



RED AND LAVENDER

NEWSLETTER OF THE SOCIALIST LESBIANS/MALE HOMOSEXUALS
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**** GREG WEIR - A TEST CASE ****

INTO THE QLD SUPREME COURT

It is about a year ago since Val Bird, the Education Minister in Queensland, threatened Greg Weir, a graduating teacher trainee, with the prospect of unemployment.

Greg Weir was the spokesperson for the KELVIN GROVE LESBIAN AND MALE HOMOSEXUAL GROUP during a period of publicity in 1976. Groups connected with the FESTIVAL OF LIGHT (e.g. Community Standards Organisation, Parents of Tertiary Students, Committee Against Regressive Education) attempted to pressure the COLLEGE COUNCIL to ban the homosexual group. Greg spoke to the media about the democratic right to have such a group.

The Student Union supported the group, and eventually the College Council affirmed their right to organise.

But then Val Bird made his notorious threat. As far as he was concerned, he would stop homosexuals from coming out even if the college council would not.

Now, in late 1977, Greg has taken out an action against the Queensland Education Department for breach of contract. As a bonded student, with suitable qualifications, he must be employed by the department.

Greg is suing for an injunction on the department to make them employ him, for damages, and for court costs.

The Australian Union of Students decided to finance the challenge since this seemed to be the only way to bring pressure to bear on the Queensland Government.

After preliminary hearings in the Queensland Supreme Court, the judge ruled that the state would bear all costs. This is because the defence is going to be quite blunt, and this will be a major test case.

HOMOSEXUALS ARE NOT "FIT" TO TEACH

The Queensland Education Department is arguing that Greg has not fulfilled his side of the contract because he is an unrepentant homosexual.

They claim that implicit in the contract is that Greg "would be a fit and proper person to teach children in a primary school conducted in Queensland by the Director-General of Education".

And they go on to claim that Greg "was not, in fact, or was not, in the opinion of the Public Service Board and/or the Director General of Education, a fit and proper person to teach children in a primary school... because (Greg) widely publicised his admission of the fact that he had committed acts of gross indecency with another or other male persons and that he would continue to do so in the future, in the event that he was appointed as a teacher.....which admission was an admission of guilt in respect of the offence provided for by Section 211 of the Criminal Code."

THE DEPARTMENT CLAIMS

That Greg "either expressly or impliedly, had stated publically that if appointed as a teacher of children in primary schools he would continue to declare homosexuality as a proper and acceptable form of sexual behaviour."

And so, the Department argues, it could not appoint Greg because he would be "incapable of inculcating into primary school children the respect for the laws of the state of Queensland and the generally accepted standards of the society in Queensland necessary for their primary education."

WHAT THE GOVERNMENT REALLY MEANS

The government is defining "implicit" terms of the contract, which is a written contract. The Queensland government is well known for changing the law to suit itself, rather than respect the law itself. The most recent case is that of the right to hold marches.

In this case, the government says that certain public statements about homosexuality are a breach of the "implicit" terms of the contract that Greg must be "fit and proper" to teach. (The explicit terms of the contract are that Greg qualify as a graduate teacher. He has fulfilled this criteria of fitness.)

Greg's "unfitness" is based on the illegal nature of his proclaimed sexual practise. He says he is breaking the law and he will present this as acceptable before primary school children.

Clearly, this line of argument would not work against a lesbian, since there are no laws against lesbianism.

But then the alternative government argument about teaching children respect for the "generally accepted standards of society in Queensland" would come into play.

OTHER CONSEQUENCES

The Government may equally argue that certain political statements are a breach of "fitness", especially if these statements do not help children to respect the laws of the state of Queensland.

This right which the Education Department arrogates to itself to judge the political/sexual behaviour of students as breaking an "implicit" term of contract is extremely serious. The contract means nothing if the government does not like you!

The government makes clear the actual political and ideological role it wants teachers to take on in schools. If teachers do not fit it, even by dope smoking, they will be sacked, or students will not be employed.

This case is extremely important for lesbians and male homosexuals. There can be no doubt that the case will be won only if there is strong public support for homosexual people to have the right to teach. This is the first case of its type, and will set the context for future struggle for the right to work without discrimination.