

DESPI O'CONNOR

INDEPENDENT FOR FLINDERS

STATEMENT FROM DESPI O'CONNOR

4th May 2022

To the People of Flinders,

In the past 24 hours, I've been made aware of Section 44(vi) of the Australian Constitution. This provision states that "any person who holds any office of profit under the Crown ... shall be incapable of being chosen or of sitting as a member of the House of Representatives" and the High Court case *Sykes v Cleary* in 1992.

In practical terms, this means that because I am technically employed in the Victorian public school system, I am considered to be "profiting from the Crown" and could be ineligible to be chosen or sit as a federal Parliamentarian.

Let me be clear: I have been on leave without pay for more than 18 months. I have not been "making a profit" from the Commonwealth. I am employed by the Victorian Department of Education, a State body. Interestingly this does not prohibit me from running for any other level of government. This clause does not apply to those working in the private sector, including teachers at private schools, despite the fact that private schools receive significantly more federal funding than public schools. This clause does not apply to those working in private industries who could benefit financially from representation in Parliament. However, it does apply to public school teachers, public health nurses, emergency service workers and defence personnel as examples.

I acknowledge that this is something I should have considered. It may seem like a strange technicality of our electoral laws, but my campaign has been one built on Integrity and I am determined to continue that ethos and remain open about this issue. Notwithstanding declaring my role as a teacher on all Australian Electoral Commission forms, this is one that still slipped through the gaps. I take full responsibility for filling in the form incorrectly.

Though I love teaching, I would give it up in a heartbeat if it meant I could represent the people of Flinders. Personally, I feel crushed that we have hit this roadblock; but more importantly I feel for the Flinders community who has fought so hard to do politics differently. I will continue that fight.

This issue is demonstrative of the challenges that we face in seeing community leaders represented in Parliament. Our electoral systems are geared towards politics that is party-centric, while providing little for grassroots, community-driven leaders to emerge. It is because of these structural challenges that we must all join the fight to see our communities truly represented on the national stage.

This campaign has never been about seeing myself as an elected representative. It has been about building a movement to amplify the voices of our communities in Parliament. It has been about restoring peoples' faith in democracy and government and to give them hope that they can hold power over the decisions that impact their lives. That campaign will continue to endure long after May 21.

This is not a concession statement. However, it is clear that this issue has the potential to derail my campaign. We have put our campaign on hold while we explore our legal options in the coming days.

It remains my firm belief that everyday people should have a say in the public policy decisions that affect their lives. That begins with encouraging members of our community to run for public office – and fighting the two-party system that has caused so much division in our politics. Then – and only then – can we truly achieve a representative democracy with community at its core.

Despi