

**NEW SOUTH WALES**

**2023**

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**FIRST SESSION OF THE FIFTY-  
EIGHTH PARLIAMENT**

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**MINUTES OF THE PROCEEDINGS**

**OF THE**

**JOINT SITTING**

**OF THE**

**HOUSES OF PARLIAMENT OF THE STATE OF  
NEW SOUTH WALES  
HELD ON WEDNESDAY 31 MAY 2023**

**TO**

**CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE  
RENDERED VACANT BY THE DEATH OF  
SENATOR ANDREW JAMES (JIM) MOLAN**

**HELD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15 OF THE  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT**

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Ordered to be printed, 31 May 2023

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**JOINT SITTING OF THE HOUSES OF PARLIAMENT OF THE STATE OF  
NEW SOUTH WALES TO CHOOSE A PERSON TO HOLD THE PLACE IN  
THE SENATE RENDERED VACANT BY THE DEATH OF SENATOR  
ANDREW JAMES (JIM) MOLAN**

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**WEDNESDAY 31 MAY 2023**

The members of the Legislative Council and the Legislative Assembly met according to resolution passed in each House, in the Legislative Council Chamber at 3.30 pm.

**1. ELECTION OF PRESIDENT**

The Premier, the Honourable Chris John Minns MP, addressing himself to the Clerk of the Parliaments, moved: That the Honourable Benjamin Cameron Franklin MLC, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a Senator in place of Senator Andrew James (Jim) Molan, deceased, and that in the event of his absence the Honourable Greg Michael Piper MP, Speaker of the Legislative Assembly, act in that capacity.

The Honourable Mark Speakman MP, Leader of the Opposition in the Legislative Assembly, seconded the motion.

Question put and passed.

The Honourable Benjamin Cameron Franklin MLC, President of the Legislative Council, standing on the dais, made his acknowledgments to the Joint Houses and took the Chair.

The Honourable Greg Michael Piper MP, Speaker of the Legislative Assembly, occupied a seat on the dais at the right of the President's Chair.

**2. RULES OF PROCEDURE**

The Premier, the Honourable Chris John Minns MP, presented proposed rules for the regulation of the proceedings at the Joint Sitting, which had been printed and circulated and moved: That the proposed rules, as printed and circulated, be now adopted.

The Honourable Mark Speakman MP, Leader of the Opposition in the Legislative Assembly, seconded the motion.

Question put and passed.

**RULES FOR THE REGULATION OF THE PROCEEDINGS AT THE JOINT SITTING OF THE TWO HOUSES TO CHOOSE A PERSON TO HOLD THE PLACE IN THE SENATE RENDERED VACANT BY THE DEATH OF SENATOR ANDREW JAMES (JIM) MOLAN.**

1. In all cases not provided for, the proceedings and any debate arising is to be conducted according to the Standing Orders of the Legislative Council and Parliamentary usage.
2. A member, addressing the President, must propose a person by name to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan, and the proposition must be seconded. The member proposing any person must state to the Members present that the person is willing to hold the vacant place if chosen. The proposer must further state that that person is a member of the same political party as that which the Senator was, at the time when the Senator was chosen by the people of the State, publicly recognised by that party to be an endorsed candidate, of the party of which the Senator, at that time, publicly represented himself to be an endorsed candidate.
3. If only one person is proposed and seconded, the President must propose the Question "That (name of person) be chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan" and, if the Question is passed in the affirmative, must declare that person elected.
4. If more than one person is proposed and seconded, the person to hold the vacant place must be chosen by open voting.
5. Before proposing the Question, the President must ask if any Member desires to propose any other person to fill the vacancy and if no other person is proposed the first division must be proceeded with.
6. If on the first division the person proposed has an absolute majority of the whole number of the Members voting, the President must at once declare "That (name of person) has been chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan (name of person)".
7. If on the first division the person proposed has not received an absolute majority of the Members voting, the name of that person is to be excluded from any subsequent division.
8. Until one of the persons proposed obtains an absolute majority of the Members voting, successive divisions must be taken, and at each division the name of the person who has not received an absolute majority of the whole number of the Members voting at the preceding division is to be excluded.
9. The President in the case of an equality of votes in any division must give a casting vote, and any reasons stated by the President may be entered in the records.
10. As soon as any person obtains an absolute majority of the Members voting, the President must declare "That (name of person) has been chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan".
11. The President must inform Her Excellency the Governor as soon as practicable that (name of person) has been chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan.
12. The records of the proceedings and any division lists must be retained by the Clerk of the Parliaments of the State of New South Wales, who is the custodian.

**3. PERSON PROPOSED TO FILL THE VACANT PLACE IN THE SENATE CAUSED BY THE DEATH OF SENATOR ANDREW JAMES (JIM) MOLAN.**

The President announced that he was now prepared to receive nominations with regard to a person to fill the vacant place in the Senate caused by the death of Senator Andrew James (Jim) Molan.

- (1) Ms Maria Kovacic was proposed by the Honourable Mark Speakman MP to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan. The Honourable Mark Speakman MP announced that the candidate was willing to hold the vacant place if chosen. He further announced that Senator Andrew James (Jim) Molan was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of the Liberal Party of Australia and publicly represented himself to be an endorsed candidate of that party, and that Ms Maria Kovacic is a member of the same political party.

The Honourable Damien Francis Tudehope MLC seconded the proposal.

- (2) The President inquired if any member desired to propose any other person to fill the vacancy.

No other person being proposed—

Question: That Ms Maria Kovacic be chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan—put and passed.

- (3) The President then declared—That Ms Maria Kovacic has been chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan.

**4. NOTIFICATION OF THE ELECTION TO HER EXCELLENCY THE GOVERNOR**

The Premier, the Honourable Chris John Minns MP, moved: That the President inform Her Excellency the Governor as soon as practicable that Ms Maria Kovacic has been chosen to hold the place in the Senate rendered vacant by the death of Senator Andrew James (Jim) Molan.

The Honourable Penny Gail Sharpe MLC, Leader of the Government in the Legislative Council, seconded the motion.

Question put and passed.

The President, at 3.39 pm, declared the Joint Sitting closed.

David Blunt  
Clerk of the Parliaments

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Authorised by the Parliament of New South Wales