

An interview with victimised Australian teacher

"Freedom of speech must be defended"

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Sacked Australian secondary school teacher Geraldine Rawson won a partial victory in the Victorian Supreme Court earlier this month when she challenged gagging provisions promulgated in 1993 by the previous state Liberal government. The provisions, contained in Teaching Service Order 140, were used to silence and intimidate public school teachers while the most far-reaching attacks to public education were carried out, including the destruction of 9,500 teaching jobs and 400 schools. Rawson was sacked in 1998 after being charged under the provisions in 1996 and enduring a two-year Complaints Process. She was one of hundreds of teachers who were victimised and then driven out of the public school system.

The new Labor government, which came to office in October after the Liberals were defeated in the state elections, mounted an aggressive defence of the notorious provisions in the Supreme Court, despite election pledges to repeal them. The government scrapped one clause of TSO 140 but retained other key provisions, including those used against Rawson. Rawson's case was organised by the Committee to Defend Public Education, established by the Socialist Equality Party (SEP) in 1995 to fight the public education cuts.

Below we publish an interview conducted by the World Socialist Web Site with Geraldine Rawson after the Supreme Court's ruling was handed down.

What is your reaction to the Supreme Court's decision to declare part of Teaching Service Order 140 (TSO 140) invalid?

It is a significant win and I am delighted that our stand has been vindicated. Even though we were not successful in our bid to overturn all the gagging provisions of TSO 140 it is nevertheless a substantial victory. The fact that the court awarded costs against the Department of Education, (DoE), shows that our case was far from frivolous as the DoE tried to make out.

Nobody before has ever challenged TSO 140 in the courts. I do believe that the fact that we went to the Supreme Court prompted [Education Minister] Mary Delahunty to repeal a part of the gagging provisions.

I do have, however, mixed feelings. There is still obviously a denial of democratic rights for teachers contained in TSO 140, and perpetuated in TSO 166. Until these provisions have been removed no teacher can rest easy.

I am extremely grateful to all of those people whose efforts enabled the matter to go to court. We were fortunate to have David Grace QC as our barrister, who argued the case with a passion born of real commitment, and the members of the SEP gave unstintingly of their time and effort to prepare the material of the case. Without all of the people involved in the case, there would have been no possibility of success.

Can you describe the impact that the Complaints Process initiated against you in 1996 under TSO 140 has had on your life?

Hell on earth to put it mildly. From the time I was injured at school in 1995 my life has been turned about. Since then my injury has caused me untold suffering—both from the damage that was done to me, and the fact that so many devastating things occurred as a result.

Only 14 days after I returned to work, after being absent on WorkCover [workers' compensation] a couple of students and their parents started making allegations against me. The school administration used these allegations to invoke the Complaints Process. No attempt was made to explain to the parents or students that I was injured. I was treated as if I were a malingerer. And this was after 30 years of teaching.

The Complaints Process was like the worst nightmare you could imagine. It was as if Kafka's "The Trial" had come to life and I was living it. I was trapped inside it. I was denied the rights that any criminal would expect to claim in this country. There was no way I could prove my innocence, I could not face my accusers and cross-examine them, and I couldn't be present when they were questioned. I was also denied the transcripts of the Enquiry.

No matter what happens now it can never make up for what I've lost. Not only have I suffered financially; I have suffered emotionally, mentally and professionally. Nothing that is done now can erase what has happened. It has shattered my confidence in myself and taken away a livelihood that was a source of great pleasure. I loved teaching.

It took me by surprise when I was put on the Complaints Process and I was shocked at the ferocity of the attack on me by my colleagues at Buckley Park. It was a shock because I have always enjoyed a degree of rapport with colleagues at other schools. Some of my dearest friends are those with whom I've

taught. In the past even those I had disagreements with respected me as a teacher.

At Buckley Park there seemed to be a barrier between the other teachers and myself once I was facing investigation. This was as devastating as being sent to Coventry.

This together with the concerted attack waged by the administration and the outrageous behavior of some of the students, which went unchallenged, created an atmosphere, which was intolerable. I felt humiliated, inadequate and totally frustrated.

I don't regard myself as a weak person, so it was a real revelation that someone as strong as I regarded myself was affected to such an extent.

Despite the devastation I felt during those three years I am determined to continue to prove my innocence and to see this through to the end.

What do you think of the role of the Labor government in opposing your challenge to TSO 140?

The Labor government appears to be exactly the same as the Liberal government. Despite their protestations to the contrary they have merely continued along the same lines as the Kennett government.

Before the Supreme Court case Ms Delahunty acknowledged that teachers had been “napalmed” under TSO 140 but she only repealed a small section of the orders that gag teachers.

The fact that the Bracks government was alerted to the proceedings in the Supreme Court and chose to let it continue with the same solicitors as previously engaged by the Liberal Party indicates they have the same agenda.

The Labor government was as determined as the Liberals to prosecute this case. They used every means at their disposal to retain the gagging provisions placed on teachers by the Kennett government. That is why I commented to the press that Delahunty's actions in repealing only clause 3.12 were merely window-dressing.

What effect has TSO 140 had on public school teachers?

When a teacher is targeted under TSO 140 they are treated as a pariah. No one wants to know how he or she got there, whether the charges are genuine or why the process is being invoked. There is a general attitude that if you get on and do your work you won't be targeted and that if you are facing charges then you must deserve it—there's no smoke without fire.

No teacher can go through the Complaints Process and be the same again. Even the strongest people find it impossible to endure. That is why many teachers resign quietly without doing anything about it. There is a whole stigma attached, which has a detrimental affect. You doubt yourself, you are defamed in the eyes of other people and your whole status as a professional and as an educator is questioned.

Some teachers have been completely broken. Even those who have been able to pick up the threads of their life still carry scars of that whole experience.

Mary Delahunty said that TSO 140 had created a climate of

fear in the schools. She was right. The success of this means of attack can be evidenced by the sacking of over 600 teachers in the last six years. I am the only teacher at this stage who was able to speak out.

What role has the teachers' union played in challenging TSO 140?

The union not only did not challenge this regulation, they told their members to “go with the flow”. I must say I was shocked at the union's behaviour. Previously I had always thought that the unions provided a framework for protecting workers. I believed in the old adage—united we stand, divided we fall—but now the union is not only not standing with us but is also fighting against us. They are like a wolf in sheep's clothing.

Even when I was charged under TSO 140, and, as a union member, addressed fellow unionists at a union meeting, they failed to act. They refused to answer any correspondence. They were deaf to all my appeals.

It was by sheer luck that I came into contact with the Socialist Equality Party through one of their members who was teaching at Buckley Park. Through that association I was able to mount a public defence and show the attack on me for what it was—a repressive means of eliminating teachers from their profession.

Without support from an organisation how can any teacher prove that this is a witch-hunt? The SEP has shown a commitment to preserving democratic rights and principles, which was essential to mounting a successful campaign, both inside and outside the court. Without that commitment there would have been no challenge to TSO 140.

If you live your life without principles you are like a rudderless ship that is tossed every which way and you never achieve anything of any value. Teachers who are attacked must bring it to the attention of others. They must follow their conscience and stick to their guns—democratic rights and freedom of speech must be defended.



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