



**MAKING A DIFFERENCE—A FRONTIER
OF FIRSTS**

**WOMEN IN THE WESTERN AUSTRALIAN
PARLIAMENT 1921–2012**

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and
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EDITH DIRCKSEY COWAN



MLA West Perth 12 March 1921–22 March 1924 (Nat). Contested West Perth 1924, 1927 (for WEL). First woman elected to an Australian Parliament.

In March 1921 Edith Cowan had the distinction of being the first woman to be elected to an Australian Parliament and only the second woman in the British Empire to sit in Parliament. Her surprise victory at the age of 59, by only 46 votes after the distribution of preferences, in the seat of West Perth was accomplished after an outstanding record as a pioneer of women's involvement in public life. Edith Cowan regarded the right of women to vote as a 'natural right', and a self-evident extension to this was the right to sit in Parliament. During her one term in the Legislative Assembly she was responsible for achieving the rare passage of two important private member's Bills: one measure specified that a person should not be disqualified 'by sex or marriage' from exercising any public function, from practising law or from entering any other profession; while the other gave equal inheritance rights to mothers when a child died intestate and without issue.

A scholarly biography of Edith Cowan (1861–1932) by her grandson Peter Cowan, entitled *A Unique Position*,¹ was published in 1978. The work depicted that she had a troubled childhood after being born at Glengarry near Geraldton on 2 August 1861. When Edith was only seven years old, her mother, Mary Brown, a teacher and daughter of the colony's first chaplain, Reverend John Wittenoom, died while giving birth to her sixth child. Edith was then sent to Perth for her education but, tragically, her adolescence was further complicated in 1876 with her father's trials and execution for the murder of his second wife. Soon afterwards, on 12 November 1879 at only 18 years of age, Edith married James Cowan, who was a postmaster and later a Magistrate of Perth. Perhaps indicative of her commitment to women's equal rights, her 'settlement of marriage' was an unusually detailed document for that era. The couple, who lived much of their married life near the Parliament in Malcolm Street, West Perth, had four daughters and one son. Even as she raised her family from the early 1890s onwards, Edith found time to play an extraordinarily active role in a variety of women's

¹ Peter Cowan, *A Unique Position: A Biography of Edith Dircksey Cowan 1861–1932*, Nedlands: UWA Press, 1978.

organisations and welfare organisations, and later on with the Children's Court and King Edward Memorial Hospital after it opened in 1916.

Although elected on 12 March 1921, Edith did not make her Inaugural Speech until late July of the same year. Recognising the symbolic significance of her presence, the Government bestowed on her the honour of moving the Address-in-Reply. An indication that her presence concerned some members was evident in the chamber's failure to accord her the traditional respect of an uninterrupted 'Maiden Speech'. Edith disputed the theory that 'many people think ... that it was not the wisest thing to do to send a woman into Parliament.'² Indeed, she considered 'the views of both sides [men and women] are more than ever needed in Parliament today'.³ She soon successfully sought the approval of a motion that overcame the convention that the Speaker's gallery be confined to men.

Edith did not favour the electoral provisions under which she won West Perth (and was not successful in 1924 and 1927). Voting was voluntary, whereas she spoke frequently about the educative benefits of compulsory voting. Deeply influenced by John Stuart Mill, she also spoke in favour of a proportional representation voting system. Mill, of course, also gave great intellectual force to the quest for women's rights in public life. In another interesting parallel, Edith campaigned for the reduction of parliamentary salaries on similar grounds to Mill, arguing that salaries could attract political careerists who may be prepared to sacrifice independence of judgement to the need to preserve their source of income.

Over the years Edith strongly favoured better education for girls and women, including domestic science and household management. She supported the establishment of the University of Western Australia and argued against the levying of university fees. She pioneered day nurseries for children of women in employment and helped to found the Children's Protection Society, which led to the establishment of the Children's Court in 1906. In 1915 she was appointed one of the first justices of the court. In addition, she campaigned for the appointment of women as justices of the peace and was herself one of the first women to achieve this status in 1919. At one stage she argued for a home for people with intellectual disabilities and also referred to the need for adequate old age pensions, while, controversially, supporting amendments to the Health Act which required the compulsory notification of venereal disease, an issue on which there were deep divisions in the women's movement. Edith was a foundation member of the National Council of Women in 1912 and the following year she became president, a position she held until her election to Parliament. Soon after losing her parliamentary seat in 1924 she visited the United States of America as the Australian delegate to the 7th International Conference for Women.

As a parliamentarian Edith wanted to discharge her duties in the interests of her constituents. She was critical of organisations with leaders who failed to be prepared to stand for Parliament. Importantly, she believed Parliament required a member to convince others of the merits of their case, a process she contended, which apprised the members of the difficulties likely to be accounted when they tried to convince other people outside Parliament. In her view too many members were 'possessed of the old party spirit'.⁴ After one exchange in

² *WAPD(LA)*, 28 July 1921, p. 15.

³ *Ibid.*, p. 19.

⁴ *Ibid.*, p. 16.

Parliament she spoke of the antagonistic behaviour being exhibited by some of her male colleagues, and this in turn led her to advocate the formation of a women's political party:

There are many of us who do still do not wish to bring that about, but it may ultimately be necessary to have such a party to look after the interests of women. The effect of forming one would possibly be much stronger than some men realise.⁵

As it was, in 1927 Edith unsuccessfully contested the West Perth election on behalf of the Women's Electoral League. The League was not a fully fledged political party but the outcome for Edith indicated that the electoral prospects for a women's party were not promising. Her membership of more than 30 voluntary organisations and advisory bodies may have been an enabling factor in her initial election victory but it had not proved sufficient for her to hold the West Perth seat in 1924, particularly when opposed by a strong Nationalist party candidate, Rhodes Scholar Thomas Davy, with the backing of important business and professional interests. Edith was awarded an Order of the British Empire in 1930 in honour of her wide range of work for Red Cross, health, hospital and services for returned soldiers. Among the organisations in which she held prominent positions over the years were the Anglican Church, the Karrakatta women's club, the Girl Guides Association and the (Royal) Western Australian Historical Society (of which she was one of the founders), and she also played an active role in the celebrations of the 1929 Western Australian centenary. After her death on 9 June 1932, a clock tower at the entrance to Kings Park was built as a memorial—and is thought to be the first civic monument to honour an Australian woman—more than half a century before her name was given to the new multi-campus Edith Cowan University.

*Reflections on the Member's Parliamentary Career*⁶

In September 1923 Edith Cowan successfully moved for the second reading of the Women's Legal Status Bill,⁷ a private member's Bill designed to remove women's disqualifications for entry into the legal and other professions and the passage of which constituted an important legislative advance for woman. It was her view that it was necessary to enshrine in legislation the right of women to enter the professions, including the right to be members of Parliament. In the extract which follows from her second reading speech, some interjections have been included as an indication of some of the barriers she was facing at the time:

Mrs. COWAN (West Perth): In moving the second reading said: I am bringing forward this Bill at the instance of the women of the community through their various organisations. We are desirous of having women put on a reasonably fair footing in point of holding offices and positions now closed to them. The Bill amends the law in respect of women's disqualifications. Probably I shall be told that the Interpretation Act would meet all our difficulties. But so far from its doing that, every time women desire admittance to any further professions or posts, some special Bill has to be brought in to amend the Interpretation Act. If the Bill before us is passed, we shall not have to be continually coming to Parliament in order that women may be admitted to various functions and offices from which they are now debarred. Similar legislation has been passed in Great Britain and in New South Wales. In other parts of the world also women are admitted to many professions and avenues of employment not open to

⁵ WAPD (LA), 9 January 1923, p. 2467.

⁶ For a fuller record of Edith Cowan's parliamentary career see Harry C. J. Phillips, *The Voice of Edith Cowan: Australia's First Woman Parliamentarian 1921–1924*, Perth: Edith Cowan University, 1996.

⁷ See WAPD (LA), 5 September 1923, pp. 592–594.

them in this State. For instance, everybody thought our Interpretation Act covered equal citizenship ... really a matter enabling women to sit in Parliament. It was thought the Interpretation Act would have sufficed, because it is there prescribed that the masculine gender includes the feminine gender. Yet to enable women to sit in this Parliament you had to amend the Act, making it clear that the word "person" included female as well as male. For instance, we feel it is desirable that women should be admitted as barristers. There is nothing in the Barristers' Act to prevent it, but when application was made to admit a woman the judges held that the Act did not originally intend that women should be admitted. We were told by Judge Parker that if the Legislature desired that a woman should be capable of being admitted as a practitioner of the court, or indeed if the Legislature intended to make women eligible for admission to the court, they should have said so in express language as, he believed, had been done in New Zealand.

Mr Davies: In what year was that?

Mrs. COWAN: In 1904. We have passed a further amendment of the Interpretation Act since then. It is practically in exactly the same words as those of the original Act in point of whether the phrase "masculine gender" includes "feminine gender". On the same occasion Judge McMillan said:

If a change is to be made, and if for the future women are to be eligible for admission to the Bench as well as to the Bar—because it seems to me if they are entitled to become members of the Bar they are eligible to sit on this Bench—the change is of such importance that it should be made, and in fact can only be made, by the Legislature.

Judge Burnside said—

That is a negative statute. It says it shall not be lawful for any person to act as agent or practitioner in the court without first having obtained the certificate of the Commissioner of the Court...There is nothing there conferring a right on women to be admitted as solicitors.

He went on to say he had been unable to find any instances under the common law of the United States, which is based on the common law of England, or any instance in England or any British speaking colony, where the right of women to be admitted to the Bar had ever been suggested. The learned judge added—

It is not a common law right. It is a privilege which has been conferred by the courts originally, and then been regulated subsequently by statute almost from time immemorial, and which has been confined to the male sex. I agree with what has been said by my learned brothers, and I am not prepared to start making law. When the Legislature in its wisdom confers the right on women, then we shall be pleased to admit them.

I have noted these opinions merely to show the necessity for the Bill. In South Australia a little while ago it was found necessary to bring in a special Bill to interpret their law. They admitted women to be barristers in 1911, yet had to amend that Act to allow women being made public notaries. That only shows what a difficult thing law is, and how necessary it is to have some definite provision giving women the proper legal status...

Mr Marshall: You will be cutting all the solicitors and barristers out of their jobs.

Mrs. COWAN: In answer to that, it is another case of letting "justice be done though the heavens fall." Women will never get these positions while men wish to keep them out.

Mr Latham: Surely you do not want generally to bring women down to the level of men?

Mrs. COWAN: No, I want to raise men to the level of women. That may be possible. I am not asking for anything that has not been done in other countries. Women in other countries have been treated with the greatest consideration and admitted to all these different professions without any great difficulty, and it is somewhat surprising to note the countries have done justice to women in many ways.

Mr Davies: Do you think it fair that a married woman should hold an hotel license?

Mrs. COWAN: Yes, even that, should she so wish, if her husband is not able to keep her. There are plenty of women whose husbands have not been able to keep them, and it may be well if women can enter the higher professions and earn a good living when their husbands have been unable to earn it for them. America has women judges in the children's court, and why not have them here? Why not have them to deal with women's avocations when they apply to the Arbitration Court? I fail to see any anomaly in permitting women to hold these positions, or even in making them Ministers of the Crown. It is not long since we had the curious and amusing anomaly, in New South Wales, I think, of a man being appointed Minister for Motherhood. I do not know what he could possibly know about motherhood, or what sort of judge on those questions he was expected to be. I think it would be better to have women in the Parliament and, if there was to be a post to deal with mothers, it should be given to a woman, preferably to one who was a mother. This goes to show how necessary it is to have some sort of equality in the matter.

Hon. W. C. Angwin: Generally those women who possess the greatest qualifications have never been mothers.

Mrs. COWAN: Not necessarily. I do not want Western Australia to lag behind the other countries. Women are admitted to the bar in almost every State of Australia, namely, Victoria, Queensland, New South Wales and South Australia and I am asking the House amongst other things, to make it possible for them to be admitted here. In America, Great Britain, Germany, Belgium, Austria, Spain, Portugal, Argentine and India also, women are admitted to the bar. I do not wish my country to be behind those countries; not do I wish our men to be considered less chivalrous or less ready to look up to their sisters, mothers and aunts than men anywhere else. It should be necessary only to bring this matter under the notice of members to make them realise the absolute justice of my request. In Denmark women are magistrates, jurors, barristers, judges and police; in Canada they are notaries and barristers ... Mrs C. Bennett Smith, of Buffalo, is President of the Civil Service Commission. I wonder what would be said if it were suggested that a woman be Civil Service Commissioner. Everyone would get a shock, but I do not know that the result would be less satisfactory than when the office is filled by a man.

Hon. W. C. Angwin: A lot of young women are employed in the civil service.

Mrs. COWAN: And the service is none the worse for that. Dame Anderson, MA, is the principal inspector of factories in Great Britain and has held that position for 30 years. The Minister for Education in British Columbia is a woman. In Munich there are women jurors, and women are admitted to practice in courts Nos. 1 and 2, and also in the High Court. Then we have doctors honoris causa, a high academical degree, allowed to women in the University of Berlin. The first lady to get this degree received it on her 70th birthday. I do not know that I could succeed in getting such a degree on my 70th birthday, but it is nice to know that it is possible. Of course, one does not know what can be done until one tries ... In Ohio, Miss F E Allen donned the black robes of high judicial office and ascended the bench of the Ohio Supreme Court. She is the first woman to be elected a common pleas judge in the United States and the first to be elected to a court of last resort. I have quoted a very fair list that should

make members realise they owe something to the women here who might very well be given the privilege, or rather the right, and the common justice of competing and standing side by side with their brothers wherever it is possible to do so. We must have wider avenues of employment for our women because the men are not marrying.

Hon. W. C. Angwin: Some of them say that is due to women taking their jobs.

Mrs. COWAN: I know there are members of this House who, if Perth were a Mormon city, would be only too pleased to help us remedy that position. But we do not all desire that. What we do want is the possibility of standing side by side with our men and getting admission to all these different professions, entrance to which will carry further admission to the higher professions. We are ready to face the responsibilities, but we cannot expect to attain our goal unless the whole community are willing to see us there. I see no reason why it should not be possible to win the approval of the community.

The Minister for Works: Do not rush in where angels fear to tread.

Mrs. COWAN: In the first place I asked the Solicitor General to frame a Bill that would make it possible for women to be admitted as barristers, but on going into the matter more thoroughly, I concluded it would be better to ask for the wider privileges set out in my Bill. He advised me that the inclusion of part of the English Act would clear away any ambiguity for the future, and therefore I thought it only right to bring this Bill forward. I hope members will regard this request seriously. The women are very desirous, as also are many married men, of their being placed on absolutely equal terms with the men, leaving it to be a matter of the survival of the fittest. We ask for neither more nor less than that, and I hope members will favourably consider the Bill and pass it.

Edith Cowan's hopes were fulfilled and the Bill passed through both Houses without dissent.