said we do not believe that except in isolated cases males and females perform the same or work of a similar nature or of equal value.’ (Fieldes, 2002, p. 91).

The union offered a compromise which was a watered-down version of the original suggestion, but this was also rejected by the employer. There was a problem with ‘equal pay for work of equal value’ if the employer retained the control over the process. The positive outcomes are clearly the result of union and worker leadership to fight the manoeuvres of bosses and courts.

Equal pay for work of equal value was not achieved widely, for example in the clothing trades industry, Ellem (1989, p. 270) writes: “Decisions in 1972 and 1974 brought an end to gender classifications in the CATU’s awards ... Even so, because machining remained women’s work, rates remained low.”

The government started a process that improved conditions for workers, although industrial action would prove to be the decisive element. Further, the government did not address major obstacles to equal pay: first the inadequacies of relying on the concept of ‘equal pay for work of equal value’ which leaves the initiative largely with uninterested employers and the CAC; and second and most importantly, the state-supported organisation of one of the most gender-segregated industrial structures in the world (WGEA, 2020b).

#### *1974 - Minimum Wage for women too, and at the same rate*

It took another federal CAC hearing in 1974 to win an equal minimum wage. The first minimum wage in Australia replaced what had been called the basic wage in each award; it came into effect, and only for males, at the 1966 National Wage Hearing, which, as Sheridan explains, created:

a Minimum Wage \$3.75 above the Basic Wage. In effect this decision heralded the end of the Basic Wage and prepared the ground for the Total Wage ... The 1967 National Wage Case saw the formal abolition of the Basic Wage and a \$1 rise in both Total Wage and Minimum Wage. (Sheridan, 1975, p. 278).

Because the basic wage had included the concept of a higher rate of pay for males as breadwinners its abolition meant there was no breadwinner concept in the total wage, as explained in previous chapter. However, the breadwinner concept continued for the 1966 minimum wage until the 1974 hearing changed all that, awarding women the same minimum wage rate as men, for the first time.

#### *Summary and conclusions on pay*

The arguments in the CAC hearings provide a window on how ideology and experience interrelate, which I summarise in point form:

- the employers’ organisations were consistently opposed to equal pay during hearings, although individual employers had ceded equal pay in some workplaces over time because of the labour shortages and industrial action.

- the state responded contradictorily: the State industrial court systems shifted under pressure from the changing economic and political environment starting in NSW, while the Commonwealth Government allowed many of their own staff to achieve equal pay but remained inflexible and hostile to pro-equality legislation.
- in 1969 the so-called independent umpire, the federal Industrial Arbitration Court, determined the inadequate 'equal pay for equal work' decision.
- an inconsistent labour movement changed from passive leadership to actively lead the struggle for equal pay in the CAC and in some cases with industrial action.
- the women's groups, like the UAW, the UA and Equal Pay Trade Union Committees which campaigned and participated in hearings, increased public opinion pressure on the CAC; this would be more effective after the WLM set up and held large protest actions, changing the political environment.

The employers were never going to endorse paying women higher wages. Once the CAC decision was made, employers abided by the decision in rhetoric but not in practice: many manipulated job classifications and used other methods to lessen the impact of the decision, denying many women extra pay. The government departmental leaders had a more complex task of balancing defence of Australian capitalist profits with the concern for overall stability and health of Australian society. In Chapter 3 it was shown that Commonwealth DLNS Secretary Bland was clearly concerned about dealing with equal pay from the late 1950s and he manoeuvred with CAC officials to avoid an outcome like the NSW legislation for equal pay for equal work in 1958. However, that legislation turned out to be positive for the political and industrial elite in the 1969 hearing because it allowed the CAC to prevent a more progressive outcome when they denied the ACTU claim and prevented a potential pay rise for all women, saving possibly millions of dollars.

The ruling of equal pay for equal work would always have a limited benefit because of the highly gender segregated Australian industry. Even the 1972 hearing, which granted equal pay for work of equal value, created a nonsensical process of work measurement that would never happen properly. The CAC was exposed as partisan, reflecting that it was set up by Federal and State governments in legislation and staffed by unelected judges and industrial lawyers. Politicians were forced to engage with the issue because of the looming threat of economic and political instability in the late 1960s. The process also revealed a level of

incorporation of Australian union officials in the state through their relationship with arbitration in the wages system (Humphrys, 2019); although the unions, which were mostly run democratically, usually acted more independently than many other institutions (Tom Bramble, 2008).

*Could the state concede more on pay?*

The power behind Australian social structures lies with the capitalist elite – employers, government department heads and politicians – who created the unequal wages structure as part of the industrial arbitration system, as discussed in Chapter 3. In Chapter 4 I illustrated the way the industrial structures worked to the disadvantage of women workers, and governments resisted demands for change in the 1950s and 1960s. These chapters illustrate the Marxist theory of the workings of a capitalist state, as I outlined in Chapter 2; the Australian state actors were committed to supporting a capitalist wages system that created profit for employers and it continued to support a range of inequalities in industries and workplaces, as Nolan (1991) demonstrated in her study of the 1911 campaign and Fieldes (2002) demonstrated in her study of the 1969-74 events. Both conservative and Labor governments showed the same willingness, as shown by Curtin and Chifley governments in the 1940s; the 1970s Whitlam government supported another limited outcome on wages which did nothing to address the gender segregated structures.

Male wages did not contract during this period to compensate for equal pay, but an argument that was used in the CAC by employers carried considerable weight for the CAC in opposing equal pay, in the period leading up to the mid-1970s, as reported by Simms (1987, p. 25):

The Commission [CAC] was able to point out there was some justice in the employers' claim. After all, the male wage had been inflated to the extent that it included a family component. To grant women the same could be construed as doing 'injustice' to employers.

To illustrate the problem in terms of sexist attitudes in the union movement, created by the wages policy structures, this report of comments by a leading right-wing trade union official was published in 1973, by the *Australian Financial Review* in its coverage of a debate in the ACTU. The trade union official stated:

that the male was still predominantly responsible for providing for dependants and that until social service payments, such as child endowment, were increased to a higher level, there could be no question of increasing the female wage if it might mean some contraction of male wages. (6 September 1973, cited in Fieldes, 2002, p. 161)

The gendered division was expressed and justified through the mass media and pro-capitalist ideologues, but also in actions and ideas of both men and women workers in their acceptance or rejection of conceptions of the family wage and women's work. However, this thesis has shown that when given the opportunity to decide on equality, workers have often opted for equal wages, recognising the benefits for all genders in equality. Workers mobilised to fight their employers and governments, overcoming differences and gender discrimination, to oppose the inequality, at least at work in 1911 and 1972-75, and recognised a need for industrial action, not just arguments. Whereas unequal pay had been a weapon to divide unionists, and hold back equal pay, as I showed in Chapters 3 and 4, sections of the union movement had accepted a challenge of uniting men and women workers. This was recognised by D'Aprano who comments on the increasing role of women in workplaces involved in political and industrial action:

This time we were successful – the continuum; the combination of forces at work; the process of the changing culture... but it was only when women were more plentiful in the paid workforce and were marching the streets, handing out leaflets, demonstrating outside the Arbitration Commission, bringing up the issues at union meetings, and doing this all over Australia, that we succeeded. Yes we changed the culture and this is how we did it. (D'Aprano, 1995 [1977], p. 321).

The rise of the WLM helped change the “culture” of gendered roles, enabling the necessary unity in many equal pay struggles. This process is best understood through the lens in Chapter 2, where I argued that in struggles, women and men can start to lift the veil of ideological mystifications to see their own interests and how the capitalist system is based on the needs of profit and wealth accumulation of the elite – employers and the state.

In this struggle for equal pay, it has been shown that the state was motivated by the pressures of industrial and political crisis to act on equal pay, but that the outcomes would have been far more limited without the actions of the organised working class, led by unions which recognised the need for gender unity in the workplaces. In Chapter 6 I show that the new “culture” of which D’Aprano speaks (see above quote), and which was still developing, paved the way for further positive results from women workers’ roles in unions, to benefit reproductive rights. However, in the context of the new crises of recession, rising unemployment and the Dismissal of Whitlam, workers’ further attempts to achieve equal pay would decline for a decade. For feminists the struggle for abortion rights would continue into the 1980s in response to the developments in the SA parliament and Victorian Supreme Court, which is discussed in the next section.

### ***3. Responses to abortion law liberalisation***

In this section I trace the campaigning for abortion rights after 1969 by activist doctors and various groups including the WLM-led campaigns from 1972 until 1978, and the anti-abortion response. Initially, the state shifted from strict opposition to legal abortion towards an approach of accepting minor common law reform, while resisting substantial change – all governments refused to repeal anti-abortion laws.

I reported in the previous chapter that the 1969 Menhennitt ruling began the process of liberalising access to abortion. In 1970, Dr Wainer was horrified that doctors were not taking advantage of the new legal regime, as police continued to harass women and certain practitioners, showing that nothing much had changed; he and other reformers attempted to bring the situation to the notice of the authorities (Haigh 2008, p.165). The following year saw audacious WLM protests and courageous acts by doctors.

To test the Menhennitt ruling, “Wainer sent a letter to the Homicide Squad and to the press detailing numerous instances when he had performed abortions” in a campaign when one of his colleagues was killed, and he was nearly killed (Haigh 2008, p. 203-5). According to Gregory, the police, who obviously understood abortion as a necessity and not really criminal, demanded protection money and bribes. Governments turned a blind eye to the

police corruption, but continued to publicly regard abortion as a crime because of the pressure from right wing and religious elements (Gregory, 2005, pp. 229-230). Women were unlikely to complain – they needed the availability of abortion and the laws meant they were threatened with penalties as much as the doctors. Hospitals were available when things went wrong. Thousands of abortions (the trade was “worth annually at least \$12 million”, according to Wainer) were being conducted by a range of medical practitioners and midwives, under increasing police pressure from the mid-1950s (Allen, 1990, p. 204). Police treated respectable clinics differently from those in working-class and migrant areas.

The Homicide Department in Victoria and the Abortion Squad in NSW carried out abortion raids (Gregory, 2005; Haigh, 2008). In 1968, Victoria Police Homicide Department’s Inspector Holland, a Catholic holding anti-abortion views, attempted to implement the law, and charged 11 doctors with “either conspiring to procure abortions or actually procuring them” (Bennett, 1968, p. 5). The effect was to illustrate the impossible nature of the unenforceable law (Bennett, 1968, p. 25).

In Sydney staff at the Heatherbrae clinic were arrested in 1970, leading to the Levine case which ended with the acquittal of all staff and a ruling similar to Menhennitt’s by Judge Aaron Levine in October 1971– he broadened the definition of lawful abortion to include social and economic factors in determining a woman’s health. In both cases, it was determined that some abortions could be ‘lawful’, based on the ‘necessity’ principle (Rankin, 2018). The solution for both Liberal governments was to act on corruption, with limited investigations, and leave abortion to the judiciary, thereby avoiding electoral backlash from the Catholic Church (Gregory, 2005). The state attempted a contradictory balance, opening the door to wider availability of ambiguously legal terminations which enabled women’s dual role as working mothers, but not publicly approving the procedure.

Women’s liberationists attempted to take the legal reforms further arguing for repeal of the laws, abortion on demand/request, as well as wider access to abortion (Gregory, 2005). The first WLM pro-choice rally was held in Sydney in 1970 (Wills 2007, p.401). SWL were cynical about electoral and parliamentary politics. Many of their goals “could not be achieved through public policy manipulation” but required an “anti-institutional stance” and experiential and cultural change (Wills, 1981, pp. 385-386). Their legitimacy to speak on

behalf of women was initially limited so, on abortion they held demonstrations and marches, and: “on another level they tried to influence parliament by inviting state politicians to vote for the presentation of a petition with 9000 signatures in the NSW legislative assembly (Wills, 1981, pp. 374-375).

Their actions were not noticeably successful because there is no indication that the demonstrations increased public support and, “for the first time in 56 years”, parliament rejected considering a petition. The petition was submitted via left-wing ALP MP George Petersen on 20 April 1971. “Some of the demonstrators had managed to get into the public gallery ... With only 15 of Petersen’s Labor Party colleagues voting for the petition’s acceptance, the prospect for abortion law repeal was very slim” (Wills 1981, p.23). SWL comprised a range of activist groups which responded to the NSW parliament’s rejection of the petition in 1971 in a range of ways, from very militant to educational.

Sydney women had held six major demonstrations protesting about the clinic arrests but also against police; one protest was against the visiting Pope Paul (10 December 1970).

Campaigning continued with educational booklets for schools; they “received orders from Angus and Robertson (major booksellers) who wanted 500 copies, and the Royal Prince Albert Hospital which wanted 100 copies ...”, with general practitioners wanting to discuss it (Wills, 1981, pp. 24-25). On Thursday evening 2 March 1972, Germaine Greer joined a public debate, “Abortion – Right or Wrong?” with Rev. Norman Webb, Bruce Smith and Colin Clark, and about 5,000 attended, “overflowing onto the footpath outside”. Liberal Party MLA Jim Cameron raised opposition to abortion for debate in Parliament, but after a series of protests and public meetings, his motion lapsed (Wills, 1981, p. 26).

In Melbourne:

Public protest began with a Mother’s Day demonstration ... on 8 May 1971 – ‘Contraceptives, not Chrysanthemums!’ – demanding free contraception, family planning clinics, and free abortion on request. ... The first meeting of WLM to discuss the formation of a broad women’s liberation group followed. (Gregory, 2005, p. 253).

WAC policy stated: “Abortion should be available at low cost to all women after consultation with their doctor” (D’Aprano, 1995 [1977], p. 194; Grimshaw, 2013, p. 113).

[I]n D'Aprano's words, despite 'all the scandal and exposure of the abortion (graft and corruption) trials, women were silent'. ... 'Pregnant Bolte' posters [contemporary Victorian Liberal Premier] ... caused quite a sensation in Melbourne at the time (April 1971). (Gregory, 2005, p. 235).

### *1972-78 – extending access, mutual support and political polarisation*

The early seventies witnessed a growing mobilisation of left-wing forces as the movement against the US war in Vietnam gathered pace, creating a much more favourable environment for the WLM campaigns. (see Chapter 4). ALP leader Gough Whitlam publicly supported law reform for abortion and homosexuality in the lead up to winning the December 1972 Federal election. ALRA's Victorian leader Beatrice Faust thought politicians could be educated to accept the need for legislative reform and founded WEL, a liberal feminist organisation which drew up a 'form guide' on politicians' attitudes to issues of concern to women, before the election (Gregory, 2005, pp. 234-237). Based in NSW, Women's Abortion Action Campaign (WAAC), set up in 1972, demanded repeal of anti-abortion law, published the *Right to Choose* newsletter and organised a national conference in June 1975 as well as many demonstrations. "They decided on five basic demands: Abortion is a woman's right to choose; Repeal of all abortion laws; Free, safe abortion on demand; Free, safe contraception on demand; and No forced sterilisation" (C. Smith, 2022).

### *Mutual support activism*

Some feminists remained suspicious of state support and the role of doctors and the health system, and prioritised self-activity. "Left in the hands of the [s]tate or medical practitioners, it is likely that much more narrow parameters would have been drawn around the provision of abortion" (Coleman, 1988, p. 77). According to Gregory (2005, p. 270):

By August 1971, ALRA had shifted its focus away from attempts to influence politicians alone to seeking qualified medical practitioners to perform abortions 'under any reasonable circumstances'.

WEL also claimed that the question had become more an issue of accessing a clinic than legal change. WAAC argued that advocating legal change and setting up clinics to perform abortions were not mutually exclusive activities, citing advocates from Sydney who aimed to develop feminist abortion services.

As some feminists attempted to combine an ideological commitment to liberation or liberalism with practical self-activity, a form of medical activism, setting up not-for-profit services. There was a range of debates about ethics and competency and the relative safety of these services compared with private clinics and compared with hospitals, trained specialists compared with non-professionals such as midwives (Gregory, 2005, pp. 271-275).

Wainer set up the Fertility Control Clinic in East Melbourne in November 1972, while ALRA ran a Problem Pregnancy Centre in St Kilda, with trained volunteers. Eventually WLM ran a referral service. Control Abortion Referral Service started operating in Sydney from July 1973, later becoming part of Leichhardt Women's Community Health Centre, with the aid of \$33,000 Federal government funding (Wills, 2008). On 4 July 1977, "Bessie Smyth Clinic opened in Homebush ... A health and abortion clinic with no government funding" (Wills, 2008).

At the same time, it became clear to doctors like Wainer and activists that women, particularly poor women, were no better off under the Menhennitt ruling because, despite the apparent clarification of the law provided by the ruling, doctors were nervous about performing abortions openly, and not confident of their rights.

Setting up infrastructure proved double-edged – it was an important resource to continue the campaigning and avoid government political control, while tying many activists to maintaining an under-funded reproductive health network. In the long-term the state governments were relieved of reproductive health responsibilities, which meant most abortions would be available only in private clinics, like Population Services International (PSI) which opened in 1975. In 2015 Preterm closed; the *SMH* (Alexander, 2015) reported that:

its first opponents were illegal abortionists who were concerned that the clinic was stealing their business. It withstood intimidation from standover men, political attacks and doorstep protests by religious groups for four decades.

*Whitlam years, conscience voting, Medibank*

In 1973, the pro-choice Labor members of the Commonwealth parliament tried but failed to pass the Medical Practices Clarification Bill, designed to reform the ACT anti-abortion laws, which were derived from the NSW Crimes Act 1900 (see Chapter 3), despite Labor having a majority in the House of Representatives. Anti-abortion sections of major parties used the conscience vote to defeat the Bill – with the Liberal Party voting *en bloc* against it, Coleman points out, division was imposed among their Labor opponents only (Coleman, 1988, p. 84). The Bill was defeated 98-23 and only the Prime Minister and nine ministers voted in favour (Gregory, 2005, p.301).

The conscience vote tactic allowed parties to avoid formulating official policy on certain issues and allowed individual members to vote on a particular private member's bill, 'according to their conscience' rather than party policy. This created the unusual situation of members not voting with their party; as opposed to when a bill put forward officially by the party usually required all members to support (Coleman, 1988; Gregory, 2005, p. 286). Pringle (2008) writes that most parties at this time did not employ the conscience vote; however, Labor decided to at their 1973 national conference, and it was contested by Labor women at state and national conferences, subsequently, with many saying: "the consciences of parliamentarians were too often formed in and by religious contexts." Labor women voted in 1981 "to support 'the concept that women have the right to free abortion on demand' and that 'the conscience vote on abortion ... be abolished'" (Warhurst & Merrill, 1982, p. 127).

In the 1970s, Coleman (1988, p. 86) argued: "The parliamentary politics of abortion involved manipulation of public opinion." In support of the anti-abortion politicians, in 1973 the Right to Life (RTL) mobilised thousands of anti-abortion protesters in Canberra to oppose the Bill; of more than 2,000 protesters covering the lawns of Parliament House, a majority (by ten to one) represented the anti-choice position (Gregory, 2005, p. 287). Strongly backed by the Catholic Church, physically and financially, RTL ran an enormous campaign estimated to cost between \$200,000 and \$300,000 (Gregory, 2005, pp. 299-301). The experience alerted

feminists to the threat from anti-abortion forces (see below), but also clarified the parliamentary politics of abortion for the Left.

Most WLM feminists mobilised on the basis of a woman's right to choose and demanded 'repeal'. Liberal feminists, also associating with WLM, seem to shift leftwards at the time, as indicated when a WEL general meeting unanimously supported abortion on request, on 15 April 1973 (Gregory, 2005, p. 235). Gregory (2005, p. 291) argues: "Despite the bill seeking abortion on request, it was not framed in terms of women's control over reproductive decision-making, but the right of the medical profession to exercise clinical judgement". The divide in the movement was, on the one hand, demands for repeal of all laws in favour of free abortion on demand, by the pregnant person, as opposed to, on the other hand, reform and giving doctors the role of gatekeepers.

Medibank was a medical insurance scheme introduced in 1975 by the Labor government to provide rebates (subsidies) for certain government approved medical procedures which were identified on the Medical Benefits Schedule. Boxall and Gillespie argue:

The battle for Medibank was the most bitterly fought political and constitutional struggle of the Whitlam government. Repeatedly blocked by the Coalition in the Senate, the parliamentary gridlock over Medibank legislation provided a trigger for the 1974 double dissolution election. Whitlam won the election, but not the Senate. Another rejection of Medibank led to the only joint sitting of the two houses of Parliament - finally passing the bills.<sup>19</sup>

By July 1975, the Labor government had included abortion in the new Medibank schedule, so women who received 'lawful' abortions could apply for a rebate enabling them to recover much of the cost of the procedure, in clinics as well as the public hospital system, Australia-wide. After the ALP government was replaced in late 1975, the Fraser Liberal government began to undermine Medibank, sparking the first national ACTU-led general strike in 1976;

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<sup>19</sup> "Whitlam, Medibank and health system reform" (5 November 2014) can be accessed at: <https://sydney.edu.au/news-opinion/news/2014/11/05/whitlam--medibank-and-health-system-reform.html>

Fraser abolished Medibank in 1981. Anti-abortion forces attempted to stop Medibank funding for abortions. (for example, the Lusher motion, see Chapter 6).

### *Parliamentary options and the anti-abortion right*

The defeat of the 1973 Bill in the Federal parliament closed off both the reform and repeal parliamentary options for the pro-choice movement, despite the growing pro-choice majority indicated in polling. Activists in NSW were interested in an attempt for a Repeal Bill in 1977 when a new State Labor government was elected, led by Neville Wran. WAAC began discussions with MLA George Petersen, but the plans were dropped in 1978 because of fears that threats of Opposition amendments would mean further restrictive laws rather than repeal (Wills, 2008).

While opinion polls indicated the pro-choice majority remained steady, anti-abortionists continued to attract more resources; so, feminists continued public protests. Wills (2008) reports that the anti-abortion Festival of Light formed committees in Sydney, Melbourne and Adelaide in May 1973, following on from Christian Women Concerned from 1968. Later, in September 1978 the Festival of Light held a rally for visiting anti-abortion international campaigner Mary Whitehouse, which was protested by a Right to Choose counter-rally.

Activists defended women's access and rights and clearly helped establish the liberalised legal environment that meant women understood abortion rights as "normalised", and thereby extended the legal meanings of abortion law and government actions (Coleman 1988, p. 76). Becoming 'normalised' meant that, "at the same time as the legal situation of abortion was changing from totally illegal to ambiguously legal, the State and national governments were beginning to support birth control services" (Albury 1999, p. 10). Importantly, maternal death statistics showed a major decline since the 1960s.<sup>20</sup>

### *Outcomes of liberalisation of abortion*

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<sup>20</sup> <https://www.mja.com.au/journal/2016/205/8/maternal-mortality-trends-australia#>, accessed 11/08/19. The incidence of maternal death is expressed as a maternal mortality ratio (MMR). The MMR is the number of deaths due to complications of the pregnancy (direct deaths) or aggravation of existing disease processes by the pregnancy (indirect deaths) per 100 000 women giving birth. ... The MMR in Australia is low; it has decreased from 41.2 in the 1964–1966 period to 7.1 in the years 2008–2012... In the list of most common causes of death, infection, abortion and pre-eclampsia have been replaced by maternal cardiovascular disease and psychosocial health problems, while obstetric haemorrhage and thromboembolism remain prominent.

Thus far, the outcome of the struggle was limited: legislative reform (SA in 1969 and NT in 1974), and judicial liberalisation of laws (in 1969 in Victoria and 1971 in NSW). WLM-led campaigns extended access from 1972. Gregory argues that for all their weaknesses, the Menhennitt and Levine rulings which dictated the legal environment had advantages over attempting to win repeal decisions in parliaments because the rulings did not include onerous time limits nor the need for two doctors to approve an abortion as the SA reform did (Gregory, 2005, p. 317). However, even though liberalisation allowed lawful abortions, the situation remained tenuous. These gains were path-breaking in the context of women's situation pre-1960s but, after years of struggle, the liberalisation of law did not bring abortion on demand, or even significant reform of the laws.

Following Allen and Albury, Gregory (2005, p. 276) suggests: “[T]he move away from secrecy towards disclosure in abortion practice was not so much about ‘liberalisation’, or permissiveness, as about regulation and surveillance ... these reforms resulted in women coming under the control of ‘state sanctioned groups of specialist men’.” Riseman shows that even though the liberalisation process was initially to establish a medicalised system for access to abortion, the role of WLM in continuing protest actions consolidated the *idea* of abortion as a “woman’s right to choose”; writing in 2005, Riseman argues that the situation where “major political parties are hesitant both to legalise abortion on demand and to outlaw all abortions” indicates that the initial victory by doctors in medicalising abortion followed by the piecemeal progression to a feminist issue has protected a fairly liberal access to abortion (Riseman 2005, p. 102).

Women, as a group, gained from the liberalisation process. However, Lake raises a question: Were women empowered and which women (Lake, 1999)? Baird (2018, pp. 142-143) is cautious in that “the liberalisation of the law ... explicitly gave authority to doctors, not to pregnant women” and that the benefits were unevenly distributed depending on class and ethnicity. She argues that public health is also necessary to extend access to all, because abortion, even with the Medicare rebates, is an expensive affair; for rural people and others from a non-English-speaking background, additional costs emerge. Baird agrees with Albury (Albury, 1999; Baird, 2018) who argues that the new situation was the result of the context of

social movement activism. Without Medibank/Medicare rebates abortion would clearly be beyond the reach of many.

### *The anti-abortion response*

Before the 1970s anti-abortion commentators did not argue forcibly for political rights for a foetus; then their main rhetoric was around foetal rights to life stating that abortion was “murder”. Albury notes that when many commentators assert:

that the ‘central’ or ‘fundamental’ question involved in the abortion debates is the definition of the beginning of human life ... This strategy serves to define abortion as something that is done to foetuses ... A narrowed focus on the foetus renders the woman [and others who can become pregnant] invisible ... she becomes an object of knowledge for experts [rather than a] ‘social agent’. (Albury, 1999, p. 105).

Anti-abortion feminists (there are people who support women’s rights but oppose abortion/women having control of the decision) have countered by arguing “that to terminate a pregnancy disrespects the female body and conforms to the masculine nature of not bearing children” (Riseman, 2005, p. 95). However, this also leaves women defined by biology and denies the reality that the majority of those who can become pregnant want the right to choose whether to continue the pregnancy or not.

Set up in 1969 in Australia through the Catholic Church, the first RTL group responded to the liberalisation of abortion laws and developed significant links with politicians to stop it; they lobbied politicians and organised public protest action (Quartly & Smart, 2015). RTL groups attempted to stop abortions happening, but they held a range of activities to cater to a range of supporters, from conservative Christian moralists to the far right; while support for “Celebrate Life” marches in many cities were usually organised through the Catholic Church, more militant pickets and harassment of clinics along with education programs were also promoted at this time. “In 1978, RTL members held regular pickets outside Bertram Wainer’s Melbourne Fertility Control Clinic; ... In April, RTL demonstrators went inside the clinic and staged a sit-down protest outside the operating theatre.” (McVey, 1983)

The NSW RTL, set up from 1973, organised two significant overlapping events: harassment of Leichhardt Women's Health Centre and supporting an anti-abortion bill in the NSW parliament. First, health centre staff had been charged, on 30 October 1975, with "procuring or aiding an illegal abortion" and faced a committal hearing on 22 March 1976; second, DLP MLA Kevin Harrold, who had introduced a private member's bill, the "'Infant Life Preservation Bill' ... designed to give a foetus civil rights", on 2 March, reintroduced the bill on 23 March (Wills, 2008). The RTL protested about what they called 'illegal abortions' and requested information about the centre from the Premier on 29 March. The pro-choice supporters – WAAC, WEL, ALRA, Control, SWL, Preterm, health centres – met the threats with press conferences, public meetings and pickets; that bill "lapsed when parliament prorogued for May state elections" and the health centre staff never had to face court (Wills, 2008).

The abortion issue had travelled from a place of secrecy to the parliamentary halls and mass media. Was this of benefit to the state? In Chapter 6, I discuss the final days of the right-wing backlash against abortion liberalisation and feminism which was supported by sections of the state. Despite the weaknesses of the liberalisation outcomes, feminists and the Left defended it as they campaigned for further improvements.

### ***Conclusion***

This chapter has provided an analysis of the WLM and its contribution to the equal pay disputes and the ongoing battle for abortion rights. Unexpectedly, the WLM achieved a widespread influence among progressives – especially large sections of the labour movement and the far left. Some of its issues, like abortion, were eventually championed by progressive organisations and debated in parliaments in a way that the civil libertarians did not intend for a 'private' matter. The union movement's campaign for equal pay was strengthened by feminist support and more feminists became unionists, which will be discussed further in Chapter 6.

The public campaign for equal pay ends with the Whitlam government concessions, which left untouched significant relevant issues and structures, like gender segregated structures in

industry, as I explained above. Fraser did nothing for women workers' equal pay as he focused on weakening the union movement and reducing government funding of health and welfare services (Tom Bramble, 2008). However, the abortion campaign continued. While contemporary conservative social forces, including the state and organised Catholic religion, tenaciously held on to defending existing law, culture and morality, the outcome so far indicates a changing balance of forces which developed with legal concessions in the context of generalised mass struggle. Not only argument but political action was used to change the interpretation of laws and win greater access to abortion.

I situated the changes within three aspects of the social context. First, as social change defined the period following WW2, a key contradiction emerged for women and capitalism, suggested by my theoretical framework: that while more women, particularly married women, were drawn into workplaces, they continued to be defined as primary care-givers within the working-class family, especially to reproduce future generations of labour. This directly affected social reproduction and abortion provision: on the one hand, many employers, including governments, wanted larger numbers of women to be available as ongoing workers (at a time when there was no maternity leave nor subsidised childcare); and, on the other hand, conservative social forces wanted a continuation of traditional stable family life.

Mass community organisations like the main religion, Christianity, had a contradictory influence. The Catholic Church was adamant that birth control was wrong, and that abortion was murder from conception. However, many Catholic women disregarded these teachings in a society that was becoming less pious. Other denominations were more understanding about married women's situation. Large numbers of women workers were demanding a say through the union movement and various political organisations, especially the WLM.

The state was involved on both sides of the contradiction – with one eye on supporting employers' labour needs, and another eye on ensuring social stability via the maintenance of the privatised family and its ideology.

Second, I presented an understanding of why, by 1975, the state made concessions to demands for changes to abortion laws and equal pay. Under pressure from political forces

and through flexible manoeuvring of its legal, administrative, and parliamentary institutions in Federal and State jurisdictions, the Australian state shifted. On equal pay, the 1972 and 1974 concessions were an improvement for women workers, although there remained structural issues which kept remuneration unequal compared to men. The improvements reflected both women's growing participation in employment as well as the strength of a unified industrial action struggle that affected major employers.

On abortion, there was a shift from strict opposition to legal abortion towards accepting abortion access and minor legal reform while resisting substantial change. The availability of abortion shifted from the government tolerance of an illegal abortion industry in Melbourne and Sydney in the late 1960s and first years of the 1970s, to an uneasy acceptance of a network of private clinics combined with a mixture of government health and welfare services. This period saw an unexpected change in ideas, as reported in opinion polling, within a new ideological framework of family planning for reproduction processes within Australian society during the period 1972-78. I presented a history of what happened in the struggle that facilitated the change in attitudes, and an emerging backlash which will be discussed further in Chapter 6. The WLM's growing influence forms part of the context.

Third, the outcome of improved abortion and birth control access further encouraged the social and economic process giving women greater access to employment and social participation. At the same time, women workers were improving their situation within struggles led by trade unionists and changing the unions. As my theoretical framework indicated, women workers may gain confidence to struggle for improvements because of the potential social power in industrial action to stop profits.

I focused on the early period 1970-1974, when concessions were becoming settled in NSW and Victoria. The new crises that developed from 1974 with recession followed by the dismissal of the Whitlam government, closed off avenues for further positive change, as a backlash emerges against feminism under Fraser. No one planned this history, but human action continued to create new circumstances within which were opportunities for those who wanted change. Structures were challenged, some wobbled and the state bent rules rather than allow them to be broken. Whether they could be bent back to a pre-1969 situation is

discussed in the next chapter, where I also build on the history of women workers' activism to show their role in shaping the outcomes of state concessions.

## **CHAPTER 6: Unintended consequences – women and unions 1979-80**

After two years of conservative government under the leadership of Malcolm Fraser, 1978 remained dominated by class conflict and social instability. Policies to cut public spending on health and welfare failed to adequately improve economic growth. The rise in unemployment affected union strike levels, which declined, although significant strikes still occurred. Some unions fought for shorter working hours with campaigns for the 35-hour week, for example In 1975 power workers occupied Sydney power industry workplaces (George, 1975) and in Melbourne the longest occupation in Australia was part of the 1979-80 dispute at the Altona petrochemical complex (B. Hill, 1991). Feminist and socialist activists mobilised with unions to protect what they saw as important improvements for women gained under Whitlam, especially Medibank (including the abortion subsidy), free tertiary education and student allowance, subsidised child-care, supporting mothers' benefit, health and community services funding and maternity leave. The Fraser government's austerity policies corresponded with developing right-wing ideas of neoliberal conservative thinktanks. Alarming for the left and pro-choice activists, right-wing anti-abortion campaigns intensified, while campaigns for equal pay had effectively ceased with the Labor government. The concessions of the state on abortion were tested in the events of 1979 and 1980, in terms of acceptance in the community. The outcome of this struggle illustrated the benefits of abortion law liberalisation for the state and women.

### ***Chapter structure***

First, this chapter presents a balance sheet on the changes to women's situation in relation to the issues of equal pay and abortion and the nature of the state's concessions to this point. As the equal pay and abortion struggles matured, and ideas about sexuality and the family evolved, the political influence of liberal feminism had strengthened by the mid-1970s, despite, the right's greater ideological and financial resources. Equal pay campaigning had ended, although the abortion campaign continued. New right-wing forces opposed government spending on health and welfare and were associated with attacks on feminism. In

this context I examine the arguments around abortion to evaluate their support in society. Second, I analyse the nature of the political battle when right-wing forces, including sections of the state, acted to change Commonwealth legislation on Medibank rebates and the Queensland State anti-abortion law. I draw conclusions about the nature of the struggle and its effects on the liberalisation concessions. In the last two years of the 1970s, it became clear that the pro-choice forces had won more allies, including sections of the trade union movement, but the right did not retreat. Third, I discuss the evolution of activist women as they influenced the union movement from within, developing a new relationship between women and unions. Was women's growing participation in employment, facilitated partly by the state's concessions, the cause of this development? My conclusion raises further questions about the outcome of the campaigns for women's rights in this period and the unexpected role of women workers. It is possible to see the new threshold reached for women's political rights by reviewing the development of support and opposition to the state's concessions since 1969.

### *1. Balance Sheet on concessions – equal pay and abortion law*

By 1978, most women's lives were very different from their experience in 1968. The social context had shifted, underpinned by the significant economic developments, especially the growing participation of women in employment, both part-time and full-time. The presence of more women workers as permanent employees was a significant change for white-collar and service industries, particularly public services, where women enjoyed equal pay, although most managerial positions continued to be held by men. A decline of WLM radicalism reflected the decline of the left industrial and political activity, but the abortion campaign continued, and feminist politics continued to influence many young student and working women despite divisions in the women's movement. By 1978, the nature of the struggle had changed compared with the early 1970s. Feminists enjoyed more resources for their struggles and, because the feminist influence had broadened, their campaigns retained widespread influence among progressives – including sections of the Liberal Party and large sections of the labour movement and the far left. The government, unremarkably, downgraded women's issues – the Coalition was rhetorically more hostile to feminism. However, Fraser established a National Women's Advisory Council and expanded the Equal

Employment Opportunity unit in the CPS, drawing anger from right-wing women; WEL-style liberal feminism became more acceptable in the mainstream, as the women's movement fragmented (Arrow, 2019, pp. 196-197; Eisenstein, 1996, p. 31).

Women workers saw mixed results for a decade of intense campaigning; however, the two CAC hearings in 1972 and 1974 granted small but significant concessions that led to material benefits, with increased income, and laid the basis for further improvements beyond the 1980s. Although, while the CAC decisions were accepted by employers and the government, workers had to take various actions to enforce the decisions in their workplaces. Further, in workplaces dominated by women workers, little changed because work value comparisons with comparable male jobs could not easily be measured. Structural issues were not addressed, leaving a gender pay gap which continues today at 22.8 per cent on an overall estimate (WGEA, 2020a). The gender segregated industrial environment (WGEA, 2020b) underpinned overall remuneration deficits leading to different social experiences for working women, particularly mothers. These issues continued to be raised through this period, as I discuss below. Nevertheless, women's wages compared with men's had increased, although there are difficulties obtaining clear figures. "An indication of the effect of the changes which these decisions reflected and codified was the 30 per cent shift in the male-female award wage ratio which occurred in the period 1969-1976", which is difficult to calculate and verify (Fieldes, 2002, p. 11). Between 1973-1975, women's earnings "increased by 13 per cent relative to men's, according to the OECD"<sup>21</sup> (Eisenstein, 1996, p. 224 N. 7).

If I look at the longer period since 1901 and Federation, women's wages had significantly improved, from the low rate, around 50 per cent of the male wage to 75 per cent in 1950, to the 1969 acceptance by the state of equality – there had been enormous change. Most importantly, after 1978, the union movement had changed, illustrated in the ACTU Executive reversing its support for the family wage idea and giving support to the 1974 equal minimum wage (as discussed in Chapter 5).

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<sup>21</sup> For OECD data, which shows a definite decline in the pay gap for full-time workers at this time, see : [https://www.oecd.org/els/LMF\\_1\\_5\\_Gender\\_pay\\_gaps\\_for\\_full\\_time\\_workers.pdf](https://www.oecd.org/els/LMF_1_5_Gender_pay_gaps_for_full_time_workers.pdf)

On abortion, Australia's history since the 1800s was similar to other western countries until recently – with the liberalisation of laws and increasing access, deaths from abortion-related incidents almost disappeared:

... Annual deaths from abortion declined from 125 in 1941 to 14 in 1970, but in the triennium 1973-75 there were only 2 abortion deaths and from 1988 to 1999 there have been only 3 deaths associated with abortion. (Siedlecky, 2005, pp. 16-17).

The improvement in abortion access was widely accepted, according to opinion polls showing that only tiny minorities opposed the abortion procedure:

Polling data showed that 'in 1978, 31 per cent of Australians believed that abortion should be available to women in all circumstances, and 23 per cent believed it should be available in cases of mental, physical or social hardship. A further 22 per cent suggested it should be allowed if a mother's health – physical or mental – was endangered ... and only 8 per cent ... believed that abortion should not be available under any circumstances' (Arrow, 2019, p. 214).

At this time, abortions were mostly performed in the private sector, avoiding costs for government hospitals. Poorer, Indigenous and migrant women and those living outside the major cities continued to be denied adequate access because of costly private health services and inadequate Medibank rebates.

The activist movement for abortion rights remained strong, still linking the abortion doctors, ALRAs and WLM's committees of radicals, and WAAC. Abortion rights had become a public issue and, because sexuality was discussed more openly, Australians understood the issues more clearly; there are a range of possible reasons why attitudes change: for example, improved sex education, media representation, including TV and film, women's magazines, and perhaps because the Royal Commission (RCHR) results were published in 1977 (see chapter 3) (Arrow, 2019).

To understand the intensity of the debates over abortion, requires situating them in the social context and the role of the nuclear family. I presented an analysis of the development of the state's role in Chapter 3, which showed that, as the needs of the Australian state changed regarding fertility, and civil libertarians raised concerns over privacy rights, the framework

for social reproduction was questioned. From the mid-1960s the public and media debate regarding the law liberalisation process and the struggle, according to Coleman (1988, p. 86):

was waged in terms initially of ‘deserving’ cases such as deformity, rape or incest; then as a matter of civil liberties versus moral governance of sexuality; and subsequently as the rights of woman versus those of the unborn.

The 1970s debates reflected the changing circumstances of women at work in permanent employment, although women’s experiences were varied, and highlighted the growing contradictions. Capitalism needs women at work – each person’s labour creates surplus value – but the family is crucial to create compliant labour power, as I argued in Chapter 2. Further, the ruling class is reluctant to provide the necessary resources for social reproduction and relies on the unpaid labour of mothers and (usually) low-paid essential service workers. This contradiction continued to haunt families in the late 1970s.

Liberalisation was widely defended, but it remained controversial. Some feminists criticised the process as ‘medicalisation’, other feminists argued for retaining existing laws with amendments, known as ‘reform’ (as discussed in Chapter 5). A small minority of people, mostly but not all religious, were concerned that abortion represented ‘murder’ and remained steadfastly opposed to the new legal situation that allowed more women to access abortion. For medical professionals, conflicts of interest were involved over how to both care for patients, but also, if abortion was considered murder, how to care for the foetus; the issues needed to be resolved.

While no one challenged the Menhennitt and Levine court rulings, by appeal in court, the actions of the Catholic Church and anti-abortion groups like RTL created an uneasy legal truce; they had shown a willingness to support politicians who raised amendments to legislation to give rights to the foetus, especially in NSW. After 1978 they directly targeted legislation, opening a more politically polarised period for the reproductive rights issue. Politicians were divided over the question. A major debate began as a Federal government politician moved to remove Medibank subsidies for abortion.

## *2. Anti-abortion backlash overcome*

Considering that polls indicated more than 80 per cent of those surveyed supported liberalisation, governments were out of touch, and all resisted decriminalisation of abortion. Accompanying a shift to the right under Fraser, was the growth of new neoliberal ideas which developed an ideological justification for opposition to welfare spending on services and for supporting the traditional nuclear family. The ideas were based on the economic liberalism of Austrian economist Friedrich Hayek and the developing neoliberalism of Milton Friedman in the US. “The term ‘neoliberal’ is an appropriate generic description for this contemporary group of liberals, conservatives and libertarians who are wedded to a common anti-welfare state perspective” (Mendes, 2017, p. 53).

Cooper (2017) identifies the origins of opposition to the post-war welfare state by sections of the intellectual elite in the US in the reaction to the 1960s and 1970s counterculture and the New Left, as early as 1967. Both neoliberal economists and neoconservative ideologues developed sophisticated alternative ideologies coalescing in support for strengthening the nuclear family.

While neoliberals called for an ongoing reduction in budget allocations dedicated to welfare – intent on undercutting any possibility that the social wage might compete with the free-market wage – neoconservatives endorsed an expanding role for the state in the regulation of sexuality. Despite their differences, however, neoliberals and neoconservatives converged on the necessity of reinstating the family as the foundation of social and economic order. (M. Cooper, 2017, pp. 50-52).

Such arguments also arose in Australia and influenced political leaders. Mendes (2017, p. 55) traces a development in Liberal Party policies:

The ideological backlash against the Australian welfare state began in 1973 when South Australian Liberal member of parliament Bert Kelly responded to the Whitlam government’s liberalisation of unemployment benefits by coining the term ‘dole bludger’ to describe those people who were unemployed, who, he alleged, were ‘work-shy’ ... Similar concerns were expressed by Clyde Cameron, the Labor government minister for Social Security.

In *The Australian* writers argued welfare was to blame for “everything from union demands to high taxation, inflation and family breakdown” (Mendes, 2017, p. 56). One target for Fraser’s spending cuts was the pension for single parents:

Single mothers mobilising separately within the women’s liberation movement finally secured a social security pension in the 1970s. It was an historical gain in that it proved financially sufficient for them to be a family ...The stability and repute of this pension soon came under sustained state and market attack. (Banks, 2011, p. 4).

This ideological promotion of the traditional family reinforced the RTL campaign against the liberalisation of abortion law. The government was led by an anti-abortion Prime Minister who “always voted against reform and has publicly supported the Right to Life Association” (Warhurst & Merrill, 1982, p. 128). In 1979, a more militant break-away group Right to Life Australia (RTLA) formed. *The Australian* (19 January 1982) reported their leader saying: “Since you can’t go into abortion clinics with machine guns shooting at people to stop killing babies, you must use democratic means” (Cited in McVey, 1983). Threats against abortion clinics continued along with rallies against abortion rights, which were contested by prochoice protests led by WAAC.

By February 1978, the Federal government was threatening to abolish Medibank insurance subsidies for abortion. The threats included “denial of private health fund rebates for abortion; end to bulk billing for doctors for abortion [and] proposed to start in July” (Wills, 2008, p. 150). At this time, women were entitled to Medibank rebates for abortion under Item 6469 of the Schedule, and in 1977, according to Petersen (1984, p. 172), the Medical Benefits Schedule Revision Committee “reviewed Item 6469 ...[and]... decided to retain [it] because the termination of pregnancy was considered by it to be a medical procedure when performed in accordance with the law”. However, some private insurance companies, legally required to pay the Medibank amount plus other amounts, were granted the right to exclude payments for abortion.

The Medibank subsidies were threatened in what became known as the Lusher Motion, named after National Country Party MHR Stephen Lusher (son of NSW Supreme Court Judge Edwin Lusher), which would be debated on 21 March 1979. As parliament prepared for a vote, national protests were held. In Sydney, on Monday 26 February there was a WLM

rally and march from Martin Place to Federal government offices in Chifley Square, where thirty people occupied briefly before marching to the National Country Party office in Young Street. On IWD, Saturday 10 March: “Two thousand marched during the day and 150 in Reclaim the Night rally in the evening” (Wills, 2008, pp. 150-151).

The Member for Hume, Mr Lusher, moved his motion on 21 March 1979, reports Petersen (1984, p. 172). The motion read:

That this House requests the Government to introduce legislation which will provide that – [among other points] ... (1) medical benefits shall not be provided by the Commonwealth for the termination of pregnancy unless the termination was performed to protect the life of the mother from a physical pathological condition and that the life could be protected in no other way ...’.

Moving a motion was more expedient for his political purpose than proposing a long process of alternative legislation. Neither Liberal nor Labor Party supported the Lusher Motion. Liberal member Barry Simon moved a hostile amendment to say that benefits would not be paid unless the abortion “is performed in accordance with the law of a State or Territory”, which negated the original proposal, and it was supported “62 votes to 52” (Petersen, 1984, p. 173). Both parties operated according to a conscience vote.

Pringle (2010) argues the decision recognised that the terminations were legal as a result of the abortion law liberalisation process; this was reinforced in a comment from Sir William McMahon (previous Liberal prime minister) that there had been no appeals against the common law rulings, as recorded in *Hansard*. The outcome of the debate established that the liberalisation process was legal and accepted by the government. There were a range of pro-choice and anti-abortion arguments made, but the crucial argument was about the unfairness that would be imposed on poorer women if they could not access a rebate; wealthier women could still afford abortion without subsidy. Medibank had become a central element in access to abortion. Even though the Coalition government was undermining Medibank each year, the government was yet unable to abolish Medibank rebates, on which their poorer constituents would rely.

Towards the end of the 1970s, those who had a dominant role in reproductive health, the doctors performing surgical abortions, were benefiting from the new privatised legal abortion industry and collecting the Medibank rebates. Although many doctors had been activists in the pro-choice campaigns, the medical profession was not politically homogeneous. The official doctors' advocacy association and powerful lobby group, the AMA, had not supported abortion law reform, but it changed its policy in 1979 when the Lusher Motion went before Federal parliament, threatening medical insurance benefits (Albury, 1999, pp. 115-116).

The attacks from the right intensified in the context of conservative governments both Federally and in most States. In 1980, in response to the opening of Queensland's first abortion clinic in 1979, the RTL responded. This time State Labor leader Ed Casey, also a Patron of the RTL, called for the clinic to be closed. The National Party Bjelke-Petersen government drew up legislation to replace the existing law, which was based on the 1861 UK legislation which made abortion a crime, with a bill first called the Unborn Child Protection Bill. If passed it would lead to a ban on abortion unless a woman's life was threatened, and a ban on women travelling interstate for the purpose of abortion. The process was kept secret until Liberal State MP Rosemary Kyburz exposed what was happening.

A coalition of organisations supporting reproductive rights mobilised in opposition, and the RTL which had more financial backing also mobilised. Eventually named the Pregnancy Termination Control Bill it caused public outrage and, recognising its weaknesses, on the eve of the final vote, the government changed the Bill to a private member's Bill. "Nineteen government members, including four ministers, crossed the floor to vote against the Bill and it was defeated" (McVey, 1983, p. 38). Coleman (1988, p. 94) argues:

If repressive abortion legislation could be so soundly rejected in Queensland – the most anachronistic of Australian states on questions of social morality, the family and women's rights – it would receive even less support elsewhere.

"A *Women's Weekly* survey in 1980 revealed that 94 per cent of Australian women believed abortion should be available, and 62 per cent said it should be available freely to all who wanted it" (Arrow 2019, p. 214). The right did not retreat, but the political landscape was

quite different when the law was tested in 1986 in Queensland, where a ruling was made similar to those in Victoria and NSW, by Judge McGuire (Rankin, 2001, p. 235).

A balance remained that was crafted in the period before Lusher. The Menhennitt and Levine Rulings were not appealed. Warhurst and Merrill (1982, p. 126) argue that attempts to alter the law in this period were mixed, but generally failed, leaving the overall situation an “uneasy stalemate” between those who supported law liberalisation and those who were opposed. Despite harassment by the RTL, abortion clinics operated successfully in the major cities and Medibank rebates continued. Baird (2017, p. 200) writes that: “The regular protestors outside the clinic were a minor irritant”. Albury (1999) argues that the new situation, “normalising” abortion rights, was the result of the context of social movement activism, and Baird (2018) concurs adding that Medibank made a difference for poorer and rural women.

However, when the late 1970s protests are compared with those of the earlier years, a major difference in the political support base of the movement becomes apparent, which possibly underpinned the majorities in opinion polls. The early protests did not have official endorsement of the trade union movement, even though some unions supported the WLM. The Queensland Trades and Labour Council (QTLC) supported the campaign against the anti-abortion bill helping to build a widespread pro-choice movement in 1979-80. The QTLC argued that: “The question of pregnancy termination should be the decision of the woman and her doctor”; at least ten major unions in Queensland supported similar policies, including the BWIU (building trades), AMWSU (metalworkers), Seafarers, WWF (Waterside workers), TWU (transport) and POA (professional officers), indicating pro-choice support was not limited to women (McVey 1983, p. 43).

A key reason for the defeat of the attempts to reverse the liberalisation concessions was the involvement of the union movement which signalled that the concessions had widespread support in the community, and that the ACTU was engaged with this issue. In 1977 the ACTU had adopted a ‘Working Women’s Charter’, providing “the ACTU with ‘a comprehensive and coherent set of policies on promoting the interests of working women through trade union action’” (Brennan, 1998 [1994], p. 142), although abortion was not part of the policy mix until 1981. A motion calling for “free safe legal abortion” passed at the

1981 ACTU Congress, “by 528 to 392 after intense debate” (O’Lincoln, 2012 [1993], p. 185). It became part of the ACTU social welfare policy, as follows:

Provision of finance and all access for all couples and individuals ... to the necessary information, education and means to exercise their basic right to decide freely and responsibly on the number and spacing of their children, including the right to free, safe and legal abortion for those who choose it. (McVey, 1983, p. 40).

The vote indicated the strength of opinion on both sides of the abortion debate from top to bottom of the union movement, which represents workers from all sides of politics. NSW Trades and Labour Council (TLC) Secretary Barrie Unsworth unsuccessfully attempted to change the motion to remove reference to abortion, supported by ACTU President Cliff Dolan, who was quoted in the *Age* (12 September 1981) commenting: “I believe it is a termination of life, and to put that bluntly, I believe it’s murder.” (Cited in McVey, 1983, p. 43).

Nevertheless, the ACTU position was clear, and this was possible because the ACTU had shifted to support family planning, and no longer officially supported the family wage, by this time. This change of policy followed the change in female unionisation, as Simms (1987, p. 23) reports: from 1970 to 1975: “the total of women members of unions increased by 50 per cent while male membership only increased by 12 per cent”, (according to the ABS).

At this time the anti-abortion RTL was also attempting to win unions’ support. By the late 1970s, there was potential for some unions to become political battlegrounds. “At its 1980 Conference, the ACOA [Administrative and Clerical Officers’ Association - CPS public servants] adopted a pro-abortion plank” (Simms 1987, p. 122). In 1981 “the anti-abortion side were able to force a plebiscite and get the policy scrapped” (O’Lincoln 2012, p. 179). In 1982 anti-abortionists in the national nurses’ union launched new tactics based on conscientious objection rights, urging nurses to refuse to assist abortion operations in various ways. In Victoria and WA, 2500 copies of a pamphlet were distributed and, according to *The Australian*, the leaflets urged nurses to:

‘Inform Nurses For Life of any late abortions carried out in your hospital and tell us immediately if efforts are not made to resuscitate any child of 20 weeks or more born live during an abortion’ (McVey, 1983, p. 40).

Unions had changed their relationship to women. This was a different situation compared to that before 1968 as women became a larger proportion of the permanent workforce. Some played a significant role in the disputes directly related to their own workplaces, and some worked to change their unions, as the next section explains. Meanwhile the politics of union leaders and actions of the women involved in unions strengthened the union movement's relationship with different groups of women, including migrant workers, professional and white-collar workers – there was a long list of issues that could now be taken up as industrial issues, and “the ACTU made formal recognition of the barriers to equality in the workforce in its Women's Charter Campaign” (Brennan, 1998 [1994], pp. 141-143; Simms, 1987, p. 114).

The state stood by the abortion law liberalisation concessions, in this context. To retreat and return to the pre-1969 situation was unthinkable, because access to abortion had become normalised. There was an industry of private clinics and the involvement of doctors with the support of the AMA. It was even more unthinkable if it would cause conflict with the union movement. However, the state did not make concessions and then continue to support them because of the feminising union movement, rather the state had to respond according to how Australian capitalism was impacted at this time by economic and political instability. Within that context, for a time, reproductive rights and equality were issues that had to be addressed. To understand how these issues impacted on the pressures faced by the state, the following analysis shows that women unionists' struggles became significant. First, in many unions the entrenched sexism had to be confronted and changed.

### ***3. Women changing unions***

This section first briefly discusses the problem of sexist industrial and union structures and the attempts to change ideas during the equal pay campaigns. Secondly, this discussion continues as I examine two key groups of workers, Victorian teachers and the CPS public servants, where union leaderships were changed during this period by union activists influenced by feminism and left-wing politics. Third, I show the ramifications of women

organising in terms of the state's concessions on abortion law and equal pay, and the significance of the women workers role in the final outcomes.

Unions had been regarded, by many feminists, as anti-woman and some unions were very sexist, as discussed in Chapters 3 and 4. I have shown the contradictory response of the ACTU from 1941, as it supported both equal pay and the family wage until the mid-1970s. Because of the increasing unionisation of women in the context of growing industrial turmoil in the late 1960s and early 1970s, the trend for women to participate in unions continued. Unions led by the CPA tended to support feminist ideas after the late 1960s, but some unions remained sexist (Penson, 1999). Female union membership grew in the 1970s. Shute (1994, p. 168) reports that in 1976, 2.513 million workers were union members, representing 51 per cent of the more than five million-strong workforce; and 31 per cent were women; and, of 1.848 million women workers, 43 per cent were unionists. She says this figure remained the same until 1982 and then declined. So, this increase in unionisation of women was short-lived but continued throughout the period of the thesis 1968-1980.

Following Lake, Shute (1994, p. 167) argues that the male-dominated union movement in Australia excluded women (and non-whites) in its early days and that “[u]nion action reinforced the gender segregation of the Australian workforce which, remains the most intense within the OECD”. By reinforcing a division between the sexes, the leading sections of the union movement “helped create the situation where women could provide a cheap labour alternative” (Whelan, 1979, p. 58). Francis (2005, p. 297) blames the union movement for the exclusion of women from many occupations and therefore sex-segregation of industry:

from the late 19th century in Australia when it was clear that women formed a permanent part of the industrial labour force, earning lower rates of pay than men ... The solution to the problem of women's cheap labour was to grant them equal pay, but unions instead managed to restrict them to a narrow range of employment, denying them access to most trades.

Union structures were male-dominated but what caused sexism in unions, and can it be challenged? What caused the gender segregated industrial structure? Fieldes (2002, pp. 4647) argues that gender-based analyses of inequality are too narrow and fail to “adequately situate

the struggle for equal pay in the broader industrial relations context” Further, she writes, that because of:

the idea that there exists a common interest between male employers and male workers in continuing the discrimination which women suffer ... it cannot explain the way that unions’ attitudes to equal pay changed over time, nor the breaks that continually appeared within this ‘male compact’ along class lines.

First, I’ll discuss union structures, and second, the industrial structures of capitalism. Despite male-dominated union structures, some unions took action to support equal pay in the early twentieth century, for example the 1911 clerks’ strikes, as I discussed in Chapter 3. A different political environment in the 1970s, including the public role of the WLM and a new layer of sympathetic leading left-wing union officials, created the opportunities for challenging the CAC and employers over equal pay with industrial action. This affected new white-collar and migrant-dominated industries. Fieldes’ argument indicates women workers found a new confidence to challenge sexism when they engaged in political and industrial action against the employers, especially when they mobilised wider working-class solidarity action and threatened profits, as the FCU clerks did in the 1970s, along with the insurance workers. In that process the insurance workers also changed the union policies and ideas of male workers (Fieldes, 2002, pp. 92-97). Struggles which helped overcome sexism strengthened class unity and affected the process of change and equal pay outcomes.

Thus, male-dominated union structures were challenged and sometimes changed, in a process involving such action by workers. As I discussed in Chapter 5, to be successful, the early 1970s industrial action for equal pay required solidarity – men and women in the same workplaces united as they recognised the benefits of equal pay for all workers. Male and female attitudes toward each other changed. Fieldes’ (2002, p. 126) research showed that:

Put bluntly, it was difficult for male workers to continue to see women as second-class citizens when they were fighting alongside them (and having their pay docked) in order to win equality.

It is more difficult to change the gender segregated structures of capitalist industry. Such long-lasting social structures were created by elite groups – state organisations, ideologues and employers, which were almost exclusively male. It is possible to include trade union

officials in that group because they do have influence in CAC decisions such as the industrial policies on wages that was developed before the 1930s and in the mid-1960s. However, it is a long bow to suggest rank and file unionists, especially migrants, have any influence at that level. The problem of sexist social structures and ideas has been shown in this thesis to be in the interests of capitalists and profit, alongside other divisions maintained by employers to divide the working class, as Nolan explained in her analysis of the 1911 strike (see Chapter 3). The experience of these struggles showed the nature of capitalism as gendered and how divisions based on multiple oppressions and classifications benefited the employers. The potential for change came with the industrial transformation of the boom, and some unions changed to meet that challenge.

### *The white-collar explosion*

In the industrial instability of the boom years up to 1974, two factors stand out that influenced workers' unity and their successful actions: first, the white-collar explosion which involved new workforces and changing union consciousness, and second, the role of left-wing union officials. The statistics show large increases in white-collar employment as blue-collar workforces shrank:

In the years 1947 to 71, the proportion of the workforce classified as professional, technical and related doubled, to 10.4 per cent of the total; numerically it rose by 233 per cent overall. In the same period the 'administrative, executive and managerial' sector increased from 5.5 per cent to 6.6 per cent of the total and the clerical from 13.7 to 15.8 per cent – numerical increases of 98 and 92 per cent respectively ... 'white collar' employment had increased from 33 to 45 per cent of the total, and 'service' workers from 7 to 8 per cent, even as the 'blue collar' sector had shrunk from 42 to 38 per cent. (Juddery, 1980, pp. 245-246).

However, as Simms (1987, p. 25) shows increasing participation of women in employment was not the catalyst for change, and the history of increasing numbers in industry did not convince employers or the state to grant women wage justice, over the post-war period. Instead, this greater participation opened the *potential* for change.

The insurance industry, which was a focus of equal pay struggle from 1971 that I discussed in Chapter 5, is an example of white-collar consciousness changing with the increase in female

workers. Consciousness was affected by the growth in the number of part-time and lower tier jobs, and the poorly paid workforce became increasingly female, very young, and there was a very high labour turnover. In 1971, 37.3 per cent of the union's members were women, which increased to 41.0 per cent in 1973, and 30.8 per cent were under 21 years old, a proportion which rose through the 1970s. Fieldes (2002, p. 117) explains that before the 1970s the interests of white-collar associations which organised these workforces: "centred around the conditions of employment of their members, rejection of the strike weapon, avoidance of political action, and a distaste for formal inter-union alliances". The AISF (insurance workers' union) started to organise much more like a trade union and this resulted primarily from the activity of the members, as Fieldes (2002, pp. 118-124) explains and as the union journal, *Premium*, reports: "[I]t was 'the most extensive and extended industrial action ever undertaken by the Federation [and] Union membership increased from 12,957 in 1968, to 20,258 in 1976'".

The role of political leadership was significant, such as the Labor Party leaders and the Whitlam government, because that is when the equal pay gains were made (Simms, 1987, p. 25). The political role of officials who were active in various social movements, made a difference because they educated members in political issues, including feminism (Fieldes, 2002, p. 119). Some unions, especially the metalworkers, maritime workers and construction workers, were able to extend their unions' role beyond winning wage rises and better working conditions. The Builders Labourers' Federation (BLF) in NSW initiated the Green Bans campaigns. From 1971 the BLF in Sydney supported pro-choice demonstrations (M. Burgmann & Burgmann, 1998, p. 143) and threatened industrial action to protect women's studies courses from cuts at the University of Sydney. Further, they welcomed women into the union, opening up non-traditional jobs after major discussions with members. "By 1974, ... [the union's Federal Conference] agenda items included abortion leave as well as paternity and maternity leave" (M. Burgmann & Burgmann, 1998, p. 156).

This insurgent labour movement after 1969 (see Chapter 4 discussion of political unionism) helped elect the reforming Whitlam government in 1972. Lavelle (2009, p. 119) reports that "Whitlam wrote in 1972 of the 'unrest which stretches across the whole range of callings and occupations' ... [and that] ... [w]omen in occupations synonymous with industrial passivity, such as nursing and the airline industry, also were part of the growing conflagration. Even the

military was not immune.” From the late 1960s cinema and council workers in New South Wales stopped work for the first time in 50 years. Significant gains for unions were made under Labor, initially, without struggle, especially in the government employment areas of the CPS, like four weeks annual leave, increased staffing and paternity and paid maternity leave, with equal pay extended by July 1973.

However, despite many improvements for women, further concessions on abortion law were not achieved under the Labor government, as I explained in Chapter 5. Regarding equal pay, the government had not addressed the structural problem for women’s equality – the question of gender segregated industry. Bramble and Kuhn (2011) argue that Labor had not intended to make such major improvements for the working class – initially the Labor government’s relationship with the unions seemed co-operative, but from 1973, this shifted, as was not unexpected given the party’s commitment to business and capitalism. After 1973, Labor reversed its concessions to the union movement; the government opposed wage demands and imposed serious wage cuts under what was called ‘wage indexation’ (Tom Bramble, 2008). The union movement resisted with Australia’s highest strike figures ever recorded, in 1974 (Tom Bramble, 2008, p. 7).

So, political leadership by a Labor Party and winning government did not guarantee improvements for their supporters and constituents. Relying on the election of a Labor government was not sufficient to change women’s situation any more than greater participation in work. The early 1970s years of political instability and union conflict had created the initial context for improvements in women’s situation, when the state’s concessions were made.

Whitlam’s strategy had not worked for the state either; the government had not sufficiently stabilised society. Industrial and political instability continued as a recession developed. Paradoxically, that meant pressure remained on the state to maintain the concessions that benefited women unless a different government strategy was possible. Before being elected, Labor had sought to grant some concessions, but also contain dissent and working-class action in mainstream structures, after benefiting electorally from the social upheaval. “Through its ties to organised labour, the ALP was able to position itself as the party best equipped to negotiate industrial harmony” (Lavelle, 2009, p. 117). In 1975, strong measures

were then taken to sack the government which was replaced by Fraser's Coalition government who had opposed the concessions on abortion law and was intent on reversing many health and welfare initiatives that benefited women, as I explained above. By 1980 he failed to stabilise the economy as well.

While the equal pay campaigns ended with the Whitlam government the pro-choice movement continued and the anti-abortion moves to reverse the concessions on law liberalisation failed. The reproductive rights activists' campaign survived. Feminism's influence had grown. To illustrate this outcome, I now show how some women workers intervened in their unions to make them more effective for raising feminist and socialist demands. This is an area which has attracted little research but is interesting because it shows that, before the 1980s, a new movement of women workers had begun, although women's unionisation levels declined through the 1980s (Shute, 1994, p. 167).

I have explained how the expansion of professional and white-collar industries and the political role of an ALP leadership to implement change on behalf of women workers opened the potential for women workers' activism, but it was not sufficient. The success of women's intervention within the union movement depended on their own activity, although the political leaders contributed to educating layers of new activists. During that period, alliances were created among left-wing students, workers and union officials in the social movement struggles, building political organisations and changing trade unions, as well as the white-collar associations. A changing union leadership among some unions was more responsive to female members. Fela (2018, p. 93) shows that radical ex-students who supported unions took jobs in service and white-collar industries like the nurses, teachers, and public servants. She quotes:

Ken Davis, a unionist who has been involved in gay politics since the 1970s, ... [who] ... recalled when HIV/AIDS arrived during the early 1980s, 'there is still really, really, really big agitation in the unions about women workers' rights and about lesbian and gay workers' rights.'

Nurses would take up the equal pay struggle with industrial action in the 1980s, but this was not a natural course of action, because until the late 1970s nurses, whose organisations were modelled on professional associations, were reluctant to adopt trade union tactics, until [i]n

1978:

the NSW Nurses Association (NSWNA) and the federal branch of the Royal Australian Nursing Federation (RANF) affiliated with the ACTU. In the same year, and after much soul searching, the Victorian Branch of the RANF joined the Victorian Trades Hall Council [VTHC]. This growing identification with trade unionism and industrial politics occurred within a general politicisation of white-collar workers. (Fela, 2018, p. 90).

Brigden's (2007) research of the history of the VTHC shows how the overwhelmingly male composition of delegates was transformed during the late 1970s, as: "[t]he growth of unionised women outpaced that of men in Victoria, ... [and] ... the proportion of women in unions reached 44 per cent in 1979," (ABS 1979, 1981). Some unions sent women delegates for the first time in decades, including the Tobacco Workers and Theatrical Employees Union, and women from new white-collar and professional affiliates, including teachers, nurses and flight attendants. I now examine two unions and how they developed more woman-friendly policies and structures.

#### *Victorian Teachers – VSTA*

The VSTA became one of the most militant unions in the 1970s. However, its origins, which I discussed in Chapter 3, were among very right-wing unionists who excluded women and opposed equal pay from 1948. Protests forced a change and women were admitted from 1953 while equal pay was endorsed as policy from 1956. Its first strike was held in 1965; equal pay was granted in 1967. The union, impacted by the post-war expansion of secondary education and recruitment of new younger students as teachers, demanded positive change.

Men and women who accepted 'new left' ideologies and, subsequently, women's liberation joined the VSTA and worked to ensure it became a more democratic and representative organisation ... [They] demanded that the entrenched male leadership broaden the union's agenda to include such issues as family leave, child care, permanent part-time work, sexism in schools and the gender inclusive curriculum. At the same time, they exposed the masculine culture of the union leadership. (Francis, 2003, pp. 63-64).

Francis (2003, pp. 61-62) states that the leadership excluded female activists: “By 1973, women comprised forty-five per cent of VSTA membership, but only sixteen per cent of the central committee.” A new committee structure started to establish anti-discrimination policies. In 1975 a conference in Melbourne attracted more than 300 women to celebrate International Women’s Year (Francis, 2003, pp. 65-68). Among the many gains was adoption (as VSTA policy) of permanent part-time work, equal superannuation rights, the inclusive curriculum, child-care and family leave. However, Francis (2003, p. 68) shows that removing wider social restrictions on women was a much more difficult task:

In 1983 Mary Bluett, a member of the central committee from 1975, provided stark evidence that even though all formal barriers to women teachers applying for promotion positions had been removed in 1970, they did not do so in proportion to their numbers in the teaching service. In fact, their relative percentages had declined between 1971 and 1983. She argued that women who competed for promotion positions against men were regarded as ‘greedy’ or ‘selfish’ or ‘unfair’, as a man had a family to support.

This outcome illustrates the limited outcomes of changing workplace cultures and unions and, that while unions were playing a role improving women’s rights, social change would be necessary for emancipation of women, as suggested in Chapter 2. Bluett referred to a range of reasons that inequality continues despite altering union policies, which included, she reports “broken service, ... as a result of women assuming responsibility for child rearing ... and societal attitudes related to the fact that a man’s income was regarded as more important and a woman’s as supplementary” (Francis, 2003, p. 68). Francis (2003, p. 70) writes that support was forthcoming from sympathetic men on the VSTA central committee and council, but that: “[i]t must also be acknowledged that the ideology of the privileged male breadwinner continues to remain difficult to dislodge in 2003”.

A similar experience was had by public servants in the CPS unions reflecting the limited role of unions in winning social change. Australian unions are organisations within capitalism and as O’Lincoln (2012 [1993], p. 8) argues: “they existed to confront the employers on the terrain of the capitalist system itself, bargaining over wages rather than seeking to abolish the wages system.” While they are not a vehicle for women’s liberation, they proved to be central

to the struggle for equal pay, and other immediate progressive reforms *within* capitalism. Simms (1987, pp. 9-25) reports on the attempts by public servants' unions to broaden their scope and take up political demands at this time. While this activity showed that unions can organise for wider issues, it also showed the need for political organisations, not just unions.

### *Commonwealth Public Servants in the CPS*

The size of both the CPS and its unions grew dramatically before and during the period of the Whitlam government. "In the years 1970-74, while the CPS grew in size by 13 per cent, the membership of the largest of the service unions, the ACOA, rose by 53 per cent and that of the APSA (FDO) by a startling 217 per cent. In both, substantial enrolment of women was a major factor"<sup>22</sup> (Juddery, 1980, p. 246). The ACOA's first co-ordinated industrial action involving stop-work meetings over a pay claim was held in 1970 but ongoing industrial action would not begin until Fraser's severe attacks on the CPS immediately on winning office in December 1975. The shift from Labor to Liberal meant cuts to staffing and union rights. Fraser set standards in the public sector he wanted the private sector to follow, rolling back what he saw as excessive costs to capital of a bloated public service, by more efficient automation (including computerisation) and staff cuts. Changes in work practices also helped push the associations to become more like blue-collar unions as they unionised new layers. Membership and resources grew: at the 1977 ACOA conference, it was reported that membership almost doubled from 25,482 in 1967 to 47,691 in 1977; there were eight fulltime officers in 1977, up from 5 in 1967, supported by 65 full-time employees (up from 23 in the same period) (Juddery, 1980, pp. 251-252); membership stood at 50,000 in 1980 (Juddery, 1980, p. 228).

From 1975 the Fraser government strategy in the context of recession met defensive union action. Public servants built militant sections in their unions between 1976-82, often led by ex-student radicals with socialist and feminist ideas and experience of organising large numbers of people (Kuhn, 1980). As unemployment rates rose, staff cuts in the CPS employment and welfare departments seriously affected both services and working conditions. From 1977, in the Department of Social Security (DSS) and the Commonwealth

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<sup>22</sup> Australian Clerical Officers Association (ACOA) covered "Third Division" public servants; APSA (FDO) covered "Fourth Division". These unions amalgamated to form the current (federal) Community and Public Sector Union – (CPSU (PSU Group)) – which represents most clerical Australian Public Service workers. The FCU covers some staff in the Australian Taxation Office (ATO).

Employment Service (CES), staff implemented industrial action to counter staff cuts. The government passed two Acts that would allow the sacking of public servants.

To build successful campaigns, members changed the union leadership – gender politics were part of the new ideas for union-building. There was a debate over abortion rights as reported above. The ACOA leadership included right-wing antifeminist members aligned to the DLP who dominated the Victorian branch leadership and held about half the Canberra and national office positions. ALP members dominated in the other states. In early 1976, in Victoria CPA and ALP members established a reform group, the ACOA Reform Group (ARG), with a publication *Alternative Viewpoint*, led by women such as Ann Forward, as well as men. ARG had democratic internal structures and held regular monthly meetings of 40 unionists, supported by hundreds of members in many departments, who organised committees of delegates (Kuhn, 1980). In the 1976 triennial elections, a member of the ARG won the federal vice president position, and in the 1979 elections they gained positions in Victoria. The first national ACOA strike took place in May 1979.

The 1970s saw political developments in unions as their environment and constituencies changed. As I have shown above, the BLF became a strong supporter of women's rights and trade union rights. At the same time, white-collar associations opted for blue-collar trade union methods. The thesis has shown that some unions changed from being overtly hostile to women's equality to supporting progressive reform and saw sexism overcome in struggles for equal pay. Political ideas mattered in these struggles, as did the activity of the rank-and-file. The eventual lead given by the ACTU, after around 30 years of procrastination since equal pay was adopted as policy in 1941, was a result of the growing pressure for action by members. That women joined unions and took leadership positions is a result of the new standards set by the union movement in addressing the women's rights issues, but it was also a result of the WLM organisations (Brigden, 2007). The process was uneven, and change was not automatic.

The solidarity between relevant unions and the activists in the WLM helped build strong struggles for equal pay and reproductive rights. Of course, it was not a smooth course. That the ACTU discussed and developed a policy on abortion was significant for the relationship

between the two movements and must have reinforced a pro-choice message to the state that abortion rights had substantial social support, not only moral support. Gideon Haigh reports a coincidence of events which would symbolise the future collaboration of women's and workers' rights struggles after 1969: the Victorian Supreme Court hearing which liberalised abortion law presided over by Justice Clifford Menhennitt was being held in the same building at the same time as the hearing presided over by John Kerr which sentenced Clarrie O'Shea to jail for refusing to hand over union funds, leading to the penal powers dispute and the huge strike wave of May 1969 (Haigh, 2008, p. 214). From 1970 both movements strengthened for a time.

### ***Conclusion***

In understanding the state's concessions this chapter assessed the nature of the change, in women's legal access to abortion. It was a stalemate which left open the possibility of future legal challenges from the right or the left. From the government's point of view, it was settled. Ideologically, there was debate over the rights of women versus rights of foetuses, but the mainstream ideological framework was based on family planning. The difference in approach between Labor and Coalition governments is worth noting. Neither party implemented Federal legislation on the issue. The processes that began under the coalition 1969-71, were decisions of judicial courts, state governments and the industrial Arbitration Commissions. The abortion law liberalisation processes that resulted in a compromise between government, doctors and courts were shaped under the Federal Labor government of 1972-75 and confirmed in the late 1970s Coalition period. The final decisions on equal pay were made in the CAC 1972-1974. Activists may have had other illusions and expectations of Labor.

The state was involved on both sides of a key social contradiction – supporting on one side tremendous growth of industry and new workforces that were predominantly female, or another side ensuring the maintenance of the privatised family reproducing compliant labour power. The liberalisation of abortion law was a concession made in the context of that contradiction to enable working women's roles in families to continue at least cost to the state and capital. Families changed but their core task for capitalism remained.

This framework reflected smaller working-class families in the context of an immigration program that provided a large proportion of new labour already reproduced cheaply in source countries. There was no need for a return to pre-WW2 conditions. The outcome of the backlash over abortion in the late 1970s was not so much about which side won, but confirmed the compromise between the government, doctors and the courts. This liberalisation process benefited women because it was an alternative to a return to the pre-1969 period of backstreet abortion. The outcome reflected the growing political influence of feminism because Medibank subsidies were retained and further attempts to tighten up restrictions on abortion were stopped. The nature of the struggle reflected the developing new relationship between women and unions.

This chapter argued that women's growing participation in employment was a factor in the change in union involvement, but it was not the only factor. Women's self-activity in the equal pay struggles and other campaigns, strengthened unions, challenged sexism and laid the basis for greater involvement of women over the next period, albeit unevenly. My interpretation of the history illustrates the theoretical lens of SRT as well as the relationship between social structures and workers' agency in class struggle, as I presented in Chapter 2. Political leadership had been important in educating new women and men in union-building and campaign leadership. The period of Labor government had delivered some improvement, as explained above, but also disappointment over the outcomes of abortion liberalisation and equal pay.

Some women started a process of changing unions which they hoped would strengthen further initiatives, but again the results were mixed, because unions' roles lie within capitalism to gain more concessions from employers and sometimes the state. Simms (1987, pp. 9-25) showed there were more opportunities for women taking up political issues in the 1970s union context, but experiences among public servants yielded limited rewards. While unions seldom directly confront the state with political demands, the union movements' overt support for the pro-choice position, even if briefly, indicated to the state that the liberalisation of abortion law had widespread support. At that time, as has been explained, unions represented about 50 per cent of the Australian workforce. There was much unfinished

business in terms of challenging structural gender pay gaps and other symptoms of oppression, but these are political issues which may ignite political unionism in the future.

However, even though the struggles of the period added to the pressures of the state there is evidence to show that the state remained in charge of the process and produced an outcome that was beneficial to the ongoing functioning of the capitalist economy. The irony is that women gained a greater participation in society compared with the 1950s because of the concessions on abortion law liberalisation and equal pay, and for a brief period used that opportunity to build stronger union structures. Going into the 1970s this was not the expected role of women workers.

## Conclusion

During the 1970s a range of improvements in women's social situation, like supporting mothers' pension, no-fault divorce, the Medibank medical insurance scheme, free tertiary education, the liberalisation of abortion laws and the principle of equal pay, were made by governments and other state organisations. Middle-class white women were the main beneficiaries of the changes, and by the 1980s women workers had more rights at work and wider access to services like healthcare, welfare and childcare, compared to 1968.

This thesis is about two struggles – the campaigns for reproductive rights and equal pay. Between 1968 and 1980 abortion rights became a public issue and the state granted concessions which meant a surgical abortion became legal for most women, under certain circumstances. Although abortion was still a crime, reinterpretations of the law meant legal safe abortion was more accessible. In 1969 the Equal Pay Case hearing in the CAC, recognised equality as a principle. Two more hearings in 1972 and 1974 recognised the goal of 'equal pay for work of equal value', and a minimum wage, made equal for men and women, became a right. This thesis discussed these two issues, abortion rights and equal pay, to understand why the state made these concessions and the role of women workers in the struggle.

Feminists and Marxists have assessed this period as one during which more was achieved than in previous periods of women's struggles because of the WLM campaigns, underpinned by the greater participation of women in employment and in society which gave them greater means to challenge inequality (Arrow, 2019; V. Burgmann, 2003; Lake, 1999). This thesis argues that, while the history of the period shows that social movement campaigning was a central component and helped shape the outcomes, by itself, the struggle does not explain why the state made concessions. Struggle by social movements, especially the WLM and the union movement, increased the pressure for change on governments already embroiled in crises.

This thesis showed why and how the state acted to implement those concessions; state organisations, politicians and judges acted on the basis of the interest of Australian capitalism. In addition, my analysis contributes to a clearer understanding of the key role of women workers in leading struggles and changing organisations.

Because the focus of this thesis has been to highlight the strengths of SRT, and to show its capacity to explain the role of the family in the oppression of women within the capitalist system, it has had to sideline the racial dynamics of oppression and exploitation. In Australia, a product of British imperialism, this dimension is of special importance. Australian capitalism, as I pointed out in Chapter 3 (p. 51), began as a colonial, racialised state. Moreover, 'race', in such a capitalist state, is a lived experience of social movement actors passed down from one generation to the next, and indeed, in Australia's case, reinforced by racialised immigration programs. Building on the analysis offered in this thesis, I hope future scholarship on abortion and equal pay will include further analysis of the racialised dimensions of these struggles, and in the process contribute to a fuller history of women's oppression in this country.

#### *Research question*

Why did the state make concessions in response to demands for equal pay and abortion rights in Australia, between 1968-80, and what role did women workers' struggle play?

#### *My argument*

First, I showed that the economic and political context of a booming Australian economy revealed a contradictory situation as thousands of women were needed to fill labour shortages; migrant women from a range of mostly European countries joined the white Australian female labour force during this period. Australian governments were not prepared for crises of social reproduction, revealing the need for a response by state agencies for support for families and changes to the relations of social reproduction, especially reproductive rights for women. Equal pay was a long-standing claim of women workers.

Second, the history reveals that concessions *could* be made without giving in to all demands; and that, third, the concessions were shown to be *beneficial* to capitalism, even though they were not supported by all sections of the elite. Finally, I argue that the role of women workers

is an important element in the nature of the concessions and the struggle. A summary of my findings follows.

### *Context*

I argue that the state responded to a social reproduction crisis caused by the new economic and political situation when the greatest boom in Australia's history emerged after WW2. In the context of a growing demand for female labour for expanding white-collar industries, the framework for social reproduction of labour power changed, as I show in Chapters 4 and 5. The outcome included improvements to the existing social reproduction framework that benefited women, some more than others, depending on class, racial and geographical factors. The state facilitated changes in various organisations and agencies to develop changed interpretations of laws; in terms of parliamentary change no jurisdiction repealed the criminal law. The laws themselves were reformed only in SA and the NT. The concession on reproductive rights meant a liberalisation of the legal situation for abortion, mostly based on judicial court rulings, the Menhennitt ruling in Victoria and the NSW Levine ruling. The concession on pay was based on the decisions of the 1969, 1971 and 1974 CAC Cases, and ceded that equality was a principle. This opened the way for the legal equality between men and women on minimum wages and equality of pay rates where there was equality in work value between men and women.

The history shows how it was achieved and recognises that the outcome was of benefit to the state. My thesis first explains why abortion was a crime and why unequal wages were government policy in Australia, in Chapter 3. That chapter also shows how anti-abortion laws were related to fertility concerns of governments maintaining a white population in a colonial settler state as well as the maintenance of the nuclear family. Gender-based inequality and subordination of women existed as a social norm, a symptom of women's oppression, before capitalism but continued with the rise of capitalist relations, and was re-shaped and naturalised in gendered relations, in the interest of creating the nuclear family, which I discuss in Chapter 2. This process first happened in England; Australian governments adopted the same model of nuclear family, as part of a framework for social reproduction.

Women's oppression was a consequence and an ongoing relation rooted in family relations, which I argue in Chapter 2 and apply to the Australian situation. In this capitalist social form,

the state banned abortion, denying women reproductive rights. Employers were able to pay women lower wages, which was supported by Australian Arbitration Court decisions about wages codified in industrial law. I argue that these two symptoms of women's oppression, reproductive rights restrictions and unequal wages, were created as part of the social structures that bolstered the nuclear family in Australia.

### *The concessions*

However, I found that the nature of the social policies shifted as social structures changed over the first half of the twentieth century, depending on economic and political circumstances and the governments' understanding of the national interest. By the 1950s the national interest in terms of these questions had changed with the boom, as I show in Chapter 4. Fertility was less of a problem. Australia required a new labour force, but it could source workers as part of the immigration scheme. Local women workers were also sought for permanent employment, including increasing numbers of married women. Through the union movement, women workers demanded equal pay, continuing a decades-long campaign. In the 1960s, a major moral scandal was publicised, revealing fatal consequences of illegal abortion procedures, and that thousands of women were accessing pregnancy terminations.

Initially, the state did not act. However, on equal pay, a case was presented to the CAC by the ACTU for equal pay in 1968, arguing for a 25 per cent increase because the legal basic wage rate for women, decided by a Federal Arbitration Court in 1950, was 75 per cent of men's rates. The claim was rejected in 1969, and instead, a determination was made which recognised that equality was a principle and women were entitled to what was called 'equal pay for equal work'. This was regarded as inadequate by women workers and the WLM, because only 18 per cent of the female workforce benefited. Unions and the WLM continued the struggle to win improvements on the CAC decision and, under a new government, a new decision supporting 'equal pay for work of equal value' was made, as I show in Chapter 5. The outcome was still inadequate because industrial structures still maintained a highly gender segregated workforce, and it was difficult to measure work value. However, this result represented a concession made by the state that improved women's wages.

On abortion, doctors and feminists responded to the abortion scandals to test the law, as explained in Chapter 4. In the Victorian Supreme Court in May 1969, Judge Clifford

Menhennitt ruled that some abortions were lawful. Abortion could be performed legally if a doctor diagnosed that a woman's life, health or well-being was threatened, under the so-called 'necessity' principle. Later that year the SA government amended the law in that State to recognise a similar legal concept. A wider understanding was ruled by Judge Aaron Levine in NSW in late 1971. In Chapter 5, I show that these decisions formed the basis for the state's concessions on abortion law. Under the Federal government a universal health insurance scheme, Medibank, was enacted providing subsidies for abortion, by 1975.

A new situation was established through the 1970s, where private clinics in NSW and Victoria could provide pregnancy terminations subsidised by Medibank rebates, as explained in Chapter 5. In SA public hospitals performed abortions, allowed with restrictions for citizens. Doctors were regarded as the 'gatekeepers' for people who can become pregnant to access legal abortion, on behalf of the state. WLM campaigns enabled the system to give women much greater access to abortion, and successfully entrenched an idea that reproductive rights should be based on 'a woman's right to choose', in consultation with her doctor.

My interpretation of the history shows that the concessions were achievable in the 1970s because of the state's concerns about the economic and political context. Social reproduction structures were affected by the new context. They could be altered at low cost to the state and capitalism, to facilitate an economy relying on growing industries which required women workers. Working-class women increased their participation for financial and social reasons but required more state support. The social debates and struggles that I report in Chapter 4, helped shape the state's concessions, and opinion polling indicated the changing attitudes. From 1970, the WLM became a vehicle for raising a series of demands to facilitate women workers' new roles, including subsidised childcare, maternity leave and abortion rights, which targeted the state and would need increased spending on welfare and health. Because this public spending was largely not forthcoming, these demands had limited success.

Throughout this period, from 1968, the state was intent on stabilising a volatile economic and political situation, with rising union-led working-class struggles and concomitant wage rises.

Recession in 1974 created greater economic and political instability, as profit rates declined. Governments used different strategies to stabilise society, which generally failed. After the sacking of the Labor government society shifted rightwards under the Coalition government.

I show in Chapter 6, that in a new context, coinciding with government cutbacks, a right-wing anti-abortion movement arose, supporting traditional family values. The liberalised abortion law concessions were tested when sections of the state supported two attempts to undermine the Medibank subsidies for abortion and tighten up restrictions on abortion in Queensland by changing the anti-abortion law. Both moves were defeated, indicating the state did not support a return to the pre-1969 legal situation. There was no appeal of the Menhennitt and Levine rulings. While it is unlikely that the state would have supported the right on these moves, I argue that politicians would have noticed that campaigns to defend abortion rights were supported by the union movement, which could not have occurred in the early 1970s.

The union movement was considered 'anti-woman' by feminists but the struggles for equal pay had opened a new chapter in the relationship between some unions and women workers. Thousands of women had joined the union movement to improve pay and conditions at work. At that time 43 percent of women workers were union members in 1976-1982, representing just over 30 per cent of the total union membership (Shute, 1994, p. 168). Many of these were migrant women, whose experience I have not discussed in any detail. While the unionisation of women declined during the 1980s, the period of the 1970s showed that women were increasing their influence in the trade union movement for a brief period.

#### *The role of women workers*

A consequence of the process of the state's concessions was the stabilisation of the growth of the female workforce. Working women had gained in the process of the implementation of the state's concessions on abortion access and equal pay. The women were able to increase their participation in production and therefore provided more labour to create surplus value for capital, partly because of the changing context created by the economic boom and partly because of the changes to reproductive health and increased pay. These workers were joining workplaces at the time of major struggles, and some were politicised. However, women's

unionisation grew quickly, and they became active unionists as I showed in chapter 6. Their participation in unions was an unintended consequence.

By showing the way the state made these concessions I reveal the changing nature of the union movement as it sought to accommodate growing numbers of women unionists. I also showed that the union movement, which became a supporter of women's reproductive rights, had an impact on the late 1970s outcome. The role of women workers in this period has not received sufficient attention in the accounts so far.

The relationship changed between unions and women workers, largely because of women workers' activity in the context of the new industrial situation. Their activity was underpinned by the growth in female participation in industry, the industrial struggles over equal pay and the role of some union leaders working with rank-and-file members to change the politics and the composition of leadership bodies, which I argued in Chapter 6. The Federal Labor government had improved other social conditions. However, when recession undermined working conditions, government support was not guaranteed.

My analysis reveals that social power was rooted in their own struggles. This outcome was not inevitable. The thesis indicates that different strategies for winning women's rights may have had different outcomes. The WLM brought together different strategies based on class location (as discussed in Chapter 5) as did the union movement. For instance, among some feminists separatist policies argued that women could not find allies among male workers in the male-dominated union movement and some union leaders suggested that industrial action was not relevant for political campaigning. I have shown weaknesses in these approaches, but more research is needed to assess these strategies.

#### *Theoretical lens – Social Reproduction Theory*

The thesis analyses the history through a theoretical lens based on a Marxist feminist Social Reproduction Theory (SRT). In Chapter 2, I explain how this theory helps an understanding of social reproduction of labour power under capitalism which I apply to the Australian situation from the time of colonial settlement. While the theory illuminates how the experience of processes and human relations in families conceal the roots of women's oppression, it has a weakness. It underplays the role of the state in creating and bolstering the

family structures. The *cause* for the oppression experienced by women is not families but with the state. I extended the analysis to argue that the cause of oppression is the capital-state-family nexus. This is borne out in the Australian example.

Historically the capitalist state has played a role creating and maintaining the nuclear family to reproduce labour power at low cost. In the history of social reproduction in the Australian context, capitalism has benefited from the labour power reproduced with unpaid labour in working-class families. The state can play an ongoing role shaping family structures as circumstances change. In 1969 state organisations and agencies intervened to change the way laws related to reproductive health policies and wages policies.

The family structures had a contradictory relationship with the changing economic structure of Australian capitalism from the 1950s. The state acted to adjust the framework for social reproduction. Struggles by women workers, supported in WLM campaigns, raised demands for change, in the form of equal pay and repeal of abortion laws. The concessions of the state – liberalisation of the legal situation of abortion based on the Menhennitt ruling, Medibank subsidies and limited pay improvements based on the 'principle' of equality – did not coincide with those demands but were a step forward for most women.

This reinforces the analysis that the state is central to understanding the framework for social reproduction and it acted to benefit capitalism. The outcomes on abortion law liberalisation and equal pay were not conceded to benefit women workers, rather for the more efficient running of capitalism; in this case to ensure a continuation of the reproduction of labour power in the context of economic and political changes of the post-war boom, when thousands of married women entered permanent employment often for the first time.

SRT helps understand the processes involved in the history of the state's concessions. It was a disruptive period which involved an insurgent working class and major political battles over war and conscription. These were a major factor in the state acting on those issues, for example the no-strike provisions of the Arbitration Commission became what was called a 'dead letter' after May 1969. The industrial crisis included a crisis of women workers who joined unions and fought for equal pay, which was raised in the CAC in 1969, resulting in a concession. At the same time the state accepted changes that were taking place in the judicial

courts in Victoria in 1969 and NSW in 1971 to recognise that by liberalising the existing anti-abortion law, many more women could access legal and safe abortion. These two measures stabilised the industrial situation affecting women workers. These state interventions can best be understood as the workings of the capital-state-family nexus, which I argue is the cause of women's oppression in capitalism, extending the SRT analysis.

SRT also provides a theoretical framework to understand the response of oppressed people involved in the family and other organisations which provide social reproduction tasks for capitalism, including health and welfare services. SRT writer Bhattacharya extends her analysis to include new insights in understanding the role of racism in this process (Bhattacharya, 2017). I have not provided an analysis of the cause of racism under capitalism, for lack of space, but have recognised the nature of multiple oppressions affecting each person. While this limits my analysis of capitalism and strategies for change, I concur with SRT analyses that argue that these workers can respond to many forms of oppression in struggle, join unions and attempt to improve their lives because of the contradiction created in the interdependent relationship between families and capital. I have not provided an analysis of the specific response of migrant and Indigenous workers. My purpose has been to thoroughly understand women's oppression, which affects all workers.

The nuclear family provides the roots of oppression because of the specific role of female parents. Wages do not cover the full cost of creating and reproducing labour power; yet capital relies on the labour power produced in the family but is reluctant to pay for those services. SRT argues that workers can respond to this contradiction, with protest and industrial action. This analysis helps provide an understanding for the rapid unionisation of women during the equal pay campaigns and the continuing role of some women as leaders and activists, changing union organisation and contributing to changing policies.

I found SRT useful to understand the relationship between capitalism and women. As mothers and waged workers, working-class women's lives are structured to the benefit of capitalism. I improve SRT's framework by arguing that in this relationship between capitalism and women workers, the state is a key actor, intervening to shape families. The Australian state was instrumental in adjusting the structure of social reproduction to benefit capitalism in the 1960s and 1970s.

### *SRT, oppression, the family and Australian women's history*

Understanding the source of oppression in the capital-state-family nexus strengthens the SRT lens as an explanation for the outcome of women's struggles in Australia in the 1970s. The thesis draws on this analysis to show that when the state facilitated improvements in women's situation, this was reflected in the changing nature of families, including an increasing number of single parents (children born outside marriage were no longer 'illegitimate'). Such change could not be possible if the nuclear family and women's oppression were natural and permanently fixed; families are not independent but shaped by economic and political capitalist forces, like the dramatic changes in the Australian political economy, especially from the 1960s to the mid-1970s. By the end of the 1970s, families looked different, particularly with the increase in single parent households, yet the key task of the nuclear family, and mothers' unique role was not changed.

Abortion law and equal pay became critical issues and addressed by the state at the same time, during the period of 1969 to 1974. The reasons for the state concessions are tied up with the economic and political crisis of this time. The struggle by the WLM over abortion and equal pay coincided with the unions' growing militancy, adding to the crisis. My analysis contributes to a more complete explanation for the improvements in women's situation in the period 1968-1980.

### *Methodology*

The strength of my project is in how I have addressed this question.

1. My analysis is situated in a historical materialist framework which recognises human society as a totality and provides a 'unitary' theory of women's oppression based on SRT, which recognises capitalism as the cause of oppression, and that women's oppression is rooted in family processes, bolstered by the state (Bhattacharya 2017). I extended the SRT framework to include a major emphasis on the state, following Harman's (1991) analysis of the capitalist state, and which was revealed clearly in my interpretation of the 1970s Australian history. By basing my theoretical lens on a capital-state-family nexus, the history is more clearly explained, and in the process, I strengthened SRT as an explanation of women's oppression.

2. To analyse the abortion issue and equal pay I discussed them together in each chapter, as I explained in Chapter 1. These issues may not seem connected – after all, this thesis covers 60 years of intermittent conflict over women’s wage rates, and abortion rights only became a major political issue in the late 1960s. While the history of these issues shows a logical development according to a specific usefulness to the state, I show that in crises the connection is revealed more clearly, as is both the ideological and economic role of the family for capitalism. I present this understanding of the historical development of these issues and the context to explicate how crises develop due to the social relations of capitalism and its contradictory economic processes.
3. Some of my conclusions have benefited from a sensitive understanding of how women and unionists responded at the time to oppression and why they took certain actions. I present a narrative that recognises the interrelationship between social structures and human agency, analysing the actions of state personnel as well as political activists, following Callinicos (2009 [2005]). I showed the importance of understanding class interest in determining political action, but also how class relations are affected by relations of oppression, particularly gender oppression.

The narrative has been expressed carefully drawing on public statements and reports, as well as accessing fiction and non-fiction books, films, audio recordings and articles from the period to understand how arguments were expressed at that time. I examined materials such as political opinion polling results, parliamentary and royal commission reports, political party policy statements and meeting records, political conference documents, community groups’ meeting records, political ephemera, contemporaneous newspaper articles, government economic data and media analysis. My own experience has assisted my understanding of contemporary events. I accessed biographies, memoirs and interviews with participants completed by other researchers.

4. I focused on the early 1970s and the eastern states of Australia to understand the concessions, but also the events at the end of the decade. The right-wing backlash against feminism and attempts to undo the concessions revealed that there was always

the possibility of the state retreating, which they did not do. Examining the events surrounding this short two years, investigating the new role of unions supporting the right to abortion, followed by assessing the response of women workers. This story shows why women became unionists and what they tried to do next and there is another story about the response of the old union leaderships and the role of migrant unionists which I have no space to tell.

### *Research contribution*

The thesis offers new analysis of the Australian state's relationship to women workers, and it developed a new framework for understanding their role in social reproduction as the 1970s progressed. This is a contribution to the fields of history and political economy. Further, I start a discussion to understand the role of women workers in those processes of political change. The most significant layer in society that changed was the union movement. Whereas official ACTU policies on women's pay had been contradictory until the 1970s, by the mid-1970s, ACTU policy had changed. They more clearly supported equal pay and were shifting to support family planning, and by 1981 the ACTU had adopted support for abortion rights for women. I show that in key unions, as women became union activists, many acted to change union structures and policies in their interests, starting an uneven process that has culminated today in a union movement with a majority of women members and the ACTU being led by two women, President Michele O'Neil and Secretary Sally McManus. In terms of personnel, it took decades for women unionists to take key leadership positions that reflected women workers' numbers in industry. However, today the union movement has become central to many of the issues of gender liberation as well as women's rights.

My understanding of the role of the state in social reproduction contributes to an understanding of the precarity of working women's rights in capitalism. The history of developing concessions in the 1970s of Australia, shows that to understand the improvements, requires a deeper understanding of the relationship between the state and the working class. My thesis brings to light the necessity of understanding the reasons state actors devised these concessions in the 1970s to better understand the outcomes. In the process, I revealed the contribution made by working women in struggle and their potential to use their social power for change. However, if rights can be granted, they can be reversed. In the context of the overturning of the Supreme Court ruling on Roe Vs Wade in the US, and

the ongoing increase of further restrictions on women's reproductive rights, more analysis of the role of the state in social reproduction is required.

Further, there are limitations on my work because of my focus on the oppression of women in Australian non-Indigenous society, that is, those who dominated the female workforce until the 1960s. A more rounded analysis is possible in future publications after more research into the effects of various forms of racism, especially the discrimination suffered by Indigenous and migrant women from many non-English speaking and other diverse backgrounds. More research would be valuable to understand the development of the family structures of white settlement and the changing relationships between Indigenous and non-Indigenous women.

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