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But I Wouldn't Want My Wife to Work There: A History of Women's Work in the Hotel Industry

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Synopsis

Historians have tended to view legislation that discriminated against women hotel workers as a result of the efforts of the temperance movement which became popular in the latter part of the nineteenth century. This paper argues that the proponents of the moral suasion explanation oversimplify the complex issue of women's status in the hotel industry. Two distinct types of legislation are identified and the paper argues that they both had very different agendas.

Legislation controlling barmaids was imposed from above on a reluctant hotel industry. It was primarily concerned with the measurement and control of the numbers of barmaids. In contrast, the question of women's right to hold a license dealt with qualitative considerations. Consequently it was more concerned with marital status, age and professional experience of female license applicants. Unlike the barmaid debate, the impetus to restrict women licensees came from within the industry itself. This paper argues that barmaid control was primarily a social issue while the control of women licensees was primarily a labour issue.

The prohibition on women becoming employers in the hotel industry has important implications for the relationship between gender and social class. In spite of the oppressive structural and legal barriers, women have shown remarkable resilience and have been able to preserve their place in an industry which is well suited to their skills.

Work in the hotel industry is unusual in that it does not require male-specific skills. On the contrary, the skills required in housekeeping, cooking and serving beverages are more like domestic work than most other occupations and as such are likely to favour women. In fact, innkeeping afforded women a rare opportunity to work outside the exploitative wages system and to accumulate property and wealth. For many women, ownership of an inn, however small, provided autonomy and a chance to make a positive economic contribution to society. Yet, the history of women's work in Australia's hotel industry is characterised by marginalisation, occupational segregation, discrimination and excessive levels of control over women's movements. Both structural barriers and oppressive laws combined to deny women access as barmaids as well as the right to hold a liquor license. This paper examines the type of discrimination, particularly in the area of law reform which sought to curtail women's careers in hotels.

Bar-work was one of the few areas available to unskilled men and women. Its popularity amongst women increased for a number of reasons. Wages were generally higher than in comparable occupations. In Melbourne, during the 1890s, a barmaid could expect to earn up to 65 per year while her counterpart in domestic service could only expect to earn up to 35 per annum.¹ Although barmaids worked long hours (12 -16 hours per day)², the nature of bar work was less physically demanding than domestic service or factory work. One Ballarat innkeeper expected his only barman to do all the heavy cleaning during quiet trading periods while his two barmaids were permitted to sit and do needlework. According to his own account, the hotelier was a generous employer, paying the girls 25/- per week with free board and lodging included.³

¹ Diane Kirkby, "Women's Work as Barmaids," Lilith, no. 6, Spring, 1989, p.96

² Smith, W.C. Report of Royal Commission of Enquiry into Shop Employes(sic), in VPP, vol. 3, 1883

³ George Thompson in Minutes of Evidence given to the Royal Commission into Shop Employes, 1883, p. 81

Barmaids had more autonomy than domestic servants. They were not required to live-in and so, were not 'on call' outside regular work hours. They generally expected one and a half days off per week and publicans often granted barmaids several hours off duty during the middle of the day. Unlike their sisters in the clothing trade, they did not take work home. Consequently, they enjoyed better quality leisure time.

In addition to the bar, women were attracted to the role of hotelkeeper. With relatively small capital inputs, a woman could erect a humble inn with the potential to expand as the colony grew. Sarah Bird, who met with "tolerable good success" in the colony was Australia's first female publican. She established the Three Jolly Settlers in 1797 with capital of £20, being a very modest sum even at that time.⁴ Other early women publicans came from humble origins. Sarah Baxter, a servant girl, opened the Royal Admiral in 1798 when she was barely nineteen years and had an illegitimate son.⁵ By the 1830s, New South Wales, one quarter of all licenses were held by women.⁶ The percentage licenses held by women, although fluctuating, has been as high as forty per cent, and rarely fell below twenty five per cent.⁷

Many of the primitive inns were little more than glorified farm houses, often constructed in a makeshift fashion. Few publicans claimed any prior experience in hotelkeeping. Many simply fell into the trade by chance when they found travellers knocking at their doors in search of shelter and refreshment. Here potential publicans found an ideal opportunity for a small business. Some women entered the industry independently while others continued to run a hotel upon the death

⁴ J.M. Freeland, The Australian Pub, pp 19-22

⁵ Ibid, p. 25

⁶ Alan Atkinson, "Women Publicans in 1838," Push From the Bush, no. 8, p.90

⁷ Estimates based on a variety of sources including Alan Atkinson, ibid, the Cole Register, and records held by A.H.A. Victoria Branch

of a spouse. Serendipity provided the opportunity to enter the trade. Individual business skills and hard work were required to take advantage of that opportunity. Serendipity, however, is not selective: it does not discriminate against one sex. Yet, it was just a matter of time before social systems impeded women's entry.

The experience for male and female publicans changed dramatically, following the gold rushes in the south eastern states. Stringent building regulations combined with the demand for better quality accommodation which accompanied the influx of traffic along routes to the gold fields required substantial capital investment. Since independent women were in the process of acquiring capital and less able to raise capital through conventional channels, they were pushed out into the fringes of settlement. Despite their remote, rural locations many women innkeepers developed excellent reputations for the quality of their houses. During this expansionary period the industry was sufficiently large and profitable to support both sexes. From their marginal locations, women publicans operated in a kind of competitive coexistence with their brethren.

During this growth period hotelkeepers began to organise at a professional level. Licensed Victualler's Associations, modelled on their London counterpart, sprang up in the capital cities and larger towns. Initially operating as a myriad of disparate groups, these associations generally represented the interests of those who held freehold properties in urban areas rather than tenanted innkeepers on the fringes of settlement.⁸ In the sparsely populated rural locations, where women were concentrated, professional associations were slow to form. In larger towns, women were more likely to tenants. As a consequence, women had little in common with the professional associations and failed to join in any significant numbers. For their part, the professional associations did little to challenge discriminatory practices.

⁸ In Victoria, the conflict between the interests of freehold and tenanted hotelkeepers eventually gave rise to a breakaway group, The New Hotelkeeper's Association (Vic) being formed in 1907. This group, representing the interests of tenants was more successful at enlisting female publicans. A complete list of financial members appears in the Liquor Trades Chronicle, May 7, 1910

The economic crash towards the end of the nineteenth century created a situation where the industry was oversupplied with hotels. Licenses Reductions Boards were installed in most states and with remarkable success were able to reduce the number of licenses by more than one third within a few years.⁹ The authorities, however, preferred to close hotels that were unnecessary by virtue of being in an out of the way location. Hotels that failed to meet modern building standards were similarly closed. Since women publicans had been increasingly pushed out into rural areas, they bore the brunt of the reductions. Slow country trade failed to generate sufficient revenue to upgrade premises. A typical case occurred at the Old England Hotel at Barker's Creek, where Sarah Cox begged the Board to let her continue providing a service in the vicinity. The Board, however, knew better and she was deprived of her livelihood.¹⁰

The high incidence of tenancy arrangements had other implications for women publicans. At the behest of sympathetic landlords, many potential publicans soon found that many landlords refused to consider leasing their hotels to women. Carlton and United Breweries (CUB), for example, embarked on a major freehold acquisition program in the early twentieth century. As a major supplier of leases, CUB considered that men were required to run their properties. Esther Shade was just one publican who felt frustrated by CUB after her persistent attempts to lease the Fleece Inn at Bendigo failed, forcing her to postpone her entry to the industry.¹¹ A variety of social structures throughout the nineteenth century served to marginalise rather than eradicate women publicans.

⁹ For an excellent discussion of the relative success of the Licenses Reductions Boards in each state see Freeland, op cit, pp 170 -175

¹⁰ Sarah's tragic story was transcribed by the author from records held at the Old England Hotel, now a private museum. Barker's Creek is approximately 10 miles from Castlemaine in the heart of central Victoria's gold diggings.

¹¹ The Vigilante, 6 September, 1929

In time, structural impediments alone may have curtailed women's participation in the hotel industry. However, statutory reform, introduced around the turn of the century, accelerated the process. It is possible to identify two distinct types of legislation : control of hotel employees, particularly barmaids and control over women's right to hold a license. Attempts to control barmaids became an agenda item during the 1880s but did not pass into the statutes until 1908. (South Australia, 1908; Western Australia, 1910 , Victoria, 1917 ¹²) The second type of legislation designed to prevent women from holding a liquor license was less widespread, appearing in Tasmania (1902) and South Australia (1908). Although there are variations in the way legislation was framed in the states, it is possible to identify a number of common themes. The purpose of barmaid control was to hold constant the number of eligible persons as well as to control their movements. In South Australia, the legislation was far more repressive: its ambition was the total abolition of all barmaids within a ten year period. Control of women licensees differed from barmaid control in that it attempted to control the types of suitable applicants. It was concerned with questions of age, marital status and prior industry experience. Essentially barmaid reform dealt with quantitative issues while licensee control dealt with qualitative issues.

Critical analysis of the debates surrounding discriminatory legislation in the hotel industry is scanty. Several writers have drawn attention to the relationship between the growth of the temperance movement in the late nineteenth century and the attempts to control barmaids. ¹³ Indeed, there is considerable evidence to support the view that the moral crusaders were the driving force behind barmaid legislation. The position of the Women's Christian Temperance Union (WCTU) on the barmaid question is well documented. ¹⁴ The thrust of debate focused on defining work as either becoming or unbecoming to women. The perceived moral temptations of the bar isolated it as an unfitting occupation. Having defined barwork as

¹² It is worthwhile noting that similar acts also appeared in New Zealand in 1917 and that bill to control barmaids presented in NSW in 1884 was narrowly defeated.

¹³ Keith Dunstan; Connell and Irving; Anthea Hyslop, Anne Summers.

¹⁴ Anne Summers, Damned Whores and God's Police, pp 355-7

unbecoming, lobbying for legislative reform, aimed for quantitative control: the imperative was to abolish or at least curtail women's access to bar work.

The WCTU's position on the licensee question is less clear. Although temperance groups may have defined the profession as unbecoming, there does not appear to be any attempt to exert control over numbers. On the contrary, the public debate focused on qualitative issues. Its primary concern was the identification of categories of women deemed to be suitable to hold a license. It is unlikely, then, that the temperance movement would address such qualitative considerations. Consequently, it is more likely that the licensee question originated outside the temperance movement. Moral suasion has difficulty explaining the preoccupation with the assessment of suitable license applicants. Why should an older, married women be regarded as more suitable to hold a license? Is it that younger, single women's morality is somehow more vulnerable? Proponents of the moral suasion explanation have failed to recognise that there were two distinct debates operating simultaneously. An examination of the two interrelated debates should reveal some insights into the way women were denied access to hotel-based careers.

There was a time lag of more than two decades between the time that women's work in hotels first became a public agenda item and the time that it first appeared in the statutes. Early attempts to put the barmaid question on the agenda can be traced back to 1880s. In 1883 a Victorian Royal Commission of Enquiry into Shop Employes and the Factory Act identified the employment of barmaids as a burning social issue and widened its terms of reference to cover this occupational group.¹⁵ In a report tabled the following year the Commission recommended that the barmaid system be abolished.¹⁶

¹⁵ Royal Commission of Enquiry into Shop Employes, 1st and 2nd Progress Reports in VPP 1883 vols, 1 and 3

¹⁶ Report on the Employment of Barmaids, VPP, 1884, vol. 2, no.29

The Enquiry recommended the eradication of the barmaid system for two principal reasons.¹⁷ Firstly, attractive young girls were being employed as a lure to encourage men's drinking. The prevalence of alcoholism was widely acknowledged as a major social problem following the gold rushes. Authorities had long since recognised their inability to control male excesses in relation to alcohol.¹⁸ Since it was not possible to control the male, an obvious solution was to control the decoy; the barmaid. Secondly, poor employment conditions were advanced as a major cause for concern. Poor working conditions encompassed a wide range of problems including men's offensive behaviour, swearing, gambling and other forms of 'moral danger' inherent in bar-work. In addition the long hours and heavy work were advanced as cause for concern.

Secondary sources have generally assumed that barmaid's conditions were worse than average. As evidence for this view an anecdote taken from the minutes is frequently quoted.¹⁹ It relates the incident of a barmaid who died from a haemorrhage of the bowel brought on by constipation. In his book, Wowers, Dunstan paraphrases the attending physician's testimony where factors contributing to the death were thought to be an inadequate diet through inability to

¹⁷ Keith Dunstan, Wowers and Anne Summers, Damned Whores and God's Police, both discuss the twofold nature of the recommendations

¹⁸ For an excellent example of the frustration experienced by authorities on alcohol abuse see Select Committee Upon the Licensed Publicans Acts (Victoria), 1859/60, Vol 111, which found that neither drunkenness nor crime could be abolished by an Act of Parliament.

¹⁹ The original testimony is given in Minutes of Evidence, Royal Commission of Enquiry into Shop Employes, 1883, p.53. It has subsequently been repeated in Keith Dunstan, op cit, p.75; Anne Summers, op cit, p 356; South Australian Parliamentary Debates, 1908, pp 789-90

prepare meals after long hours at the bar.²⁰ Anne Summers, quoting Dunstan, goes one step further and hints that hotels' failure to supply women's sanitary closets was a contributing factor. Summers argues that female customers did not enter hotels hence there was no need to provide female lavatories.²¹ This view, however, is misinformed. At the time of the Enquiry, women commonly frequented bars.²² The masculinisation of the public bar is very much a twentieth century phenomena.²³ This is not to suggest that barmaids conditions were beyond reproach. There is, however, little evidence to support the view that they were any worse than conditions in other industries.²⁴

On the question of barmaid's conditions, evidence heard by Smith's Royal Commission was contradictory and inconclusive. Although, W.C.Smith, himself, frequently repeated the lamentable "constipation story" in his numerous

²⁰ Keith Dunstan, Wowers, p.75. Note that the evidence is presented as a direct quote but is in fact, a loose paraphrase. Nevertheless, Dunstan preserves the physician's meaning.

²¹ Anne Summers, op cit, p. 356

²² There are numerous first hand accounts of nineteenth century bar trade where mention of women customers is made. Particularly see Alexander Harris's account in Russel Ward and John Robertson, Such Was Life, p 263

²³ Two excellent accounts of the masculinisation of the public bar in the post war period may be found in J.M. Freeland, op cit, Ch 11 and Walter Phillips, "Six O'Clock Swill: The Introduction of Early Closing in Australia's Bars," Historical Studies of Australia and New Zealand, vol. 19 , no 75, October, 1980

²⁴ Of the thirteen medical practitioners who gave evidence, only three considered conditions of barmaids were the worst; Dr Hora, Dr Beaney and Dr Girdlestone. Of the remaining ten, several refused to be drawn on the issue due to lack of first hand knowledge. At least five considered the conditions of compositors, sewing machinists, drapers and factory workers to be inferior to the position of barmaids.

Parliamentary reports ²⁵, he failed to give merit to opposing views. Mr William Gillbee, consulting surgeon of the Melbourne Hospital told the enquiry "girls in bars with fresh air were better off [than those] in factories with overcrowding and poor ventilation" ²⁶, but apparently this was not given much credence. The Commissioner also ignored other evidence tendered by police, doctors and publicans that barmaid's conditions were not as objectionable as those experienced in other industries. Smith's questioning of the witnesses was at best leading and his reports quote very selectively from the evidence.

The Enquiry heard evidence on the poor conditions in factories and shops, yet it was not recommended that women be prohibited from entering those areas. Why, then, were barmaids singled out for special attention? The obvious bias present in the recommendations suggests that other agendas were operating. One of Smith's agendas is transparent when he comments that the hotel "offered inducements which young women accept in preference to seeking employment in factories or in domestic service" ²⁷ It was not so much that bar work was the wrong work for girls; it was problematic that they seemed to prefer the bar to domestic service. Hotels were perceived to absorb the most attractive and better educated class of girls, luring them away from more respectable work.

Some of the objections to bar- work may be explained by the high levels of autonomy experienced by the girls. Many barmaids were given considerable on-the-job independence. Managing their bars as they saw fit, the only proviso was that they attracted a specified amount of trade. As long as they ran a profitable bar, managers did not interfere with day-to-day operations. The lack of strict supervision in the bar did not sit well with male policy makers who would prefer to see young

²⁵ Two out of five reports relate the incident. See Royal Commission of Enquiry on Shop Employes, 2nd Progress Report, 1883, p. xi, VPP 1883 vol 3 and Report on Employment of Barmaids, VPP, 1884, vol 2, p.5

²⁶ Minutes of Evidence, Royal Commission on Shop Employes, vol. 3, pp 857-858

²⁷ Ibid, p. 791

girls engaged in occupations with rigid supervision. ²⁸ Here they could bide their time until called upon to fulfil their obligations as mothers and wives. The problem of the barmaid was partly concerned with labour issues but substantially concerned with the social construction of women's work.

The three themes identified in the Smith Royal Commission filtered through to all subsequent debates. Labour supply problems, the moral temptations of the bar and barmaid's contribution to alcohol excesses became so intertwined that it is difficult to disentangle them. General shortages of domestic labour and the girl's preference for hotel work was one theme picked up in the 1916 Victorian debate where several parliamentarians noted that the barmaid system exacerbated the difficulties they had experienced obtaining girls for domestic service.²⁹ An interesting feature of this debate was that Parliament seriously considered drafting legislation in such a way as to preclude only attractive looking barmaids and permit plain girls. After considerable discussion, however, it was felt that it was impossible to define "plain looking barmaids" and the suggestion was dropped. ³⁰ Parliament exploited arguments tendered by temperance groups on the moral temptations because it dovetailed with their own agendas to free female labour for domestic service.

One recurring theme refers to a fear amongst the male legislators that a close female relative might find her vocation behind at the bar. Mr Smeaton, while collecting evidence on the barmaid question interviewed a police officer on his knowledge of barmaids. After, the constable noted that there were very many respectable barmaids, Smeaton became obviously disappointed with the direction the conversation was taking. In an effort to turn it around, the parliamentarian

²⁸ The Royal Commission of Enquiry conducted a good deal of original research into the situation of waitresses in hotels yet this was never identified as a social concern. The general acceptance of waitresses positions may partially explained by the strict supervision by dining room staff

²⁹ Victorian Parliamentary Debates, vol. 145, 12 December, 1916 p.3223

³⁰ Victorian Parliamentary Debates, vol 145, 1916, p.3224

interrupted with the emotion - laden question, "But would you care to put your daughter there?" The officer obligingly answered, " I'd rather see every one of them in the grave than behind a bar." ³¹ In an earlier instance, Mr Grainger punctuated a particularly unimpressive debate with the comment that "the strongest point [he had heard] was that no member would like to see his female relatives in bars." ³² Although parliamentarians came from a different social class to most barmaids, they were generally agreed that the character of labour had to be judged according to what they would like their female relatives to do. ³³

Victoria's barmaid legislation was eventually passed on 12 December, 1916. It provided for the registration of all existing barmaids ³⁴, the recording of their place of work as well as any change of employment. ³⁵ The objective was to hold the number of barmaids at a constant level. New entrants were only permitted as replacements for those who left the industry. Alert to the potential for trading in registrations, the Government insisted that identifying features such as eye colour, height and physical blemishes were to be recorded .

Victoria's position on barmaids was ambiguous. It was partly concerned with labour issues and partly concerned with social issues. When the barmaid question was defined as an agenda item back in the 1880s, there was an economic

³¹ South Australia Parliamentary Debates, 1908, p.441

³² South Australian Parliamentary Debates, 1896, p.441

³³ South Australian Parliamentary Debates, 1908, p.889

³⁴ Estimates of 3,000 eligible barmaids were advanced. The Argus, 2 January, 1917

³⁵ Victorian Parliamentary Debates, vol. 145, 1916 Note that only a four week period over December/January was allowed for registration to take place. Approximately one third of barmaids failed to register because they were interstate during the holiday period. Subsequent amending legislation was required to extend the period until late 1917 and bills were still being introduced in the late 1920s

boom. Work opportunities abounded for both men and women. There was no threat that women would take over barmen's jobs. The industry could accommodate both sexes. A major concern was that women were leaving domestic service and forsaking their "nobler purpose." By the time the legislation was enacted the country was at war and there was a shortage of male labour in all quarters. Consequently, it was counterproductive to ban barmaids altogether. The ambiguity present in the form and administration of the Act reflects the conflicts between labour supply and social considerations.

In contrast, South Australia's barmaid legislation was unequivocal. Passing into the statutes on December 2, 1908, it was far more repressive. It required the registration of all barmaids but made no provisions for any new entrants.³⁶ Natural attrition would reduce the numbers over time and, without replacements, the barmaid would become extinct. Since hoteliers preferred to employ girls under 25 years, it was felt that the process should be completed in around ten years.

The barmaid question was debated in South Australia between 1886 and 1908. Introduced by the teetotal parliamentarian, King O'Malley, the proposed amendment was sympathetically received. The bill failed, however, mainly because of O'Malley's youth. Parliament felt that the amendment was poorly worded and that it would provide good drafting experience for the flamboyant young man to attend to the fine detail.³⁷ Nevertheless, there was little doubt that Parliament agreed with the broad thrust of the proposal. Provided that acceptable wording was put forward, Parliament signalled its intention to eradicate barmaids altogether in due course. It is not clear why the bill was delayed for another thirteen years.

³⁶ Both Victoria and South Australia provided exemption categories. A publican's wife, daughter or sister were permitted to serve behind the bar but were not entitled to register. The right to serve behind the bar was dependent on the male relative's continuing presence in the industry

³⁷ South Australia Parliamentary Debates, 1896 p.441

³⁸ The delay, however, provided the opportunity for licensed victuallers, unions and other interested groups to mount a challenge.

Unlike the barmaid proposal, women publicans were given no opportunity to challenge changes to the S.A. Licensing Act which effectively made it impossible for them to hold a license. Parliament introduced the bill via the back-door. The Licensing Act, 1908 (South Australia) was introduced as a Consolidation Bill. Normally consolidating legislation brings together other principal acts and amendments, which over time, have become cumbersome, anomalous or unworkable. It is not normal practice to engage in lengthy parliamentary debate over each clause since no new material is supposed to be introduced. Drafters are charged with the responsibility of bringing together existing legislation into an administratively efficient format. Passage through Parliament should be a formality. In fact, this bill introduced two significantly new pieces of legislation. Control of both barmaids and female licensees passed into the statutes simultaneously.

This 1908 South Australia Licensing Act provided that no woman could hold a license save for three categories of exception; any woman who held a license at the time the Act was passed, the widow of a licensee or the wife or widow of a lunatic who was a licensee.³⁹ Estimates suggest that approximately 180 women licensees, at that time were affected by the Act.⁴⁰ Although the bill was new to South Australia, there was at least a precedent in another Australian state.

Tasmania had introduced similar restrictions six years earlier. In 1902 the Licensing Act prohibited all married women from holding a liquor license. In 1908, the Act was extended to prohibit single women under the age of forty-five years from

³⁸ A search of the Parliamentary debates surrounding all principal Acts and major amendments failed to find any further mention of the barmaid question between 1886 and 1908

³⁹ South Australia Parliamentary Debates, 1908 p.440

⁴⁰. Based on the Annual Report of the Licensed Victuallers Association (South Australia), 1908

applying for a license. Over the next twenty years these restrictions became more and more relaxed to permit numerous categories of exemptions. Female relatives of deceased licensees were exempted in most cases. During the war wives of soldiers who had been licensees were also exempted.⁴¹ As in South Australia, the emphasis was placed on the woman possessing some hotel experience by virtue of having a male relative or spouse in the industry.

The hasty introduction of the South Australian bill led to sloppy drafting. In time the Act caused many cases of hardship. For example, daughters or sisters of deceased licensees were overlooked. A widow of a licensee who died while in the process of transferring properties was similarly forgotten. Some of these anomalies were reluctantly rectified by subsequent amendments.⁴² On one issue Parliament remained intransigent: divorced women were regarded as single and were not entitled to hold a license. An hotel was no place for a single woman. Consequently marital status became a key determinant of eligibility.

The surreptitious introduction of the legislation had implications for the level of public debate. Although Parliament had signalled its intentions with respect to barmaids some fifteen years earlier, interested parties were effectively denied the chance to actively voice their concerns. In Victoria, at least, the LVA campaigned persistently to retain the barmaid.⁴³ Unfortunately, women licensees were given even fewer opportunities to object to the proposed changes since Parliament had never signalled any intention to enact legislation in this regard.⁴⁴ By the time, interested parties came to hear of it, the

⁴¹ Statutes of Tasmania, 1902; 1908; 1917; 1932 and 1935

⁴² Amendments were reluctantly passed in 1916, 1917, 1932 and 1935

⁴³ Licensed Victuallers Association of Victoria, Minutes of Council, 1904 - 1917 mention repeated deputations to parliamentary members on the subject

⁴⁴ A search of the Adelaide Advertiser, the Australian Brewer's Journal and the Sydney Morning Herald for 1908 failed to yield any comment on the South Australian Act.

Act was a fait accompli. Part of the explanation for the relatively repressive legislation in South Australia must surely be placed with the underhanded introduction of the law.

At least one member of Parliament was sensitive to the inequity that would arise from the hasty introduction of the bill. Sir John Downer "question[ed] whether women would endure this form of tyranny." Yet, he announced his intention to support the move rationalising it by saying the he "would leave it to the future development of female suffrage to say how long women would submit to having one avenue of business closed to them.⁴⁵ The implied challenge to women's suffrage was unlikely to provoke action. Given that most suffrage groups were temperate, it was unlikely that women publicans could count on any support from their sisters in that arena. In Parliament, Downer read correspondence from the WCTU in support of the barmaid question. Once again the temperance arguments were used to achieve ends the male legislators felt socially desirable.

The role played by the Licensed Victuallers Association (LVA)⁴⁶ during the various debates is confusing. In each of the three states, the LVA opposed registration of barmaids. They argued that the presence of barmaids was good for profits and that the acceptance of such legislation played into the hands of temperance groups and represented the first step on the way to a total prohibition state.

The South Australia branch of the LVA had a very different attitude to women licensees. In fact it was the LVA who were instrumental in defining the agenda. In an annual report they noted that their Association experienced a "weakness through the presence of so many women licensees... more than one quarter of all licensees are in the possession of women." They felt that it would be in the interests of the trade if the licensing benches exercised more discretion than they

⁴⁵ South Australian Parliamentary Debates, 1908, p.486

⁴⁶ From the 1840s the LVA was the main professional body representing hotelkeepers. It formed the basis of the modern Australian Hotels Association (AHA).

do when granting licenses to young single women." It was only after they brought the matter to the attention of the politicians, that it was debated in Parliament. The LVA clearly had a vested interest in removing women from the trade.

There are a number of possible explanations for LVA's actions against licensees of the fairer sex. Firstly, women's participation rates as members of the LVA were comparatively low and the LVA did little to encourage them. For a variety of reasons, the LVA began to experience financial difficulties during the first decade of the nineteenth century. Clearly the association would be better served by a higher proportion of male hotelkeepers and a concomitant probability of gaining active, fee-paying members.⁴⁷

Secondly, the legislation coincided with a period of severe reductions in the number of licenses. The oversupply problems resulted in extreme forms of competition. Many women possessed astute business skills and had survived despite the aggressive competition. The LVA accepted that the number of licensed properties had to be reduced and approved of the License Reductions Board's successful record in this area. At a time when the number of licenses was declining, it was preferable that men received the larger stake.

Thirdly, women were not to be trusted. It was commonly held that many women publicans were simply using the hotel facade as a front for illicit sexual activities.⁴⁸ There is considerable evidence that during the 1880s a large number of

⁴⁷ Less than two decades after the legislation was passed, the LVA (South Australia) were able to boast one hundred per cent membership, The Vigilante, 12 April, 1935

⁴⁸ The term 'prostitute' has been avoided in this paper since it was defined differently in the hotel setting. In *Mc Grath v Marshall* (1897) the magistrate determined that in an hotel, any room used for illicit intercourse is said to be used for the purpose of prostitution.

hotels were little more than glorified brothels⁴⁹. Legislation was not really necessary to overcome these problems since the Licensing Bench already had the power to refuse a license to any person seen as unfit. Although the hotel based prostitution era was on the wane by the time the legislation was passed, memories of it did not sit well with the LVA who had embarked on a campaign to lift the professional image of their calling.⁵⁰ Finally, there was a suspicion that some women would use their status as licensees to circumvent the barmaid scheme. Prohibiting female licensees and barmaids simultaneously prevented any potential loophole.

By the late 1930s, there were very few barmaids remaining in South Australia. Moreover, the typical South Australian barmaid was decidedly middle-aged rather than the youthful girl of the past. In Victoria the number also declined but to a lesser degree. Nevertheless, the reduced number of barmaids did have implications for women publicans.

Since hotelkeeping is peculiarly a trade learned through direct experience, women were less able to obtain that experience. At this time, the Licensing Bench began to insist on appropriate experience, particularly in the bar, as a prerequisite for a license application. Hotel schools were beginning to offer vocational courses in Australia from the late 1930s. Initially training was provided for those occupations that had become male dominated. Courses for cooks, pastry-cooks, butchers and barmen were popular. There were no parallel courses for housemaids or waitresses.

Women were pushed into the less glamorous "back-of-the-house" positions such as housekeeping and cooking while the men occupied the more prestigious "front-of-the-house" positions such as the bar and hotel reception. Since hotels draw

⁴⁹ Chris Mc Conville, "The Location of Melbourne's Prostitutes, 1870 - 1920," Historical Studies, vol.19, no.74, April, 1980 provides a useful study of hotel based prostitution in Melbourne during this period.

⁵⁰ The SA branch of the LVA was one of the more innovative branches in developing training programmes for its members. See The Vigilante, 7 June, 1935

their career managers from positions with higher levels of customer contact, women essentially occupied the dead end positions in the hotel hierarchy. In the absence of professional courses and unable to be promoted through the organisation, women were provided with limited opportunities for advancement.

In the absence of statutory reform, structural impediments, such as license deprivations and lack of experience would have reduced women's participation over time. But, when the structures fail to work quickly enough, direct action through statutory reform is required. This type of analysis shows how structural barriers and legal systems work to mutually reinforce discrimination. Men not only control the direction of change but they manipulate the speed at which change occurs.

The elements of control introduced in the barmaid scheme are revealing. Barmaids were perceived to be getting out of control. Prostitution, alcohol excesses and other moral temptations pointed to inadequate control systems. When the job fails to provide implicit control through rigid supervision, it was replaced by institutional control by legislative reform. In Victoria, the barmaid registration scheme possessed more of the elements of control. Detailed records of the girls and their movements were kept. Transfer books recorded every change of employer.⁵¹ South Australia, in comparison, possessed none of the characteristics of control ; except as an interim administrative necessity. Control was a means to an end, not an end in itself. South Australia made a clear statement : bar work was defined as inappropriate and had to be eradicated. As employees, barmaids could be tolerated only if they could be controlled.

⁵¹ Initially the task of collecting such data was the responsibility of the Department of Labour. At some stage, however the task passed over to the United Licensed Victuallers Association. A complete set of registration books and transfer books for the period 1954 to 1971 are still held at A.H.A. house in Flinders Street.

Control of licensees, however, was a different matter. As independent agents, holding a license, control was rather more difficult to achieve. Single women, if tolerated at all, had to be over forty five years. Married women were more likely to be tolerated than single women. Married women, are the property of the male, derive their social position from their husband and are under his control. It is possible, therefore, to make exceptions for married women. If however, she is divorced and ceases to be under male supervision, then she cannot be permitted autonomy or property rights by acquiring a license.

A number of feminist analyses have drawn attention to the way in which male- dominated occupations became female occupations once large numbers of females entered them.⁵² The hotel industry is an unusual example of an occupation where females have entered in fairly substantial proportions, have been forced out and have reentered with a minimum of fuss. Furthermore, they have achieved this without driving the men away. Today, the hospitality industry employs both men and women in about equal numbers. Hotel management courses report unprecedented demand from women wanting professional qualifications. The resilience of women bar attendants and licensees to survive more than half a century of overt discrimination provides an optimistic outlook for the future of gender relations.

⁵² Ann Game and Rosemary Pringle, Gender at Work

APPENDIX ONE

SAMPLES OF BARMAID'S REGISTRATION CARDS

Reverse view

APPENDIX TWO

A BRIEF CHRONOLOGY OF EVENTS THAT AFFECTED WOMEN IN THE AUSTRALIAN HOSPITALITY INDUSTRY

- 1867 Vic. Royal Commission on Wine and Spirits recommends measures to contain flowering of brothels.
Dancing and concerts prohibited in hotels except with the express permission of the Lic. Board
- 1883/4 Vic. Royal Commission on Employees in Shops recommends abolition of barmaids 1891 NSW Female
Employees Union began to incorporate barmaids and waitresses (Union collapsed following year)
- 1896 S.A. King O'Malley begins to press for abolition of barmaids 1897 NSW Mc Grath v Marshall establishes
precedent that any illicit intercourse in hotel room constitutes prostitution
- 1902 Tas. Licensing Act prevents married women from applying for a liquor license.
- 1908 S.A. Liquor Act abolishes barmaids
S.A. Liquor Act restricts women licensees
Tas. Licensing Act amended to prevent single women under 45 years from applying for a license
- 1910 W.A. All barmaids to be registered
- 1910 Vic. Barmaids registration debate resumes
- 1910 New Zealand. Feb 20 Barmaids to be registered
- 1916 Vic. December. All barmaids to be registered. Ceiling placed on numbers at present level
- 1917 S.A. Liquor Act amended to include as eligible to hold a license widows of persons who had held a license 6 mths
prior to death
Vic. Time for registration of barmaids extended from Jan. to Oct, 1917

Tas. Licensing Act amended to exclude married women under 30 years from applying for a liquor license.

Tas. Licensing Act amended to allow wives of soldiers who held a license to make application to continue the license.

- 1920 W.A. Australia's first female union secretary, Cecilia Shelley elected to Coastal Hotel and Restaurant Employees Union
- 1921 W.A. Waitresses go out on 22 week strike over the sacking of a unionist
- 1926 NSW Mr Justice Webb refused an equal pay claim of F.L.A.T.E. on behalf of barmaids/men
- 1932 S.A. Proposed amendment to include sisters and daughters of licensees as eligible to hold a license is defeated
- 1933 TAS. Section 31 of the Liquor Act restricting women licensees is repealed. Women must now apply for a provisional license
- 1935 S.A. Proposed amendment as per 1932 defeated again
- 1940 William Angliss Catering College opened and concerned that insufficient number of "boys" taking up apprenticeships
- 1944/5 Vic. Campton Royal Commission recommended that mothers of licensees be permitted to serve behind the bar
- 1945 W.A. Publican is fined for refusing to serve a woman
- 1945 -7 Vic. Royal Commission into Liquor Act saw that "barmaids was a burning social issue" but found it to be outside their terms of reference

1965 QLD Two feminists, Merle Thornton and Ro Bogner chained themselves to the bar of the Regatta Hotel in Brisbane to protests against publicans refusal to allow women in public bars

1967 S.A. Barmaid Legislation repealed

1970 Vic Barmaid Legislation repealed

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