

Geraldine Rawson's hearing adjourned until May

An important test case for teachers' rights

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Victorian school teacher, Geraldine Rawson's legal action against the Department of Education has been adjourned from early March to May 17 on the grounds that the hearing will take longer than originally anticipated. Australian Industrial Relations Commissioner Frawley ruled that, given the number of witnesses being called to testify, and the complexity of the case, at least five days would be needed, as opposed to the three originally set down.

Rawson is challenging the Education Department on the grounds that her dismissal in May of last year under the state government's disciplinary legislation, Teaching Service Order 140, was both unfair and unlawful. While hundreds of teachers have been disciplined and scores sacked since TSO 140 was introduced in 1993, Rawson is the first to directly oppose both the procedures carried out against her, and the legislation itself. That is why her legal action constitutes an important test case.

At least 10 witnesses will appear on Rawson's behalf, providing testimony as to the circumstances leading up to her dismissal as well as giving evidence about her professional competence. In addition, legal arguments will be advanced to demonstrate that parts of TSO 140 are unconstitutional, and involve a denial of natural justice. If successful, the case will render the legislation inoperable.

Two recent reports give some idea of the extent of the funding cutbacks carried out in Victoria and the impact they have had on the ability of public schools to deliver an adequate education to their students.

The latest Productivity Commission report reveals that between 1992 and 1997 the Education Department closed down 17.5 percent of the state's public schools. In 1996, expenditure by both state and federal governments was \$514 less per student than it was in

1992. While Victoria has the second highest proportion of students from non-English speaking backgrounds (23.3 percent), it spends the least amount per student on public education of any state in the country.

According to the latest Australian Education Union survey (based on responses from 297 Victorian state school principals):

- Some 33 percent of all teachers are obliged to teach subjects for which they have no qualifications
- 90 percent of principals believe that funding is inadequate
- 88 percent of principals feel that they have been gagged by government policy
- 75 percent admit to cutting back school programs over the past two years
- More than 50 percent received no money for urgent building maintenance

Schools in working class areas have felt the full brunt of the cuts, creating intolerable burdens for both teaching staff and school administrations. Rawson's school, located in Melbourne's western suburbs, saw its student population increase by more than 50 percent between 1992 and 1995, due to closures and amalgamations of schools in neighbouring suburbs. Yet there was no commensurate increase in its facilities, resources and specialist staff to meet the new demands.



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