

## Lambie's Senate replacement Steve Martin flags that he won't stand aside

Written by Michelle Grattan, Professorial Fellow, University of Canberra

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The High Court has ruled that Steve Martin, from the Jacqui Lambie Network (JLN), is eligible to enter the Senate, dismissing the argument that his mayoral position disqualified him under the Constitution's Section 44.

After the decision Martin quickly rejected any suggestion he might stand aside to allow Lambie to return to the Senate, despite her clear wish that he do so.

Lambie resigned from parliament last year because she had dual citizenship, inherited via a Scottish father.

Martin said he was excited at the case's outcome and the prospect of taking up the opportunity to work for Tasmania in the Senate.

Asked whether he might defect to become an independent, as did a One Nation replacement senator, Fraser Anning, Martin said he was entering the Senate as a JLN candidate and there were still a few steps to be gone through. He would not be drawn on anything "hypothetical".

The issue in the case of Martin, who was number two on the JLN ticket at the election, was whether, as mayor of Devonport, he held an office of profit under the crown.

Former One Nation candidate Kate McCulloch maintained that he did. The full bench decision, which was unanimous, has now clarified the constitutional position in relation to local councillors generally.

Lambie said earlier this week: "My heart is set on coming back to the Senate".

Martin was "entitled to that second seat. If he wants to run through with it, well he's entitled to do that. Unfortunately I broke the rules, whether it was intentional or not, and I have to sit on the

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sidelines and pay the price for that," she told Sky.

"I'll be brutally honest, if it was me in his position I would be extremely loyal and I would step down. That's what I would do, but that is not up to me – that is up to him."

Next week the court will hear the case concerning the successor to former Nick Xenophon Team senator Skye Kakoschke-Moore, who [also resigned](#) in the dual citizenship crisis.

Kakoschke-Moore is arguing the vacancy should not go to the next candidate on the ticket, Tim Storer, who, after a falling out with the party, is no longer a member of it. She maintains the seat should go back to her; she has now freed herself of her British citizenship.

The court also has before it the status of ACT Labor senator Katy Gallagher, who did not receive confirmation of her renunciation of British citizenship until after her nomination.

Meanwhile, the Coalition is awaiting the court's judgment in the case of David Gillespie, an assistant minister.

At issue there is another part of Section 44, which prohibits anyone being chosen for, or sitting in, parliament if they hold a pecuniary interest in an agreement with the Commonwealth.

A tenant in a Port Macquarie shopping centre owned by Gillespie's family company has an Australia Post franchise. Australia Post is a government business.

*Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.*

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