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**CARROLL
& O'DEA**
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 When it matters

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**INQUIRY INTO THE APPOINTMENT OF MR JOHN BARILARO AS SENIOR
TRADE AND INVESTMENT COMMISSIONER TO THE AMERICAS**

CHRONOLOGY

| DATE | EVENT | Reference |
|-------------|--|--|
| Oct 2020 | Jenny West commences employment as the Deputy Secretary, Trade & International Investment in NSW Treasury | |
| Mar 2021 | Trade & Investment, Destination NSW, the Office of the Chief Scientist, R&D NSW, the 24-Hour Commissioner role brought under Investment NSW, an agency under the Department of Premier and Cabinet (DPC) with Amy Brown appointed as CEO | Inquiry Transcript, D1, p16 |
| 02/04/2021 | Recruitment process for the Senior Trade & Investment Commissioner – Americas role (STIC Americas Role) commences | Inquiry Transcript, D1, p12 |
| 11/05/2021 | Ms West speaks to Ms Brown about applying for the STIC Americas Role Ms Brown says she would be delighted if Ms West applied | |
| 12/05/2021 | Ms West applies for the STIC Americas Role | Letter dated 4 May 2021 |
| 13/06/2021 | NGS Global, recruitment agency, emails Ms West advising that Ms West had been shortlisted for the STIC Role and an interview would be arranged | Email dated 13 June 2021 |
| 18/06/2021 | NGS Global emails Ms West confirming the interview arrangements for 6 July 2021 | Email dated 18 June 2021 |
| 21/07/2021 | Ms West attends an interview for the STIC Americas Role Interview Panel comprises of Ms Brown, Mr Betts, an independent panel member and Dr Broadbent (NGS Global) | |
| 11/08/2021 | Ms Brown approves Ms West as the successful candidate for the STIC Americas Role | See, Briefing for the Premier dated 12 August 2021 |
| 12/08/2021 | Briefing note for the Premier on the appointment of the STIC Americas Role – after a full recruitment process, Ms West has been identified as the successful candidate for the STIC Americas Role Premier Gladys Berejiklian signs the Briefing | Briefing for Premier dated 12 August 2021 |

| DATE | EVENT | Reference |
|-------------------------|--|--|
| 12/08/2021 | Ms Brown calls Ms West to formally advise her she had been successful in obtaining the STIC Americas Role Ms Brown texts Ms West with a photo of the Briefing signed by Premier Berejiklian | Inquiry Transcript, D1, p13 |
| 13/08/2021 | Ms West emails Ms Brown regarding terms of the contract for the STIC Americas Role | Email dated 13 August 2021 |
| 14/08/2021 | Ms Brown emails Ms West approving Ms West's requests | Email dated 14 August 2021 |
| 26/08/2021 – 31/08/2021 | Ms West texts Kristy Manton, HR Director for Investment NSW, requesting updates on the status of the contract | Text messages dated 26 August 2021 to 31 August 2021 |
| 01/09/2021 | Lease for New York commissioner office commences | Inquiry Transcript, D1 p12 |
| 01/09/2021 | Ms West receives police check for the purposes of the STIC Americas Role | Text message from Kristy dated 1 September 2021 |
| 06/09/2021 | Ms West receives a text from Ms Manton that the contract is almost ready | Text Message dated 6 September 2021 |
| 06/09/2021 | Deputy Premier Barilaro's office [Joseph Brayford] asks Ms Brown to consider whether the STIC roles can be by Ministerial appointment | Inquiry Transcript, D1, p10 |
| 15/09/2021 | Ms West texts Ms Manton following up on the contract Ms Manton texts Ms West advising the contract is delayed awaiting US tax advice | Text Messages from Kristy dated 15 September 2021 |
| 15/09/2021 | Investment NSW email " <i>A high-level update for Lisa/Amy</i> " advising that STIC Americas Role preferred candidate identified and contract in final stage of draft targeting October start date | Inquiry Transcript, D1, p11 |
| 16/09/2021 | Ms West emails Ms Manton and Chris Carr, Legal Counsel for Investment NSW, to follow up on the contract and tax advice Ms West emails Lisa Braid, COO of Investment NSW, to follow up on the contract | Emails dated 16 September 2021 |
| 16/09/2021 | Ms Brown texts Ms West asking to meet at 7am the next day | |

| DATE | EVENT | Reference |
|-------------------------|--|--------------------------------------|
| 17/09/2021 | <p>Ms West meets Ms Brown in person</p> <p>Ms Brown advises Ms West that there is a separate submission to Cabinet to make the STIC roles political and not public sector appointments</p> <p>Ms Brown advises Ms West that the STIC role is on hold and that her Deputy Secretary role may not exist because the salary for Ms West's previous role as Deputy Secretary, Trade and International had been allocated to fund two other roles in Investment NSW</p> | Ms West's file note of conversation |
| 17/09/2021 | Ms West speaks with Mr Carr and Alexandra Engle, Ms Brown's chief of staff, to discuss whether her written contract for the STIC Americas Role could be finalised ahead of the Cabinet decision | Ms West's file note of conversation |
| 18/09/2021 | Ms Brown emails Ms West advising the contract would need to await the outcome of the Cabinet decision | Email dated 18 September 2021 |
| 21/09/2021 | <p>Email from General Counsel of Investment NSW to General Counsel of Public Service Commission stating that Investment NSW is being asked to consider whether there is an option for the Commissioner roles to be Ministerial appointments</p> <p>[That request was made from Deputy Premier Barilaro's office]</p> | Inquiry Transcript, D1, p9 |
| 27/09/2021 | NSW Cabinet agrees to make the STIC roles ministerial appointments | Inquiry Transcript, D1, p13 |
| 27/09/2021 | Ms Brown receives a direction to withdraw the offer made to Ms West | Inquiry Transcript, D1, p13, 14, 16 |
| 27/09/2021 | Ms Brown calls Ms West and tells her the Cabinet proposal has passed and that the legal team were looking into the implications for Ms West | Ms West's file note of conversation |
| 27/09/2021 – 01/10/2021 | Ms Brown discusses with Deputy Premier Barilaro's office the practicalities of preparing legislation to make STIC roles ministerial appointments | Inquiry Transcript, D 1 p18 |
| 30/09/2021 | Ms West takes sick leave from employment | Medical Certificate dated 1 Oct 2021 |
| 01/10/2021 | Ms Brown forms view that there was no suitable candidate for the STIC Americas Role | Inquiry Transcript, D1, p21 |
| 01/10/2021 | Ms Berejiklian announces her resignation as Premier | |

| DATE | EVENT | Reference |
|------------|---|---|
| 03/10/2021 | Ms Brown emails NGS Global advising that the global STIC roles will be converted to statutory officers and to cease the recruitment process for positions in other regions | Inquiry Transcript, D1, p17 |
| 04/10/2021 | Mr Barilaro announces his resignation as Deputy Premier | |
| 05/10/2021 | Stuart Ayres MP appointed as Minister for Trade and Industry In the week following, Ms Brown discusses ministerial appointment legislation with Minister Ayres and Minister Ayres decides to defer converting STIC roles to ministerial appointments | Inquiry Transcript, D1, p19 |
| 08/10/2021 | Ms West remains on stress leave from employment | Medical Certificate dated 8 Oct 2021 |
| 11/10/2021 | Ms West emails Mr Coutts-Trotter, the new Secretary for DPC, seeking to discuss her work situation | Email dated 11 October 2021 |
| 13/10/2021 | Ms West returns to work | |
| 13/10/2021 | Standing Order 52 tabled in the Upper House of Parliament requesting all documentation regarding the STIC appointments | Standing Order 52 |
| 14/10/2021 | Ms West meets with Ms Brown via AVL. Ms Brown advises Ms West that Ms West will not be getting the STIC Role, the STIC Role would be a " <i>present</i> " for someone else, and Ms West's role as Deputy Secretary, Trade & International was to be abolished and she would receive a redundancy | Ms West's file note of conversation dated 14 October 2021 emailed to her Solicitors |
| 15/10/2021 | Ms West takes sick leave | |
| 18/10/2021 | Ms West takes personal leave | |
| 27/10/2021 | Budget estimates for Jobs, Investment, Tourism and Western Sydney, Industry and Trade Ms Brown advises that the New York trade commission office to open in January 2022 Stuart Ayres MP advises that the New York position has been advertised but the recruitment process has not moved as quickly because of COVID | Budget Estimates Transcript, pp29-31 |

| DATE | EVENT | Reference |
|-------------------------------|---|-------------------------------|
| 19/11/2021 | Ms West receives letter terminating her employment as Deputy Secretary, Trade and International effective from close of business 30 November 2021 | Letter dated 19 November 2021 |
| 08/12/2021 | Tax advice issues resolved for STIC Americas position | Inquiry Transcript, D1, p20 |
| 17/12/2021 | STIC Americas Role is readvertised | Inquiry Transcript, D1, p29 |
| 19/01/2022 | Mr Barilaro applies for STIC Americas Role | Inquiry Transcript, D1, p23 |
| 21/01/2022 – 02/02/2022 | Ms Brown compiles shortlist for STIC Americas Role | Inquiry Transcript, D1, p27 |
| 31/01/2022 | Ms Brown appointed to Secretary of Enterprise, Investment and Trade | Inquiry Transcript, D1, p24 |
| 01/04/2022 | Ms Brown decides Mr Barilaro to have the STIC Americas Role | Inquiry Transcript, D1, p25 |
| 23/05/2022 | Verbal offer made to Mr Barilaro for the STIC Americas Role | Inquiry Transcript, D1, p25 |
| 16/06/2022 | Recruitment panel signs off on Mr Barilaro's appointment [delay due to unavailability of one of the panel members to sign in May] | Inquiry Transcript, D1, p29 |
| 17/06/2022 | Announcement that Mr Barilaro appointed as Senior Trade and Investment Commissioner to the Americas | |
| 20/06/2022 | Mr Barilaro's contract commences | Inquiry Transcript, D1, p3 |

Name Jennifer West

Contact Details

(Mobile)

Email:

Summary of Experience:

- 20 years experience working in FMCG, Banking & Services industries and Government
- Domestic and international experience in commercial, sales, marketing and strategic roles
- Demonstrated strategic & change leadership - mergers and acquisitions; enterprise leadership
- Strong Financial management & Accountability – P&L's / KPIs / Budgeting
- Omni-channel customer centric experience – retail; digital and call centre execution
- Digital transformation, HCD and Agile experience; worked across start-up/scale-ups and helped Tech companies go global
- Risk, compliance experience across Banking/Telco to mitigate risk & improve processes
- Senior level Government to Government dialogue, Industry Partnerships and strategic management of global companies / sectors both domestically and internationally
- Proven leadership skills, coaching and development of staff / teams and talent development

Education

Masters of Business (Int'l Marketing)

Bachelor of Economics

Graduate, (GAIDC)

Quest Leadership Program

Westpac "Women of Influence" Award

RGI46 (Financial Planning Diploma)

University of Technology, Sydney

Sydney University

Australian Institute of Company Directors

MGSM / Westpac

Award for Business – 2013

Kaplan - 2014

Work History Summary

Oct 2020 – Current

**Deputy Secretary Trade & International
Investment NSW / NSW Treasury**

Jan 2019 – Sept 2020

**General Manager, Digital Innovation & Client Services
General Manager, Trade & Investment,
Austrade (Australian Trade & Investment Commission)**

Aug 2014 – Nov 2018

**State Director NSW-ACT, Telstra Country Wide
Telstra Corporation**

Aug 2007 – July 2014

**Head of Migrant & Expatriate Banking (Aug 2011 – Aug 2014)
Westpac Bank**

**Regional General Manager, Sydney CBD,
Retail & Business Banking (Aug 2007 – Aug 2011)
Westpac Bank**

March 2005 – Jan 2007

**General Manager, Initial Healthcare
Rentokil Initial, Australia**

June 2004 – March 2005

**Divisional Manager – Sales, Merchandise & Operations
Pacific Brands Group (Bonds Australia)**

April 1997 – June 2004

**Head of Commercial / Channel Strategy (2003 – 2004)
Diageo (Executive Level roles)**

**Regional Marketing Director, Asia-Pacific (1997-2002)
Diageo**

Memberships / Boards

- AmCham – NSW Governor (State Board Member) – current
- Study NSW Board – Committee Member – current
- EABC (European Australian Business Council) - NSW Lead
- Federal Government - (NIAB) – National Investment Advisory Board & NTWG (National Trade Working Group)
- Prior Chair – Telstra State Board and Regional Advisory Committee, NSW-ACT
- Member – Australia India Business Council (AIBC), Australia China Business Council (ACBC), Alumni Member (AICD), Women in Banking & Finance Member (WIBFM), Women in Global Business
- Coaching, neuro-leadership, mentoring and development of others / networking across industries

DEPUTY SECRETARY – TRADE & INTERNATIONAL INVESTMENT NSW / NSW TREASURY

October 2020 – Current

Reports to CEO, Investment NSW / Secretary – NSW Treasury (previously)

Investment NSW is a 'one-stop shop' for Trade, Investment, R&D, industry development, tourism and events to maximise economic growth and jobs for the people of NSW.

In this role I am responsible for Trade and Investment globally for NSW; the rollout of the "Global NSW" international network; International Education & Study NSW, Key Stakeholder Mgmt and Migration
<https://www.global.nsw.gov.au>

Responsibilities:

- **Establishment of the "Global NSW" international network** to super-charge Trade and Investment activities for NSW on the global stage. Establishing 6 stand-alone hubs across UK, Europe; North Asia; America's; Greater China; ASEAN and India/Middle East. Hiring of key STICs to lead NSW's increased presence from 10 to 21 locations globally and increasing FTE from 16 to 52 FTE.
- **Investment** - hunt globally for key investors to attract foreign direct investment to drive new capabilities, innovation and industry development into NSW.
- Target Investment opportunities globally (alongside Austrade) into priority sectors and precincts focusing on critical infrastructure, new sectors (hydrogen/renewables), talent, industry growth & skills for the future
- **Fostering startups and innovation / commercialisation** - Working alongside R&D NSW to support our innovation ecosystem / increase commercialisation in new areas such as mRNA vaccine manufacturing.
- **Establishment of a Services & Tech Export** team to leverage the start-up/scale-up ecosystem across NSW and grow emerging sectors of FinTech, MedTech, EdTech and Cyber and linking to global partners.
- **Exporter Support and Diversification** - helping exporters across all sectors 'go global' and diversify across new markets around the world. IN 2021 we have taken over 150 Exporters globally through our "Going Global" Program eg. Tyrells Wine into Russia
- Worked alongside Austrade to increase trade resource into Key Markets to support ABIE and market diversification agenda.
- **Stakeholder Management & Key Events** - manage key strategic relationships on behalf of the NSW Government. European Ambassadors Trade Mission to the Hunter Valley to look at hydrogen, renewables and key export opportunities.
- Managing key relationships with Ambassadors, Business Chambers, Industry Groups, Investors and Exporters. Working at both a Federal and State level across key programs of work to align.
- **Study NSW** - Member of the Study NSW Board focused on the International Education strategy (post Covid); plan to bring International Students back into NSW and market diversification agenda.
- **Winner of the 2021 PIONEER Global Award** for innovation/achievement for the support of International Students during Covid in NSW.
- **Population, Skills and Migration** - key strategic leadership role covering "Population, Skills and Migration" to help ensure NSW has the workforce, skills and migration to assist with the workforce of the future and support economic growth. Co-leadership of cross-government working group.

**GENERAL MANAGER, DIGITAL INNOVATION & CLIENT SERVICES
GENERAL MANAGER - TRADE & INVESTMENT**

Jan 2019 – Sept 2020

AUSTRADE - (Australian Trade & Investment Commission)

Reports to: Deputy CEO, Global Markets & Sector Engagement, Austrade

Austrade is the Australian Government Agency responsible for promoting Australian trade, investment and education to the world. They help Australian businesses export globally (via their 80+ Trade Offices offshore) and help attract international investment into Australia. They also help start-ups go global particularly in the emerging Services and Tech Sectors.

Responsibilities:

In this role I led key areas of the business including:

- Onshore Trade & Investment teams across all key sectors - International Education; Resources & Energy; Tourism & Regional Investment; Advanced Manufacturing, Defence & Space, Agribusiness & Food; Infrastructure and International Health. Federal Government engagement across key Stakeholders.
- Assisting Australian Companies to "go global" and export – providing advice and financial assistance via the Export Market Development Grant (EMDG)
- Ran the Global "Landing Pads" Program – assisting Australian scale-ups in FinTech, CyberSecurity; Blockchain; AgTech; MedTech and emerging areas to "go global" and enter innovation ecosystems around the world.
- Led the Digital innovation and client services team to help Austrade digitally transform, create global virtual platforms and marketplaces and rollout one-to-many programs and social media around the world
- Chair of the National Investment Advisory Board and National Trade Working Group with all the State Governments and Territories (for Trade & Investment) across Australia.

Key Achievements:

- Facilitated over \$8 Bn in productive FDI for Australia in 2018-19. Achieved over 185 investment outcomes and created over 11,489 Jobs for Australia. This productive FDI helped drive overall economic impact, strategic value and productive capacity to Australia.
- Export Market Development Grant (EMDG). Through the EMDG grants program (4000 applicants) we delivered over \$4 Billion in exports for the Australian economy. In 2019-20 the team successfully administered over \$157.9 Million in Grants to Australian exporters; underwent a review and helped administer another \$49 Million (in record time) post Covid-19.
- Established Global Sector Teams and Centres of Excellence to drive new areas of opportunity at a Federal level such as Critical Minerals, Hydrogen, the Circular Economy and Defence/Advanced Manuf/Space.
- Landing Pads Program – took over 300 start-ups/scale-ups globally through the 90 Day Landing Pads program and Boot Camps. This program has assisted Australian companies in Cyber, new technologies, FinTech and digital entertainment to go global. Secured \$17Million in FinTech funding globally.
- Government Programs to support businesses
 - Free Trade Agreement Seminars (FTAs) – over 132 FTA Seminars rolled out across Australia to 5,900 Australian businesses - market access and exporter support
 - Policy achievements - FinTech Funding; Global Talent Visa; Covid-Response Team
 - Representation at Senate Estimates and Senate Committee Hearings
 - Establishment of the International Freight Assistance Mechanism (IFAM) to support Exporters with closed borders
- Policy Outcomes – contributed to key Government Policy Outcomes – Senate Committee Hearing on FinTechs in Australia; Government's "Bounce Back" Strategy for Covid-19 and the Talent Visa Program.

DIRECTOR, NSW-ACT
TELSTRA COUNTRY WIDE

Aug 2014 – Nov 2018

Reports to: Executive Director, Telstra Country Wide, Consumer & Small Business

Telstra is Australia's leading telecommunications and information services company with over 30,000 employees across 20 countries worldwide. The role of Telstra Country Wide is to manage key Retail Operations (over 371 Retail Stores nationally) and "Local Market Leadership" (running the Regions; Telstra Boards & representing Telstra externally).

As the NSW-ACT Director I provided State-wide leadership; lead a team of over 600+ and 130 Stores

Responsibilities:

"One Telstra" - Enterprise / Technology Leadership – Running the State

Leading a team of Area General Managers across NSW-ACT who are responsible for:

- **Technology Leadership** – cross company collaboration around Smart Cities & Digital Inclusion; Agri-Tech and IoT; co-investment opportunities and 5G innovation with Key Stakeholders / Government
- **Commercial / Infrastructure Delivery** – Co-investment Programs; NBN rollout; Blackspot Funding
- **External Stakeholder Management** – Federal & State MPs; Key External Stakeholders (NSW Farmers)
- **Operational Management** – Disaster Recovery and Crisis Management (media mgmt) with Corp Affairs
- **Chair, NSW "Regional Advisory Council"** working with an Advisory Board including NSW Farmers; Regional Mayors; Horticultural; Education and Business stakeholders around Regional issues
- **Customer experience management** (network improvements; customer complaints; funding priorities)

Retail Leadership – Running Retail Stores/Operations (130 Company & Licensee owned)

- Responsible for Sales, Revenue, Customer growth & advocacy across mobility, fixed, entertainment and NBN services.
- Leadership and talent development for a team of 600+ people around the State

Key Achievements:

Sales and Revenue Performance

- #1 Nationally in terms of Sales & Revenue growth. +6% year on year was the highest nationally
- Mobility growth across all of Consumer +664k customers to 16.7 Million nationally, +12% QTD
- TCW NBN / Fixed Lead – achieved 52% NBN Market Share & improved omni-channel customer experience

Retail Performance

- GMD Award / Global Awards for the new "Discovery Store" on George Street & Top Talent Team
- Talent Management and launch of the Aspire Leaders Program with 80% of team being promoted
 - Highest Sustainable Engagement Score nationally at 87 EES (86% participation)
- Advocacy NPS improvement to 64 to 72 Interaction and from 42 to 52 Episode

Local Market Leadership – Customer & Commercial outcomes

- Successfully lead team to support Telstra's position on Mobile Roaming with the ACCC Enquiry
 - Achieved over 67 Submissions from Key Stakeholders / the highest amount of positive media outcomes to ensure competitors did not get to use our Mobile Towers in Regional areas
- Customer Experience / Network Improvements – managed over 55 Projects; 20+ Mobile Black Spot Tower Launches and 106 ADSL relief projects to support 26,000+ customers with better coverage
- Delivering Key Co-Investment Programs & Digital Literacy (in conjunction with Telstra Enterprise/Govt) through NSW Govt Tech Savy Seniors rollout; Smart Cities Programs of Work & business development.
- CEO Award for the Hunter Central Coast Board for the HCC Recovery Program (assisted over 400,000 impacted Telstra Customers)
- Group Managing Director Award for cross company ACT Program using Agile

**HEAD OF MIGRANT & EXPATRIATE BANKING
WESTPAC RETAIL & BUSINESS BANKING**

Aug 2011 – July 2014

Reports to: General Manager, Premium, Westpac Bank

Westpac's Migrant & Expatriate Banking business was responsible for driving new customer acquisition (150k); managing Expatriates offshore & driving multi-cultural / international business onshore. A key matrix role working across all Westpac's Key Business Units (WIB, Commercial, BT & Retail) and leading teams internationally and domestically.

Responsibilities:

- Establishment & Leadership of Westpac's Migrant & Expatriate banking business
- Develop Westpac's international business strategy for M&E – offshore structure, Main Bank partners, Omni-Channel approach, digital programs, on-shore Migrant Centres & Migrant RM teams
- Digital process and end to end design/development of an integrated, omni-channel solution for customers
- Risk/Compliance & legal/regulatory changes for key retail offshore locations (UK/New Zealand) including obtaining UK Banking License
- Strategic Business Development & Key Partnership formation (offshore and onshore)
- Management of Expat Customers offshore / bringing in new customers on-shore to drive growth
- Drive growth & advocacy through multi-cultural campaigns on-shore (Lunar New Year, Diwali etc)

Key Achievements:

- **2013 Westpac "Women of Influence" Award Winner for Business across the Westpac Group** – Award for achievement of business outcomes and the being a role model to other women through my ability to inspire, mentor and lead.
 - Increased market share from 11.8% (2012) to 14.5% (2013)
 - New Customers increased by 74,000 (July 13 YTD), +23% VYA
 - Deposits growth +47% to \$4.9 Bn and Lending growth +39% to \$9.3 Bn (July 13 YTD)
- **Set up Westpac's International Expatriate/Migrant Operations**– UK Branch team, offshore BDMs in China; alignment to Westpac NZ to capitalize on people; trade and investment flows offshore to onshore
 - 1/ UK – Obtained UK Banking Licence** & the 1st Australian Bank to launch Expatriate Banking in the UK market. Result: 12,000 new customers per year & lead Bank for Expats.
 - 2/ Rollout of International Digital Strategy** – multi-lingual websites; mobile first go-to market plans (Results: +31,000 visits per month & accounts for 30% of all Westpac online account sales)
 - 3/ Developed Global Partnerships** with Wridgeways, BUPA, Qantas to provide unique experience for customers to "Create a New Life in Australia" – 75+ NPS
 - 4/ Improved Trans-Tasman customer experience** (NZ Govt Exemption obtained) to facilitate banking for customers between Australia and New Zealand

**REGIONAL GENERAL MANAGER, SYDNEY CBD
WESTPAC RETAIL & BUSINESS BANKING**

August 2007 – Aug 2011

Reports to: NSW State General Manager, Retail & Business Banking

***The largest retail business nationally with Liabilities of \$5.2 Billion, Assets of \$5.47 Billion
13 Branches across the CBD servicing over 1.2 Million Customers p.a. Team of 200.***

Responsibilities:

- Run Westpac's retail and business banking network in the city
- Leadership of the overall Business Strategy, Performance and Key Indicators
- Own and Drive the Local Strategy for Westpac in Sydney CBD
- Business Restructuring under Local & development of a high performance culture

Major achievements:

- **Alfred Davidson Award Winner (2011) and Quest Leadership Program participant for future leaders**
 - Alfred Davidson Award Winner in 2011 (top 1% of the Bank) for overall business results
- **Strong Growth and Overall Business Performance (FY11)**
 - #1 in Regional Performance in NSW (#5 Nationally) + 8% Portfolio Growth & 127% of Plan
 - #1 in Affluent Revenue driven by strong wealth growth (117% of plan YTD)
 - #2 in SME Revenue performance nationally
 - Customer Advocacy (NPS) – lifted from 17 in October 09 to 51 in September 11
- **Successful Business Restructuring and Change Management Program (LOCAL Rollout)**
 - Led “Local” rollout & change program to customer facing Bank Managers and Local Business Bankers
 - Lift in Westpac brand externally through major branch refurb program, integrated Westpac super hubs, major sponsorships and community initiatives
- **Created the Top Talent Team for Westpac RBB (Business Award for results & talent devt)**
 - #1 Region for Career Development in NSW (3 Bank Mgrs promoted to RGMs, 20% of CBD team promoted to other Divisions / areas of the Bank) every year.
 - Strong Employee Engagement at 91 (Global Best Practice is 85) and a People Leader Index of 90. This lifted from 78 in 2009 during a period of major change
- **Launch of Employee Banking (LEVEL 7 Branch) to drive Advocacy & Engagement**
 - 1st Branch for Employee Banking – new branch for 6,000 Staff in Head Office (May 10) incorporating Relationship Mgrs, Lenders, Planners, Branch team and new teller training area.
 - Results: Employee Advocacy increase from 5% to 13%, sales – 100% of Plan, PFS wealth sales 150% of Plan, Rolling Seminar Programs – over 500 people attended, NPS - 79

GENERAL MANAGER, INITIAL HEALTHCARE

MARCH '05 – JAN '07

Reported to: Australian Managing Director.

Initial Healthcare (part of the Rentokil-Initial Group - the largest global services business with a £2 billion turnover). The Australian Healthcare business had a turnover of A\$65m, 25,000 customers / team of 340 people. I was brought in to undertake a major turnaround and increased turnover to A\$90m through organic growth / acquisition. An end to end GM role.

Responsibilities:

- Financial Performance, growth and overall leadership of the Division
- 3 Year Strategic Plan - budgeting, commercial / sales (including mergers & acquisitions)
- People leadership – teamwork, communication, building a high performance culture

Major achievements:

- **Lead Business Turnaround Strategy & Competitor Acquisition**
 - 2% uplift in Turnover, 3% uplift in client retention and 15% profit improvement year on year.
 - Formation of new strategic alliances & business approach – product development, National Account team est. & client retention program to drive growth
 - Lead acquisition of ‘Pink Healthcare’ resulting in a market share increase from 25% to 35%
- **Restructuring and change management**
 - Rationalised inefficient Branch Structure and moved to a State-based, customer orientated business structure (branch mergers, removal of non-essential roles / back office integration)
 - Salesforce structure change / reward program reduced turnover from 120% to 58% in 7 months
- **Business re-engineering & process improvement**
 - Covering Admin, Payroll, OH&S, Fleet Management – over \$1 M in cost savings
 - National business geo-mapping & new CRM system (salesforce.com) to drive efficiencies

**DIVISIONAL MANAGER - SALES, CUSTOMER SERVICE & MERCHANDISING
BONDS AUSTRALIA (PACIFIC BRANDS GROUP)**

JUNE '04 – MARCH '05

Net Sales of \$235m, growth +14% VYA. Bonds is the market leader in Mens, Womens and Childrens underwear in Australia. Its products are distributed through Dept Store, Grocery & Specialty outlets.

Responsibilities:

- Sales performance, commercial and trading approach nationally across all key channels
- Manage the Export Development Agenda & key distributor relationships across countries
- Visual & Merchandising field mgmt. and increased brand presence across all channels
- Key Account Mgmt & negotiation with major retailers. Mgmt of the Call Centre / Customer Service team

Major achievements:

- Sales growth of +14% VYA and on track to achieve budget
- Restructuring of the Salesforce from a Category to Account focused structure

**HEAD OF COMMERCIAL / CHANNEL STRATEGY
DIAGEO AUSTRALIA**

APRIL 2003 – JUNE 2004

Responsible for the overall commercial business strategy over the next 5 years. Managed Strategy Team who focused on new and key business initiatives to drive growth. Sales - \$400m (growing at + 18% VYA), Diageo was the market leader in the Spirits and RTD categories in Australia with a 34% share. Innovation, strategy & customer insights were key.

Responsibilities:

- Strategic planning at both the corporate / commercial level (On and Off Premise)
- Led team of Strategy Managers focused on "white space opportunities" and key growth opportunities
- National Project Lead on key projects: route to market, distribution, category, pricing initiatives etc
- Business and stakeholder engagement nationally to align strategic and executional programs

Major achievements:

- Ready to Drink (RTD) growth - +50% growth in Dark RTD Sales & #1 RTD player nationally
- Crack NSW Project – identified new business opportunities / structure to drive growth.

REGIONAL MARKETING DIRECTOR, ASIA-PACIFIC

APRIL 1997 – APRIL 2003

Reported to: Commercial Director, Asia-Pacific, Global Duty Free

***Market Responsibility:** North America, Japan, Taiwan, Korea, Hong Kong, Singapore, Thailand, Guam, Hawaii, Fiji, as well as Australia & New Zealand. Volume = 625,000 9L cases, Net Sales = A\$100 million (2002). Business growth = +11% increase in volume and +15.6% increase in profit (CAGR) '97-02*

Responsibilities:

- Strategic planning and implementation of key initiatives across Asia-Pacific
- Management / accountability for Japan DF business / Moet Hennessy joint venture relationship
- Global Account Management of DFS (the world's largest Duty Free Retailer) & customer management of DFS North American business (with Commercial Director)
- Rollout of Key Marketing Initiatives across the Region (Promotions, merchandising, new product launches)
- Regional co-ordination & liaison with sales, marketing, operations people world-wide

Major Achievements:

- **Global Award for "Best Partnership Initiative"** for store redevelopment work at Sydney Airport prior to the Olympics. Increased sales by +15% and lead to global changes in merchandising.
- **Rated as the "Best Marketing Function" and "Having the most Innovative Marketing Ideas" by Retailers** in the Annual JRA Survey, 2001 & 2002
- **Grew the North American business by +57% VYA in volume** / incr. profit of A\$1.2m
- **Implementation of Best Practice Marketing Initiatives** – Integrated campaigns such as Keep Walking / "Aspects of Blue" increased sales by +30% - 40% and became global best practice
- **Development of Consumer Insight / Research** to drive the innovation / new product development agenda across key nationalities – Korean / Japanese / Chinese consumers (qualitative & quantitative research)

The Hon. ROBERT BORSAK: But he was supposed to be the best candidate and he was never involved in a public service role.

AMY BROWN: That's true, but he was the first-ranked candidate against the relevant criteria.

The Hon. ROBERT BORSAK: In your role of establishing him as the first-ranked candidate, do you think that there could have been a perception of a conflict of interest in that you reported to him?

AMY BROWN: Saying I reported to him mischaracterises the relationship between the agency head and the portfolio minister. I was accountable to him in his role as Minister for Trade and Industry. I did not derive a personal benefit in making the appointment. It is quite common for agency heads and other senior public servants to interview candidates they have had dealings with previously. The panel involved a panel of five people with different perspectives, including the independent Public Service Commissioner, who did not raise a concern.

The Hon. ROBERT BORSAK: Thank you, Ms Brown. Just so I understand—and you say that you received no benefit—I understand that, your immediate employment history, you were appointed to the role of Chief Executive Officer of Investment NSW in or around March 2021. Is that true?

AMY BROWN: That is true.

The Hon. ROBERT BORSAK: Your grade was at the level of Deputy Secretary in January of this year. You were promoted to Secretary of the Department of Enterprise and Trade.

AMY BROWN: I was.

The Hon. ROBERT BORSAK: You were, yes. But you've essentially retained the duties of or oversight of the duties of the CEO of Investment NSW. Is that also true?

AMY BROWN: That is also true.

The Hon. ROBERT BORSAK: And you continue with that process and those responsibilities?

AMY BROWN: That is true.

The Hon. ROBERT BORSAK: When you were CEO of Investment NSW who did you actually report to? Did you report to Gary Barnes?

AMY BROWN: No, I did not. I was a head of an executive agency. My employment contract was held by the Secretary of the Department of Premier and Cabinet. They were the principal department with respect to my agency.

The CHAIR: You can keep going if you want to, because they took some of your time. Do you want—

The Hon. ROBERT BORSAK: I've got a fair bit more. I'll come back.

The CHAIR: Okay. Questions from the Opposition, Mr Daniel Mookhey?

The Hon. DANIEL MOOKHEY: Thank you, Chair. Ms Brown, we might just return to some of the events of September last year. Thank you for establishing some of the chain of events. We have established that on or about, I think you said, 6 September you had the opportunity to meet with Mr Braidwood—I think that's how you pronounce his name?

AMY BROWN: Brayford.

The Hon. DANIEL MOOKHEY: Brayford. You were asked to prepare advice as to alternative methods of appointment. He then makes a request on—well, sorry, your general counsel sends an email to the PSC on 21 September. We have now established there is in Cabinet or some direction of Government given to you around 27 September to withdraw the verbal offer to the successful candidate in the first round. I want to turn to what happens after that. Do you mind turning to page 48 of the tender bundle? Page 48 is a chain of correspondence which is predominantly about how this will be communicated from Investment NSW to NGS Global, which was the recruiter.

AMY BROWN: That is right.

The Hon. DANIEL MOOKHEY: I am going to refer to them by their title, not their name, but you can see here in the middle of the page your chief of staff is emailing another member of your team. They say:

FYI — Amy will speak with—
the lead recruiter—

The CHAIR: Did Minister Ayres request to meet with any of the other commissioner appointments?

AMY BROWN: I requested that Minister Ayres meet with those two appointments, with the STIC for Greater China and with one of the short-listed candidates for STIC Americas who was not Mr Barilaro.

The CHAIR: Why wasn't Minister Ayres requested to meet with the final successful preferred applicant in the second round—Mr John Barilaro? Why was that request not made?

AMY BROWN: I was in two minds about the candidate who ended up being runner-up in that process, and I wanted to see how that person presented themselves to a Minister, to see whether or not they were likely to have the confidence of the Minister in that scenario. I was present at the meeting, and by the end of that meeting I had concluded that they were not a good fit for the role.

The Hon. DANIEL MOOKHEY: Sorry, which Minister were you—

AMY BROWN: Minister Ayres.

The CHAIR: So Minister Ayres met with several of the preferred candidates but not with Mr Barilaro?

AMY BROWN: I beg your pardon. He only met with one of the preferred candidates for STIC Americas—the person who ended up becoming the runner-up.

The CHAIR: I just wanted to turn to the lease in the New York—whatever lease has been taken up somewhere in New York. There's a milestone report that I have, which is a New York milestone report referred to—what date was it? 14 September. It is a slideshow titled "Global NSW Expansion Program Workstream Status Meeting 14 September 2021". It states in here—there's a whole time line, in fact. It states in here that a lease was signed. It says, "Sign lease in August 2021." Did that occur?

AMY BROWN: Yes. Fortunately, I have just been given the answer by my team. This is relevant to the questioning from before as well. The New York lease commenced on 1 September 2021. The cost is US\$88,000 per year. The square metreage is 103.7 square metres. It was taken as a shell, and it took six months minimum to do the fit-out to make it a useable office space.

The Hon. PENNY SHARPE: How much did the fit-out cost?

AMY BROWN: I will get my team to find that out. As you say, Ms Sharpe, it is in the Australian Consulate in New York and has been occupied since May 2022, when the fit-out has been completed.

The CHAIR: The milestone report here does suggest that there was going to be an official launch of the New York office back in late November 2021. Are you aware of that time frame?

AMY BROWN: I was not aware that was originally the time frame. Although, given we wanted to progress the rollout of the network further, it doesn't surprise me that that ambition was created.

The CHAIR: And that the construction was to be complete, obviously, by that stage as well?

AMY BROWN: Given it took six months to fit out, I'm surprised about that component of it. I can get more information, if you like.

The CHAIR: When was the fit-out completed?

AMY BROWN: It has been occupied since May 2022, so it was completed by then.

The CHAIR: Can I check whether there has been—I understand there are global hubs, and then there is this hub-and-spokes model. Have the spokes, in terms of those positions, been filled in the Americas?

AMY BROWN: Predominantly, no. The Americas is the part of our network that needs the most completion, if you will. Most of the spokes are a shared office arrangement with Austrade. Indeed, some of the employees in the spokes are employed through Austrade for ease of employee arrangements. My awareness is there is still a number of roles that need to be recruited in the Americas, yes.

The CHAIR: What was your involvement in the original recruitment process for the Americas?

AMY BROWN: The original recruitment process launched on 2 April 2021, which was only a couple of days after Investment NSW was established. I was on the panel, essentially leading the recruitment process.

The CHAIR: This is in the first round?

AMY BROWN: That's correct, 2021.

4th May 2020

Senior Trade & Investment Commissioner

Americas – Investment NSW

Dear Dr Broadbent,

I am very interested in the Senior Trade & Investment Commissioner role for the Americas in Investment NSW as I see it as a key opportunity to further my career internationally whilst continuing to make a difference for the people of NSW.

The STIC role in Americas is a key role that helps to advance NSW's economic and business interests across the Americas and a great opportunity to super charge NSW on the global stage.

I believe I have a unique skill set for this role as I have very strong trade and investment knowledge across multiple sectors coupled with a deep knowledge of both business and government in NSW. In addition to this I have worked federally across emerging sectors of defence/space, hydrogen and critical minerals and have extensive services & tech expertise.

In terms of US experience I worked across the US when I worked for Diageo and most recently at Austrade managing their Landing Pads Program for scale-ups in San Francisco / NY. I also dealt with key US investors such as Amazon setting up in Australia, Verizon and AT&T and have networks into the State Governors as well. As you are aware I am member of AmChams Trade & Investment Committee and NSW Governor for AmCham. I see this role as complimenting and building upon the work I have already undertaken in Australia with key American stakeholders.

With extensive commercial, sales, marketing, digital and operational experience across numerous industries domestically and internationally, I believe I can make a difference. I have over 16 years Sales Leadership experience running large P&Ls and balance sheets in companies such as Westpac and have worked across the emerging Tech sector at Telstra and Austrade. As a Global Enterprise Leader I believe this combination of sector, international and domestic experience makes me a unique candidate for this role.

I see the US as an exciting opportunity for growth - with a new Biden Administration; renewed focus on climate change and renewables; areas of advanced manufacturing, defence and space; new Tech Hubs across Texas and Denver - the opportunities are limitless.

Some additional areas of strength I can bring to this role include:

- Proven experience building businesses in challenging global environments
- Strong change and transformation background and future focus
- Digital first and customer centric mindset
- Developing future leaders and talent development
- A global, culturally sensitive connector at all levels

I have enclosed a copy of my resume and hope I have the opportunity to make a difference to NSW.

Kind Regards,

Jenny West

On Sun, 13 Jun 2021 at 11:47 am, Marianne Broadbent

wrote:

Jenny, Just realised we did not call you on Friday on formally confirm things. Now confirming we are delighted to indicated that you are shortlisted for this role. The interviews will be on 6 July – likely at 52 Martin Place. We had intended to call you on Friday, but we had a number of staff impacted by major storms and power outages in Victoria and had to deal with some urgent matters. Lynne Clements has just sent me an SMS that she now has power back – lost it last Thursday, and now has to restock her fridge and freezer.

Lynne will call you during the week re timing and will organise timing etc.

Regards Marianne B

Dr Marianne Broadbent
MANAGING PARTNER

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Zoe Brindle

From: Jenny West [REDACTED]
Sent: Thursday, 30 June 2022 3:58 PM
To: Martin Slattery
Subject: #6 - Confirmation of Panel for Interview

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Tim Reardon was replaced by Jim Betts the new DPC Secretary

----- Forwarded message -----

From: Lynne Clements
Date: Fri, 18 Jun 2021 at 2:12 pm
Subject: RE: STIC Americas
To: Jenny West

Many thanks Jenny – I'll send through a holding appointment.

Regards,

Lynne Clements
EXECUTIVE OFFICER

NGS GLOBAL | AMERICAS • EUROPE • ASIA PACIFIC • AFRICA • MIDDLE EAST
L5, 175 Collins Street, Melbourne VIC 3000

www.ngs-global.com

Our [Privacy Policy](#) details the ways we use any personal information you might provide to us, how we will protect it, and how long we will keep it.

From: Jenny West [REDACTED]
Sent: Friday, 18 June 2021 1:54 PM
To: Lynne Clements
Subject: Re: STIC Americas

Confirmed Jenny

On Fri, 18 Jun 2021 at 1:10 pm, Lynne Clements

wrote:

Dear Jenny

Congratulations on being selected for Interview for the Investment NSW STIC Americas position. Confirming the interview date of **Tuesday 6 July**, would you be available to interview at 2:10pm?

If you could *please confirm your acceptance of attendance back to me as soon as possible*, you will be sent a holding invite from NGS.

The Panel members for the interview will be:

The Hon Warwick Smith AO,

Mr Tim Reardon, Secretary, Department of Premier and Cabinet

Mr Mike Pratt, Secretary, Treasury NSW

Ms Amy Brown, CEO Investment NSW (Chair),

Dr Marianne Broadbent, (in attendance), Managing Partner, NGS Global.

Kind regards

Lynne

Lynne Clements
EXECUTIVE OFFICER

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L5, 175 Collins Street, Melbourne VIC 3000

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Appointment of Senior Trade & Investment Commissioner - Americas

Issue: A successful candidate for the role of Senior Trade & Investment Commissioner (STIC) - Americas has been identified.

Purpose

- Ms Jenny West has been identified as the successful candidate for the STIC - Americas role. The Deputy Premier and the Treasurer will also be notified of Ms West's selection.

Background

- As part of the NSW Global strategy and revamp of the NSW international network, the Government announced the intended appointment of STICs located in ASEAN (Singapore), India/Middle East and the Americas (New York). This is in addition to an Agent General role in London and the recently appointed STIC in North Asia (Tokyo).
- NGS Global was engaged to undertake the executive search for the STIC roles following the review of proposals from three NSW Government approved suppliers.
- After a full recruitment process, the recruitment panel has identified Ms Jenny West, Deputy Secretary Trade & International Growth, Investment NSW as the successful candidate.
- The STICs are public service senior executives employed under the *Government Senior Appointment Act 2013*. All STIC roles are fully funded and budget approved as part of the Global NSW strategy.

Consultation

- The successful candidate was recommended by a recruitment panel comprised of Ms Ann Bracey (CEO Investment NSW), The Hon. Warwick Smith AO, independent member, Mr Jim Bell, Secretary Department of Planning, Industry & Environment, and Dr Marianne Broadbent, Managing Partner NGS Global in attendance.
- The final panel selection report from NGS Global is attached.

Recommendations

- Note the selection of Ms Jenny West as the successful candidate for the STIC - Americas role.
- Note Investment NSW will liaise with the Premier's Office to arrange a meeting between the Premier and Ms West to discuss priorities for international trade and investment for NSW, prior to her relocation to New York.
- Note the Selection Panel Report (Attachment A).

| | | |
|---------------------|--|---|
| DPC final approval | Approved CIO (Amy Brown) 11/08/2021 Investment NSW | |
| Premier's comments | Date: <u>12/8/21</u> | Approved/Not Approved/Noted <u>Noted</u> |
| Responsible Officer | Alex Engel-Mallon, Chief of Staff to the CIO Investment NSW | |

The CHAIR: Why was the preferred applicant in all of the information that we have up until September 2021—the internal documents still say that a preferred applicant has been chosen for the Americas. What happened that that was no longer the case?

AMY BROWN: We conducted a recruitment process, including panel interviews. There was a first-ranked candidate, who I believe has been talked about quite a bit in the public domain. She was verbally offered the role. Then I was given a direction by Government to cease the recruitment due to a change in Government policy to convert the roles into statutory officers appointed by a Minister.

The CHAIR: That direction by Government came from who?

AMY BROWN: It was a decision of Government. It would have come through the responsible Minister, being the Minister for Industry and Trade.

The Hon. DANIEL MOOKHEY: Who was?

AMY BROWN: Mr John Barilaro.

The CHAIR: You're saying "a decision by Government". Are you referring to a Cabinet decision?

AMY BROWN: It was a decision by Government.

The CHAIR: And it came through—

AMY BROWN: I can't comment on the—

The CHAIR: —Mr Barilaro. Are you aware of what day that occurred?

AMY BROWN: Approximately 27 September.

The Hon. ROBERT BORSAK: So Mr Barilaro created the positions, and then a recruitment process, which you participated in, went through the motions of recruiting. You had a preferred candidate, who had been nominated or told verbally that she had the role. Then an instruction came through that that was to change. Is that your evidence?

AMY BROWN: The one correction that I would make is that the roles were announced as part of the Global NSW Strategy, which was a strategy that was approved by Government in late 2019. It was launched by former Premier Berejiklian, former Deputy Premier John Barilaro and then Treasurer Dominic Perrottet. That document essentially created the roles.

The Hon. ROBERT BORSAK: The roles have been created, the recruitment has been done, a person has been verbally told they have the role and then—and tell me if I'm wrongly characterising this—an instruction comes from Minister Barilaro that this whole process is to stop and that person is to be told that she has not now got the role. Is that true?

AMY BROWN: It was a decision of the Government that involved—

The Hon. ROBERT BORSAK: That's not—you keep saying that—

AMY BROWN: But I'm just saying—

The Hon. ROBERT BORSAK: But your evidence also said that the instruction came from the Minister, Barilaro.

The Hon. WES FANG: Chair, I am going to raise a point of order. I hate to do this, but—

The Hon. DANIEL MOOKHEY: That's not true.

The Hon. WES FANG: Well, no, it seems to be—

The CHAIR: Quick to it, Mr Fang. Order! Quickly get to your point of order.

The Hon. WES FANG: The point of order is that Ms Brown is trying to provide an answer. The Deputy Chair is talking over the top of her. There is a procedural fairness resolution that allows the witness to complete their answer before—

The CHAIR: Thank you, Mr Fang. There is no point of order. That exchange was fair enough. I am trying to be fair to the witness, but that exchange was fair enough. Continue, Mr Borsak.

The Hon. ROBERT BORSAK: Ms Brown, who actually then phoned the preferred candidate and told her that she didn't have the job?

AMY BROWN: I did.



Investment
NSW

Investment NSW believes in 'all roles flex'. I work flexibly. I am sending this message now because it's a good time for me, but I don't expect that you will read, respond or action it outside of your own regular hours.

From: Jenny West
Sent: Friday, 13 August 2021 11:24 AM
To: Amy Brown
Subject: Confidential - JW

Amy,

Thanks for sending through the note on my appointment to the STIC role for the America's – I am so excited about the opportunity and know I can make a huge difference for you in the role.

I really appreciate your faith and the panels faith in me to take the role and look forward to driving strong outcomes for you in Trade and Investment.

Overall package

The below would be in line with other STIC roles

- Base Salary – as per the agreed \$450K in line with other STICs
- Cost of Living allowance as per Mercer Benchmarks
- Relocation Costs of \$60K as per the other STICs
- 90 Days for resignation etc.
- Just need to get clarity on Super and Probation period as well

As discussed, in terms of my contract I wanted to ask 2 minor things.

My Ask

1. **Additional allowance for New York (US\$10,000 - \$15,000) per year**

I have looked at the cost of living in New York and the rental costs are huge. A basic 2 bedroom unit would use up 40-50% of my salary after tax (tax is approx. 50% in NY)

In addition to this with my daughter coming over to study unfortunately I cannot do HECs and the courses are approx. US\$20K+ per year and I would have to fund HealthCare costs (approx. \$10K per year as well)

- Average Rent for a 2 Bedroom Apartment in NY City is between US\$3,000 – US\$5,000 per month
- Healthcare for my daughter would be US\$10,000 per annum (US\$833 per month)
- Study – approx. US\$12,000 minimum per year (US\$1,000 per month)
- Total additional excluding rent = US\$22,000 per year

I was wanting to request an additional US\$10,000 - \$15,000 on top of the above per year to assist with rental / study / healthcare costs so I don't have to dip into my savings and be out of pocket with the role.

Austrade's New York costs

I have looked at what Austrade pays (I fully understand that NSW Government is different but thought it would provide some insights)

The Austrade GMIs Offshore (STIC equivalent for us)

- Band 2 roles so approx. \$450K salary
- Extras include – all accommodation / school fees / living allowance paid as well
- Total Package is \$500K-\$600K

Note: The comment was for NY and Tokyo – accommodation costs significantly higher given the costs of rent in both those locations so they pay more there

They also pay \$26k for family health insurance (with Cigna) - Austrade pays the premium for staff and their recognised dependants.

2. Taxation Advice

I was also wanting to use Deloitte if possible (or someone similar) for taxation advice. This was given to Michael and Stephen as part of the process.

I have attached Kathy's details and could organise it directly or get Kristy to do so.

Kathy Saveski

Partner - Deloitte Tax Services Pty Ltd
Tel/Direct:

Mobile:

I hope the above makes sense.

My only ask is an additional US\$10,000 - \$15,000 per annum whilst I am there so I don't have to dip into my savings given how expensive NY is.

Thanks Jenny

Jenny West | Deputy Secretary Trade & International
Investment NSW
Level 35, 62 Martin Place, Sydney, NSW 2000

investment.nsw.gov.au



**Investment
NSW**

For further information, please contact Jenny West on 02 9231 6111 or email jenny.west@investment.nsw.gov.au.
My workdays are: Mon; Tues; Wed; Thurs; Fri



Investment
NSW

Investment NSW believes in 'all roles flex'. I work flexibly. I am sending this message now because it's a good time for me, but I don't expect that you will read, respond or action it outside of your own regular hours.

From: Amy Brown
Sent: Saturday, 14 August 2021 2:16 PM
To: Jenny West
Subject: RE: Confidential - JW

Hi Jenny

Many thanks for setting this out so clearly.

I'm comfortable with the package you've outlined below, including an additional US\$15,000 living allowance, and utilisation of Deloitte for taxation advice.

If this approval is sufficient, please go ahead and ask Kristy to get it all documented.

As always, let me know if there's anything else you need or would like to discuss.

Kind regards

Amy

Amy Brown | Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au

Thu, 26 Aug, 8:53 am

Also can you please quietly on the side update the STIC America's package as per my email approved by Amy. I didn't want to raise it on the call yesterday thanks Jenny

Of course. The allowance for housing will be included 😊

Thanks- the only addition I got was that US15k p.a due to NY costs as I mentioned to you

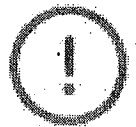
Thu, 26 Aug, 12:06 pm

Also forgot to ask about catch up with Deloitte similar to what Mike/Stephen did. Can I organise or do you want to do so on my behalf?
Thanks Jenny

Hey- Paul did receive that offer letter so do you want me to call Marianne and confirm Paul shouldn't resign from his currently job based an offer letter. She doesn't need to know anything else other than we would

Hey- have spoken to
Chris Carr. Can you, me,
Chris and Amy have a
chat?

Yes - send an invite
for 5.30pm today as
Amy and I have time
slotted in then.
Thanks for following
up



Not Delivered

Yes - send an invite for
5.30pm today as Amy
and I have time slotted
in then. Thanks for
following up

Thanks- the only addition I got was that US15k p.a due to NY costs as I mentioned to you

We should be able to keep costs lower in Mumbai/Singapore/China where it is not as expensive

Thanks

Sounds good! Your NY costs will def be added in. They are so minor they can't help us with budget issues anyway haha

resign based on a
signed contract

Yes please

Just in case

I'm just finding out as I
understand we have
capped out on Deloitte.
Would you be
comfortable with
KPMG?

Yes

Ok cool. Leave it with
me. No names but I'll
see with Evelina what
arrangements are in
place and we can then

Tue, 31 Aug, 11:45 am

Can you please call
when you get a chance

Don't worry can wait
until next meeting

We just need to make
sure they are clear on
America's as well

Can we go through
together thanks

Yep America's is fine.

It's a minimal addition

Does it include
Relocation/ cost of living

Yep America's is fine.

It's a minimal addition

Does it include
Relocation/ cost of living
and the US\$15k per
annum. Just worried it
might not be right that's
all - thanks

Yep it does. I asked for it
to be added

Thanks heaps

Tue, 31 Aug, 1:40 pm

Marianne has called me
again - can you please
call her back

The CHAIR: Did Minister Ayres request to meet with any of the other commissioner appointments?

AMY BROWN: I requested that Minister Ayres meet with those two appointments, with the STIC for Greater China and with one of the short-listed candidates for STIC Americas who was not Mr Barilaro.

The CHAIR: Why wasn't Minister Ayres requested to meet with the final successful preferred applicant in the second round—Mr John Barilaro? Why was that request not made?

AMY BROWN: I was in two minds about the candidate who ended up being runner-up in that process, and I wanted to see how that person presented themselves to a Minister, to see whether or not they were likely to have the confidence of the Minister in that scenario. I was present at the meeting, and by the end of that meeting I had concluded that they were not a good fit for the role.

The Hon. DANIEL MOOKHEY: Sorry, which Minister were you—

AMY BROWN: Minister Ayres.

The CHAIR: So Minister Ayres met with several of the preferred candidates but not with Mr Barilaro?

AMY BROWN: I beg your pardon. He only met with one of the preferred candidates for STIC Americas—the person who ended up becoming the runner-up.

The CHAIR: I just wanted to turn to the lease in the New York—whatever lease has been taken up somewhere in New York. There's a milestone report that I have, which is a New York milestone report referred to—what date was it? 14 September. It is a slideshow titled "Global NSW Expansion Program Workstream Status Meeting 14 September 2021". It states in here—there's a whole time line, in fact. It states in here that a lease was signed. It says, "Sign lease in August 2021." Did that occur?

AMY BROWN: Yes. Fortunately, I have just been given the answer by my team. This is relevant to the questioning from before as well. The New York lease commenced on 1 September 2021. The cost is US\$88,000 per year. The square metreage is 103.7 square metres. It was taken as a shell, and it took six months minimum to do the fit-out to make it a useable office space.

The Hon. PENNY SHARPE: How much did the fit-out cost?

AMY BROWN: I will get my team to find that out. As you say, Ms Sharpe, it is in the Australian Consulate in New York and has been occupied since May 2022, when the fit-out has been completed.

The CHAIR: The milestone report here does suggest that there was going to be an official launch of the New York office back in late November 2021. Are you aware of that time frame?

AMY BROWN: I was not aware that was originally the time frame. Although, given we wanted to progress the rollout of the network further, it doesn't surprise me that that ambition was created.

The CHAIR: And that the construction was to be complete, obviously, by that stage as well?

AMY BROWN: Given it took six months to fit out, I'm surprised about that component of it. I can get more information, if you like.

The CHAIR: When was the fit-out completed?

AMY BROWN: It has been occupied since May 2022, so it was completed by then.

The CHAIR: Can I check whether there has been—I understand there are global hubs, and then there is this hub-and-spokes model. Have the spokes, in terms of those positions, been filled in the Americas?

AMY BROWN: Predominantly, no. The Americas is the part of our network that needs the most completion, if you will. Most of the spokes are a shared office arrangement with Austrade. Indeed, some of the employees in the spokes are employed through Austrade for ease of employee arrangements. My awareness is there is still a number of roles that need to be recruited in the Americas, yes.

The CHAIR: What was your involvement in the original recruitment process for the Americas?

AMY BROWN: The original recruitment process launched on 2 April 2021, which was only a couple of days after Investment NSW was established. I was on the panel, essentially leading the recruitment process.

The CHAIR: This is in the first round?

AMY BROWN: That's correct, 2021.

Wed, 1 Sep, 4:47 pm

Hey Jenny- I'm just sending you the police check now which will come from CV check. Just so we get it all ready to go for when we need to do the offer. These checks sometimes take a few weeks

Mon, 6 Sep, 3:04 pm

Kristy - hope you had a great weekend. Good news re Paul and his contract - finally!

AMY BROWN: I don't know the chain of how he was instructed, whether he was called directly or whether my—

The Hon. DANIEL MOOKHEY: Was it an adviser in the Deputy Premier's office or was it the Deputy Premier himself?

AMY BROWN: It was an adviser in the Deputy Premier's office.

The Hon. DANIEL MOOKHEY: So the Deputy Premier's office asks. Were you notified of that request prior to it being made to your general counsel?

AMY BROWN: I was already aware of the request because I had been asked for my view as well.

The Hon. DANIEL MOOKHEY: Who asked you for your view?

AMY BROWN: The Deputy Premier's office.

The Hon. DANIEL MOOKHEY: The Deputy Premier's office or the Deputy Premier?

AMY BROWN: The Deputy Premier's office.

The Hon. DANIEL MOOKHEY: When did they ask you for your view?

AMY BROWN: I believe it was on or about 6 September.

The Hon. DANIEL MOOKHEY: So two weeks prior to this request.

AMY BROWN: Yes, this was a more complicated request.

The Hon. DANIEL MOOKHEY: Was that asked in the context of your fortnightly catch-ups with the Deputy Premier?

AMY BROWN: I met with the Deputy Premier once in the six months that I was accountable to him as the trade and industry Minister—and it was by Teams.

The Hon. PENNY SHARPE: Just to be clear, in terms of dealing with the Deputy Premier, did you work through Mr Barnes?

AMY BROWN: No, Mr Barnes is a separate department. I met weekly with an adviser in the Deputy Premier's office, and that was the extent of my instruction from the Deputy Premier.

The Hon. DANIEL MOOKHEY: In that weekly meeting, was it raised with you?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: What were you asked?

AMY BROWN: In a meeting around that time, yes.

The Hon. DANIEL MOOKHEY: What did the Deputy Premier's adviser ask you?

AMY BROWN: In the first instance, I was asked, "What is the mechanism by which senior trade and investment commissioners are employed?" I explained that they were public service employees under the GSC Act. Then I was asked, "What are other mechanisms by which they could be employed, including ministerial appointments?"

The Hon. DANIEL MOOKHEY: Do you recall the name of the person who asked you from the Deputy Premier's office? Was it a Mr Joseph—

AMY BROWN: I feel nervous about naming them, given the introduction. Chair, is it—

The Hon. DANIEL MOOKHEY: You are entitled—sorry, it's a question that's being asked.

The Hon. PENNY SHARPE: You just said you're taking direction from that person. We would like to know.

The CHAIR: Yes.

AMY BROWN: I just wanted to check. Thanks. Mr Joseph Brayford.

The Hon. DANIEL MOOKHEY: Joseph Brayford asked you. After your general counsel transmitted—and thank you for clarifying who he transmitted it to.

AMY BROWN: That's okay.

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Criminal check complete. Can you please let me know timings of contract and KPMG thanks Jenny

○ Hello- the contract is almost ready, I'm meeting with Chris tomorrow morning to finalise and then we can send up to Amy for approval 😊

Thanks heaps 😊

I've just messaged Evelina to find out where the Fragomen's contract is up to. Will loop back ASAP. I mentioned last week it needed to move fast so hopefully it's close and we can book you in

Thanks so much

Mon, 13 Sep, 4:19 pm

Do you want Chris Carr to have an informal discussion with Minter Ellison re: Jasmine to

Wednesday 12:15 pm

Kristy - sorry to bother you again. Do you have any updates for me in regards to KPMG/ contract timing
Thanks Jenny

Hey Jenny- sorry I've been chasing up.

○ Apparently there is an issue with KPMG not being able to provide information on the Americas. Chris Carr and ash's team are on to it. We can give you a call to explain what's happening?

Okay- can I then use
Deloitte instead?
Thanks

Apparently none of the
big 4 can't provide.

○ Something to do with
the legislation in the US.
Legal firms are exempt
so they are going out
now to organise who
can provide

○ Okay thanks for letting
me know

 **fragoman**
google.com.au



These could probably

Friday 11:55 am

Hey Jenny- apologies if I didn't explain the issue with the tax advice very well. I've asked to join those PMO meetings so that I can hear first hand. It's almost hard to explain something you're not fully across. I hope you are well

Thanks- I just hadn't heard at all for weeks so was worried. Thanks for the update- I can ring around myself if needed

Chris is onto it now to

those PMO meetings so that I can hear first hand. It's almost hard to explain something you're not fully across. I hope you are well

Thanks- I just hadn't heard at all for weeks so was worried. Thanks for the update- I can ring around myself if needed

Chris is onto it now to make sure we can get you the advice. I'll also keep getting updates on where they are at to make sure it's moving .

The Hon. DANIEL MOOKHEY: Did your general counsel notify you that he had provided that advice to the Public Service Commission? Incidentally, can you explain why the Public Service Commission all of a sudden had an interest in this on 21 September 2021? Why were they a relevant party in this?

AMY BROWN: They were specifically asked the question around amending the GSC Act because, as the independent Public Service Commission, they are almost kind of custodians of the mechanism, if you will. The general counsel there was simply asked for her opinion as to whether amending it this way would be a good idea or whether it had risks associated with it.

The Hon. DANIEL MOOKHEY: Did you ever interrogate Mr Brayford as to why the Minister was seeking this particular advice?

AMY BROWN: I did not.

The Hon. DANIEL MOOKHEY: Did he express any views as to what the Deputy Premier's motive was when the Deputy Premier requested advice about how to convert these into ministerial appointments?

AMY BROWN: I just provided policy advice as I would for any other matter.

The Hon. COURTNEY HOUSSOS: Did he in any way convey that this was a request from the Deputy Premier himself?

AMY BROWN: Yes.

The Hon. COURTNEY HOUSSOS: Just to be clear, Ms Brown, Mr Brayford in asking you made it clear that Mr Barilaro made the request to transfer these to ministerial appointments?

AMY BROWN: No. Mr Brayford made it clear that the Deputy Premier wanted to know the various mechanisms for which STICs could be appointed.

The CHAIR: I just wanted to turn back to September 2021. There were various emails that were going on within NSW Treasury but also Investment NSW. This one is from Investment NSW, where it says, "A high-level update for Lisa/Amy," on 15 September. It says, "The Senior Trade and Investment Commissioner Americas preferred candidate identified. Proceeding with background checks and preparing briefs. Contract in final stage of draft. Targeting October start date." Did that contract get finalised?

AMY BROWN: That contract was never issued, and the formal offer was never made.

The CHAIR: So the reports in the media of the Premier speaking to the preferred applicant are incorrect? Do you know? Are you aware?

AMY BROWN: That is incorrect. Sorry, did I do a double negative?

The Hon. WES FANG: I was just wondering that myself.

The CHAIR: Going back to—

AMY BROWN: The Premier did not speak directly with the candidate.

The CHAIR: In October there was an email, again within Investment NSW, from the Director of People and Culture, which referred to the fact that Minister Ayres wanted to meet with two of the STIC roles. Which two were they?

AMY BROWN: That was with respect to the STIC ASEAN and the STIC India and Middle East.

The CHAIR: That's right. And Minister Ayres met with those two. Is that correct?

AMY BROWN: That is correct.

The CHAIR: The Minister said, I think—there was an email dated 5 November that the Minister was happy to progress those two to the Premier for his approval. Did that occur?

AMY BROWN: That email came from someone who was filling in in my chief of staff role. She was a temporary employee on secondment from another department, and she completely misunderstood the basis for which STICs are appointed.

The CHAIR: Explain further.

AMY BROWN: Because she said the Minister is happy for these appointments to proceed to the Premier for approval. The Premier does not approve STIC appointments, and we never progressed anything to the Premier for approval or even noting.

From: Jenny West
Sent: Thursday, 16 September 2021 10:37 AM
To: Kristy Manton
Cc: Chris Carr
Subject: US Expat Taxes in 2021

Kristy and Chris

In order to help move things along I have gone online and looked at all the implications for me moving to the US.

I need to find an expert here in US Taxes that can advise me as you will see there are implications in many areas:

(
1/ Disposing of assets and tax on these

2/ Tax on Super

3/ Medicare Tax

4/ Individual Health Insurance

(
Kristy – can you get someone to find an appropriate company who can advise on these things (even one of these on the links) and check them out so we can get advice.

I can't move forward until this is sorted

Some of the areas of consideration are highlighted below.

Thanks Jenny

Zoe Brindle

From: Jenny West [REDACTED]
Sent: Monday, 4 July 2022 2:53 PM
To: Martin Slattery; Zoe Brindle
Subject: Important - US Expat Taxes in 2021

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Email to Lisa Braid COO re following up

----- Forwarded message -----

From: Jenny West
Date: Mon, 20 Sep 2021 at 4:26 pm
Subject: FW: US Expat Taxes in 2021
To: Jenny West [REDACTED]

From: Jenny West
Sent: Thursday, 16 September 2021 10:46 AM
To: Lisa Braid
Subject: US Expat Taxes in 2021

Lisa

Sorry to bother you but I have been chasing Kristy for weeks and she said to me yesterday "we are looking into it"

See below – some of the implications – she said none of the Big 4 can help to me yesterday when I chased again.

I have been requesting this for 6 weeks – any nudging you can do subtly from your end would be appreciated

Thanks Jenny

Friday 17th Sept 2021

7am.

Andy sent me a text that night asking if I could catch up for a walking meeting 7am the next morning at Balmoral. I said okay.

During our walk she went on to explain despite me being verbally offered the STIC American role, the Premier signing off the job / brief she could not progress with my contract currently.

She went on to inform me that the DP had put up a separate submission to Cabinet to get the authority for decision making in regards to these roles to go direct to himself + not INRW.

My response

I said I was horrified he could do that after going through the Formal Interview process / panel / verbal offer + sign off

my
Amy said she didn't disagree with
anything I said + had told them
I already had signed the contract.

Went on to say options:

- Push out 3 years
- India + Sing. only

but hands were tied + couldn't
do anything else until Cabinet
decision to endorse or not.

She then said she was going for a
meeting with Tom Betts.

We also spoke about my role moving
forward. She said she had already
used my salary to fund MD Invest +
cover additional costs of Paul; - Europe.
She said we would have to wait until
Cabinet. I said I was happy to keep
doing what I was doing based on decision

How could he just change something like that to put his name in role to help with the election?

I said, even though I feel really badly done by personally it was not the right decision to put in "an ambassadorial" type of person without strong Invert / Trade / Global experience. Particularly at the moment given the Post COVID economy + importance of driving economic / job growth.

I also reinforced why I felt I was best suited for the role:

- Fed. Govt background + connections
- Set up Defence BDM globally, space agency
- Action Hydrogen / Renew / Carbon
- Service + Tool / Scale up + US program + background
- 10 different ind. sectors
- Board of Amazon

Discussion with
Chris Carr,
Head of Legal, INSW

Friday 17th Sept
1.02pm

I spoke to Chris Carr, Head of Legal INSW
+ he was horrified to hear about the
situation I was in + couldn't believe
what was being proposed.

His comments were:

- you were offered the job, had
it signed off + just waiting
on the contract + then this
happens.

= I know how it feels heavy
worked globally, you are uprooting
your family, your life to go to
another country + then you do
this to you. If it was me I would
be bitterly disappointed

I went onto explain the concerns I had about being promised the role + finalising details.

I also raised concerns about the ^{relevant} experience levels of candidates the DP would put in.

Chris went onto explain that was why they specifically called out Trade + Inv/Dir experience in the Job Description.

He asked for me to send relevant emails + paperwork which I did.

Andy subsequently came back with an email acknowledging the info / discussion saying she could not do anything until a Cab. Decision had taken place.

From: Amy Brown
Sent: Saturday, 18 September 2021 12:56 PM
To: Jenny West
Subject: FW: Confidential - JW

Hi Jenny

I wanted to drop you a brief note post our discussion yesterday morning and after looking into what written confirmation I can and can't provide in the circumstances.

I appreciate that my last correspondence to you (below email) and our chat indicated that I was comfortable for our People and Culture team to proceed with formalising appointment documentation on the basis of the package outlined.

Given the Deputy Premier has now formally lodged a submission to Cabinet which would, if approved, affect Investment NSW's delegations in relation to appointment of all Senior Trade and Investment Commissioner roles, I won't be able to proceed with finalisation of your contract until I am aware of Cabinet's decision.

I will be in touch as soon as I have further clarity on this, and will continue to keep your personal and professional wellbeing at the forefront.

Kind regards

Amy

Amy Brown | Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

| investment.nsw.gov.au

The Hon. DANIEL MOOKHEY: Thank you. Your general counsel transmits on Tuesday 21 September 2021, which, according to your opening statement, occurs after there was clarity around the processes.

AMY BROWN: That's right.

The Hon. DANIEL MOOKHEY: Going straight down to the bottom, you can see in the highlighted section your general counsel—out of respect for him, I'm not going to name him and refer to him as his title—

AMY BROWN: Certainly.

The Hon. DANIEL MOOKHEY: —emailed someone else in your organisation, presumably forwarding a draft of an email that they are sending to, I presume, a deputy secretary in DPC. It says:

We are now asked to consider whether there are other alternative methods that STICs could be employed. Specifically, we have been asked whether there is an option for Ministerial appointments.

Did you ask your general counsel to consider conversion?

AMY BROWN: For clarification, this email was sent to the general counsel of the Public Service Commission.

The Hon. DANIEL MOOKHEY: Sure.

AMY BROWN: Our agency is asked for policy advice on many matters, including the mechanism by which a public service-employed role could be converted to something that involved a ministerial appointment. There are two mechanisms by which that could be done. They could be converted—

The Hon. DANIEL MOOKHEY: Secretary Brown, I appreciate that.

AMY BROWN: I haven't finished my answer, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Secretary Brown, you're not actually answering my question. The question that I asked you, very specifically, was—

The Hon. WES FANG: Point of order—

The CHAIR: I know what the point of order is going to be, in terms of allowing the witness to answer a question. We will just wait and at least hear Ms Brown complete her sentence, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Sure, that's fair enough.

The CHAIR: Mr Fang, is that what you were going to say?

AMY BROWN: Just 10 more seconds, I promise.

The Hon. DANIEL MOOKHEY: Sorry, Secretary.

AMY BROWN: Thank you. In order to convert public service appointments to ministerial appointments, there are two mechanisms. One is to convert them to statutory officers under a particular Act, a bespoke Act, which would have to be legislated and passed. The other mechanism that was being contemplated was amending the Government Sector Employment Act specifically in section 10A of the regulations, which talks specifically about trade employees.

The Hon. DANIEL MOOKHEY: Indeed. To be fair, Ms Brown, you are anticipating some of the questions that I am just about to ask you.

AMY BROWN: Thank you.

The Hon. DANIEL MOOKHEY: The question that I did ask you, which you didn't answer, was did you ask your general counsel to consider whether there are alternative methods that STICs could be employed? Did you make the request to the general counsel?

AMY BROWN: I believe the request was made from a particular Minister's office.

The Hon. DANIEL MOOKHEY: Which Minister's office?

AMY BROWN: The Deputy Premier's office.

The Hon. DANIEL MOOKHEY: So Deputy Premier Barilaro got in touch with your general counsel directly, or his office got in touch with him directly.

The CHAIR: Why was the preferred applicant in all of the information that we have up until September 2021—the internal documents still say that a preferred applicant has been chosen for the Americas. What happened that that was no longer the case?

AMY BROWN: We conducted a recruitment process, including panel interviews. There was a first-ranked candidate, who I believe has been talked about quite a bit in the public domain. She was verbally offered the role. Then I was given a direction by Government to cease the recruitment due to a change in Government policy to convert the roles into statutory officers appointed by a Minister.

The CHAIR: That direction by Government came from who?

AMY BROWN: It was a decision of Government. It would have come through the responsible Minister, being the Minister for Industry and Trade.

The Hon. DANIEL MOOKHEY: Who was?

AMY BROWN: Mr John Barilaro.

The CHAIR: You're saying "a decision by Government". Are you referring to a Cabinet decision?

AMY BROWN: It was a decision by Government.

The CHAIR: And it came through—

AMY BROWN: I can't comment on the—

The CHAIR: —Mr Barilaro. Are you aware of what day that occurred?

AMY BROWN: Approximately 27 September.

The Hon. ROBERT BORSAK: So Mr Barilaro created the positions, and then a recruitment process, which you participated in, went through the motions of recruiting. You had a preferred candidate, who had been nominated or told verbally that she had the role. Then an instruction came through that that was to change. Is that your evidence?

AMY BROWN: The one correction that I would make is that the roles were announced as part of the Global NSW Strategy, which was a strategy that was approved by Government in late 2019. It was launched by former Premier Berejiklian, former Deputy Premier John Barilaro and then Treasurer Dominic Perrottet. That document essentially created the roles.

The Hon. ROBERT BORSAK: The roles have been created, the recruitment has been done, a person has been verbally told they have the role and then—and tell me if I'm wrongly characterising this—an instruction comes from Minister Barilaro that this whole process is to stop and that person is to be told that she has not now got the role. Is that true?

AMY BROWN: It was a decision of the Government that involved—

The Hon. ROBERT BORSAK: That's not—you keep saying that—

AMY BROWN: But I'm just saying—

The Hon. ROBERT BORSAK: But your evidence also said that the instruction came from the Minister, Barilaro.

The Hon. WES FANG: Chair, I am going to raise a point of order. I hate to do this, but—

The Hon. DANIEL MOOKHEY: That's not true.

The Hon. WES FANG: Well, no, it seems to be—

The CHAIR: Quick to it, Mr Fang. Order! Quickly get to your point of order.

The Hon. WES FANG: The point of order is that Ms Brown is trying to provide an answer. The Deputy Chair is talking over the top of her. There is a procedural fairness resolution that allows the witness to complete their answer before—

The CHAIR: Thank you, Mr Fang. There is no point of order. That exchange was fair enough. I am trying to be fair to the witness, but that exchange was fair enough. Continue, Mr Borsak.

The Hon. ROBERT BORSAK: Ms Brown, who actually then phoned the preferred candidate and told her that she didn't have the job?

AMY BROWN: I did.

The CHAIR: Why was the preferred applicant in all of the information that we have up until September 2021—the internal documents still say that a preferred applicant has been chosen for the Americas. What happened that that was no longer the case?

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The Hon. ROBERT BORSAK: Ms Brown, who actually then phoned the preferred candidate and told her that she didn't have the job?

AMY BROWN: I did.

The Hon. ROBERT BORSAK: You did? Okay. Thank you. Who actually told you to do that?

AMY BROWN: A decision of the Government was made that included an instruction to me to—

The Hon. ROBERT BORSAK: By who?

AMY BROWN: I'll just finish answering the question—to unwind all contracts for those yet to commence.

The Hon. ROBERT BORSAK: But by who?

AMY BROWN: It was a decision of the Government.

The Hon. ROBERT BORSAK: It didn't come from a computer voice. Someone must have told you. Who instructed you to do that?

AMY BROWN: Well, it was a decision of the Government, so I could actually—

The Hon. PENNY SHARPE: How did you get it?

The Hon. ROBERT BORSAK: Yes, how did you get the instruction?

The Hon. PENNY SHARPE: Was it an email? Was it a text? Was it a phone call?

AMY BROWN: I'll need to take advice on whether or not I can disclose the mechanism, but government decisions are generally made—

The Hon. DANIEL MOOKHEY: Point of order: Perhaps it might be helpful for the witness to be made aware that under the Parliamentary Evidence Act if the question is legitimate it can't be taken on notice just because you're not confident whether or not you're in a position to give that answer.

The Hon. ROBERT BORSAK: That's right.

The Hon. DANIEL MOOKHEY: The question is actually—this is evidence under the Parliamentary Evidence Act and the answer can't be withheld on the basis that there is any ambiguity in the ability to answer the question. The question was pretty straightforward: How was Ms Brown requested to make the phone call?

The CHAIR: Thank you, Mr Mookhey.

The Hon. WES FANG: To the point of order: The witness has indicated that she'll take the question on notice. There are a number of reasons why she may have done so, maybe to also seek clarity as to by which mechanism it was made. So there are a number of points that—

The Hon. ROBERT BORSAK: You don't get to speculate on the answers.

The CHAIR: Exactly. I've heard Mr Fang speaking to the point of order and I believe Ms Brown was actually questioning whether she could give certain evidence. But, as Mr Mookhey said, that is not something to take on notice, if you're remembering. You seem to be quite clear in terms of how you have received it and that was the question put to you in this inquiry. Mr Borsak, you were asking a question. But continue on your answer, Ms Brown.

AMY BROWN: I said a decision was made by the Government—

The CHAIR: That was in relation to, I think, which mechanism—how you heard that decision?

AMY BROWN: —and I had visibility of that decision.

The CHAIR: Sorry, say that again?

AMY BROWN: I had visibility of that decision and so I knew exactly what I had been instructed to do.

The Hon. PENNY SHARPE: I just want to get some clarity here. When you say "by Government" you mean that there has been a Cabinet or a subcommittee decision, is that correct?

AMY BROWN: That is correct.

The Hon. PENNY SHARPE: So that means that through the Cabinet system, when you talk about having visibility, it means that you're getting a direction or that you're advised of that. Was there then subsequently a direction given to you after being advised of this change?

AMY BROWN: No, I was advised of it formally through the system and then I acted upon it because it was—

The Hon. DANIEL MOOKHEY: Just to be clear here, this change in policy—

The Hon. ROBERT BORSAK: But he was supposed to be the best candidate and he was never involved in a public service role.

AMY BROWN: That's true, but he was the first-ranked candidate against the relevant criteria.

The Hon. ROBERT BORSAK: In your role of establishing him as the first-ranked candidate, do you think that there could have been a perception of a conflict of interest in that you reported to him?

AMY BROWN: Saying I reported to him mischaracterises the relationship between the agency head and the portfolio minister. I was accountable to him in his role as Minister for Trade and Industry. I did not derive a personal benefit in making the appointment. It is quite common for agency heads and other senior public servants to interview candidates they have had dealings with previously. The panel involved a panel of five people with different perspectives, including the independent Public Service Commissioner, who did not raise a concern.

The Hon. ROBERT BORSAK: Thank you, Ms Brown. Just so I understand—and you say that you received no benefit—I understand that, your immediate employment history, you were appointed to the role of Chief Executive Officer of Investment NSW in or around March 2021. Is that true?

AMY BROWN: That is true.

The Hon. ROBERT BORSAK: Your grade was at the level of Deputy Secretary in January of this year. You were promoted to Secretary of the Department of Enterprise and Trade.

AMY BROWN: I was.

The Hon. ROBERT BORSAK: You were, yes. But you've essentially retained the duties of or oversight of the duties of the CEO of Investment NSW. Is that also true?

AMY BROWN: That is also true.

The Hon. ROBERT BORSAK: And you continue with that process and those responsibilities?

AMY BROWN: That is true.

The Hon. ROBERT BORSAK: When you were CEO of Investment NSW who did you actually report to? Did you report to Gary Barnes?

AMY BROWN: No, I did not. I was a head of an executive agency. My employment contract was held by the Secretary of the Department of Premier and Cabinet. They were the principal department with respect to my agency.

The CHAIR: You can keep going if you want to, because they took some of your time. Do you want—

The Hon. ROBERT BORSAK: I've got a fair bit more. I'll come back.

The CHAIR: Okay. Questions from the Opposition, Mr Daniel Mookhey?

The Hon. DANIEL MOOKHEY: Thank you, Chair. Ms Brown, we might just return to some of the events of September last year. Thank you for establishing some of the chain of events. We have established that on or about, I think you said, 6 September you had the opportunity to meet with Mr Braidwood—I think that's how you pronounce his name?

AMY BROWN: Brayford.

The Hon. DANIEL MOOKHEY: Brayford. You were asked to prepare advice as to alternative methods of appointment. He then makes a request on—well, sorry, your general counsel sends an email to the PSC on 21 September. We have now established there is in Cabinet or some direction of Government given to you around 27 September to withdraw the verbal offer to the successful candidate in the first round. I want to turn to what happens after that. Do you mind turning to page 48 of the tender bundle? Page 48 is a chain of correspondence which is predominantly about how this will be communicated from Investment NSW to NGS Global, which was the recruiter.

AMY BROWN: That is right.

The Hon. DANIEL MOOKHEY: I am going to refer to them by their title, not their name, but you can see here in the middle of the page your chief of staff is emailing another member of your team. They say:

FYI — Amy will speak with—

the lead recruiter—

①

27/9/21

Call from Amy — 5.48pm

Amy called and I said "I didn't go my way"

She said "unfortunately no — the Cabinet passed the proposal"

I have spoken to Tim Reardon and getting Chris Cow legal involved as you are the most impacted. The other STICs had been interviewed but no contracts issued but you were offered the job.

I am so sorry.

Me — I can't believe it. I came into Government to make a difference and have delivered so much over the past

year — Rolled out the Int Network

— Taken 150 Exports Global

— Helped X diversification

— Setup a S + Tech X team

— Popl / Shl / Mzn

— Ret. Int Bond

I delivered just to get my legs under me

27/9/21

Amey - I don't have the words.
Kate (Gyal) said it got through
I don't know the specifics but
the binder said there was also
on the Agenda for the meeting
& sometimes she had to let
go through.

It will take a few days to work
through Cabinet Endorsement & implementation
for your role. I will have to get back
to you. I am love for now.

Jimmy - I ~~am~~ am flabbergasted &
still in shock. I don't know
what else to say.

AMY BROWN: Yes. I said that we would be handling the STIC New York position as an internal matter. I meant the close-out because the recruiter normally phones unsuccessful candidates and I thought that might be a bit harsh given the candidate worked for me.

The Hon. DANIEL MOOKHEY: You then say:

As you will no doubt appreciate, most of the above has been outside of our control.

Are you referring to the fact that this is a decision of government and not Investment NSW?

AMY BROWN: Correct.

The Hon. DANIEL MOOKHEY: In the first paragraph you say, "We've now had confirmed instructions to commence the preparation of legislation." Who gave you those instructions?

AMY BROWN: It is what the decision of government said.

The Hon. DANIEL MOOKHEY: Yes, but who told you to prepare it? You said you had confirmed instructions to commence the preparation of legislation. Were you asked to do so by a Minister's office?

AMY BROWN: No, I had read the decision.

The Hon. JOHN GRAHAM: Did you have any other discussions with Ministers or Ministers' offices about those instructions?

AMY BROWN: I might take that on notice. I did meet with the Deputy Premier's office after the decision of government was made to talk about practicalities.

The Hon. JOHN GRAHAM: Between 27 September and 1 October?

AMY BROWN: Between 27 September and the day the Deputy Premier resigned—

The Hon. JOHN GRAHAM: Yes, 3 October.

AMY BROWN: —somewhere in there I met with his office to talk through it all.

The Hon. JOHN GRAHAM: Who did you meet with?

AMY BROWN: Joseph Brayford.

The Hon. PENNY SHARPE: What was his position in the Deputy Premier's office?

AMY BROWN: I believe he was a senior policy adviser.

The Hon. DANIEL MOOKHEY: So you had a discussion about the practicalities of preparing this legislation. When were you meant to have the legislation prepared by?

AMY BROWN: We were not given a time line.

The Hon. DANIEL MOOKHEY: What information were you given about the practicalities that you were meant to meet?

AMY BROWN: The instruction was to commence preparation of legislation and then it was for us to work through all the implications of that, come up with a time line and process.

The Hon. DANIEL MOOKHEY: Did you do that?

AMY BROWN: We did not get that far.

The Hon. DANIEL MOOKHEY: Why not?

AMY BROWN: Because the Deputy Premier resigned and the portfolio was reassigned to Minister Ayres.

The Hon. DANIEL MOOKHEY: The Deputy Premier resigns the day after you send this particular email. In response to the question asked by my colleagues, you said sometime between 27 September and 1 October you meet to discuss the practicalities with the Deputy Premier's office. Did I hear that correctly?

AMY BROWN: That is correct.

The Hon. DANIEL MOOKHEY: What was discussed? What were you asked to do? Was it anything formal or was it just a general catch-up?

AMY BROWN: It was a really high-level discussion probably as part of my usual one to one to say, "We are now proceeding down a different avenue. It's going to take some time."

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Neutral Bay Medical Centre
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Ph: 0299535844 Fax: 0299530695

1st October 2021

Medical Certificate

THIS IS TO CERTIFY THAT

I have examined Ms Jennifer West who in my opinion is suffering from medical condition and will be unfit for work from 01/10/2021 to 08/10/2021 inclusive.

Signature _____

Dr Eva Velickovski

Dr. Eva Velickovski
Neutral Bay Medical Centre
116 Military Road
Neutral Bay NSW 2089
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because you took a view that irreconcilable differences had emerged as a result of how the Government had treated this successful woman? That's the evidence?

AMY BROWN: That's a fair characterisation.

The Hon. JOHN GRAHAM: Then why is the Government saying there's no suitable candidate identified, given that you're saying Ms West was an excellent candidate, and it was clear from the recruitment process that she met or exceeded all expectations for the role?

AMY BROWN: As I just foreshadowed, the relationship declined quite quickly once she was informed that she may not be going to New York. And so, by the end of the first process, I had formed the view that no suitable candidate—

The Hon. DANIEL MOOKHEY: Secretary Brown, Premier Perrottet told the Legislative Assembly last week, word for word, "The first recruitment process did not identify a suitable candidate." Clearly, the first recruitment process did identify a suitable candidate. Then the Government changed its mind. Then the Government changed its mind again. Then the Government, in the process of changing its mind twice, seemingly maltreated the successful candidate, and then finds itself in a position, in December, where it has to relaunch the process that ends up appointing the former Deputy Premier. Is that a fair characterisation of events?

AMY BROWN: The reason the relationship with the candidate was irreconcilable wasn't just because government was changing its mind. I had some concerns about the candidate and their suitability for the role from mid-September onwards.

The Hon. DANIEL MOOKHEY: When Premier Perrottet went in front of the Legislative Assembly, and said to the Legislative Assembly, "The first recruitment process did not identify a suitable candidate", did you give him that advice?

AMY BROWN: Yes. Because I closed the recruitment process on 1 October and, by then, I, as the employer and decision-maker, had formed the view that the person who was previously the first ranked candidate was not, in fact, suitable for the role.

The Hon. DANIEL MOOKHEY: And that's because, four days earlier, the Government decided that it wanted to appoint it through ministerial appointment, as opposed to the process that the candidates were told? Because, to be clear here, it's not just the successful candidate. All applicants in the first round proceeded on the basis that this would not be a ministerial appointment, and the Government changed its mind on 27 October. You informed the candidate on 1 October. You're telling me that you then concluded, on the basis of that conversation, irreconcilable differences had emerged.

AMY BROWN: I first informed the candidate on 17 September that things were likely to go this way, and it was then that the relationship between the candidate and Investment NSW became troublesome. By 1 October when I, as decision-maker, officially closed the recruitment process, I was of the view that there were no suitable candidates.

The Hon. DANIEL MOOKHEY: But do you accept that, in giving the Premier this advice, when the Premier then stood up in the Legislative Assembly and said that the first recruitment process did not identify a suitable candidate, that was a statement likely to mislead?

AMY BROWN: No. Because at the end of the first recruitment process, which was on 1 October 2021, I, as decision-maker, had formed a view that there was no suitable candidate.

The Hon. PENNY SHARPE: But, just to be clear, you were on the selection panel for the first candidate? You wrote up, and had the other three members—very eminent people—on that, signed off on this candidate through that process. You had done all of the diligence checks in relation to this candidate. You had recommended and liaised with the Ministers, both the Premier, the Treasurer and the Deputy Premier, in relation to this candidate. So, all the way along, you basically had put her forward and had full confidence in her ability to do this position. Are you saying to us that because she was upset that the Government had changed the role, that you then decided that she was unsuitable?

AMY BROWN: Two things. Firstly, I did not canvass the opinion of any Minister, or the Premier, with respect to the first candidate. They—

The Hon. PENNY SHARPE: You didn't brief any of the Ministers—the Premier, the Treasurer, the Deputy Premier, in relation to this appointment?

AMY BROWN: They—

The Hon. WES FANG: I'll take a point of order at that point, Chair. Because I think—

but needless to say, there are no more STICs whose appointment Investment will be involved with now — so shortlisting/panels etc all no longer needed.

Why was your chief of staff under the impression on 1 October that Investment NSW would have no further involvement in the recruitment process for the STICs?

AMY BROWN: Because the Government had made a decision that they were to be statutory officers appointed by a Minister.

The Hon. DANIEL MOOKHEY: Who was meant to now be taking the lead in that alternative process?

AMY BROWN: There was never a conversation as to how it would be affected—whether or not Investment NSW had a secretariat role, for example—but it would have been a decision of the responsible Minister of that portfolio.

The Hon. DANIEL MOOKHEY: Are you aware of how your chief of staff came to be aware that Investment NSW would have no further involvement?

AMY BROWN: I would have told her, yes.

The Hon. DANIEL MOOKHEY: You would have told her?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: So at this point you were also operating off the assumption that Investment NSW would have no further involvement. Correct?

AMY BROWN: Correct.

The Hon. DANIEL MOOKHEY: How did you form that impression?

AMY BROWN: Because I read the Government decision.

The Hon. DANIEL MOOKHEY: Are we to infer from that that in whatever document that led to the Government's decision, it made clear that Investment would not be involved?

AMY BROWN: I think to say that we would not be involved is an inference. Perhaps what it should have said is that Investment NSW was not the decision-making body.

The Hon. DANIEL MOOKHEY: Let's go forward then. If you take that as an inference, I take your point. On the basis of this email, that might be the right conclusion. Can we now turn to page 49? This is an email that you then send to the recruiter on 3 October 2021. Given it was a day before my birthday, I can infer that it was probably on the long weekend.

AMY BROWN: It was the long weekend.

The Hon. DANIEL MOOKHEY: Yes, it was the day before Labour Day. Here you can see the correspondence you are sending to the lead recruiter on the Sunday of a long weekend at 2.13 p.m. I will take you through the highlighted sections. You said:

I appreciate that you'll keep this confidential, but we've now had confirmed instructions to commence the preparation of legislation to convert the global Senior Trade & Investment Commissioners to statutory officers—

that is, ministerial appointments. You go on to say:

The Agent General for London and STIC for Tokyo will be transitioned ...

You then say:

This means that the recruitment process for the STIC positions in Singapore, India/Middle East and China will need to be ceased, and all candidates informed that we're not going any further in the process. We will be handling the STIC New York position as an internal matter.

What did you mean when you said, "We will be handling the STIC New York position as an internal matter?"

AMY BROWN: Because the first-ranked candidate from the first process was an internal employee of Investment NSW, I wanted to tell her myself.

The Hon. DANIEL MOOKHEY: But the way in which this paragraph is constructed—it might be the case that that is what you meant, but it says, "The recruitment process for the STIC positions will need to be ceased and all candidates informed." You are saying that you wanted to inform the candidate yourself that they would not be proceeding?

The Hon. DANIEL MOOKHEY: Then the Deputy Premier resigns on 4 October and somehow the Government reverses its position of converting this to ministerial appointments. Can you shed light as to how that happened?

AMY BROWN: The Government did not revert its position.

The Hon. DANIEL MOOKHEY: Are we still converting these to statutory officers?

AMY BROWN: I had a conversation with the incoming portfolio Minister.

The Hon. DANIEL MOOKHEY: Who was?

AMY BROWN: Minister Stuart Ayres. For context—

The Hon. DANIEL MOOKHEY: Sorry, when did you have that conversation?

AMY BROWN: I will provide a little bit of context. For context, on 1 October the NSW Trade Statement was launched and that had ambitious targets of us accelerating the rollout of the global program to double the value of exports from \$96 billion to \$200 billion by 2030. In light of that, and the need to progress the global rollout further, he and I discussed that we were acutely aware that the introduction and passage of legislation would create significant delays to the global rollout. His preference was that we continued with what we were calling tranche one of the global rollout and, once that had been completed—he is the responsible Minister, but I expect that he would then revisit the question about legislation.

The Hon. DANIEL MOOKHEY: When did you have that conversation with Minister Ayres in which Minister Ayres expressed that view to you?

AMY BROWN: Within the first few days of him becoming the portfolio Minister.

The Hon. JOHN GRAHAM: When you say tranche one, you are referring to these six appointments?

AMY BROWN: That is correct, and all of the staff who support them—55 staff.

The Hon. DANIEL MOOKHEY: Minister Ayres had the authority to reverse the Government's decision?

AMY BROWN: He wasn't reversing the decision; he was coming up with a time line for an implementation that made sense in the context.

The Hon. PENNY SHARPE: He was choosing for those not to be ministerial appointments while they were being completed.

AMY BROWN: At this point.

The Hon. DANIEL MOOKHEY: Therefore are we to infer that it is still government policy to convert these to ministerial positions?

AMY BROWN: The Cabinet has since been reconstituted, and it was a decision of the Cabinet prior to reconstitution, so that is a matter for them.

The Hon. JOHN GRAHAM: It stands in the meantime until it is reversed. It is a decision of Cabinet and to your knowledge it is yet to be reversed. Is that correct?

AMY BROWN: Yes, but I will await instructions.

The Hon. DANIEL MOOKHEY: It has been at least 10 months. You have now had 10 months to go about implementing this particular decision of government. Has Investment NSW prepared draft legislation that would convert these positions?

AMY BROWN: We are still rolling out the network and, Mr Mookhey, just for context, we have had six admin orders that have impacted our agency and then the department with machinery-of-government changes, which has been very consuming of my people, particularly my general counsel and his staff. I do not think they have had a chance to turn their minds to it in the absence of instructions to do otherwise.

The Hon. PENNY SHARPE: What conversations did you have with Minister Ayres or people in his office given that the New York position had been rescinded and there had been an intention for it to be a ministerial appointment but clearly there was a process that was going to start without that occurring? What discussions did you have and what was the nature of the discussions in terms of the way in which this appointment could be made?

AMY BROWN: Excellent question. Once a verbal offer had been made to the first candidate, we were not in a position to commence—



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8th October 2021

Medical Certificate

THIS IS TO CERTIFY THAT

I have examined Ms Jennifer West who in my opinion is suffering from a medical condition and will be unfit for work from 08/10/2021 to 12/10/2021 inclusive.

Signature _____

Dr Helen Wainwright

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From: Jenny West
Sent: Monday, October 11, 2021 9:53:24 AM
To: Michael Coutts-Trotter
Subject: Important - Confidential (Jenny West)

Dear Michael,

I hope you don't mind me reaching out directly to you but I feel I have no choice given current circumstances.

I am delighted that you have joined as our Secretary given your extensive Public Sector background and experience. Hopefully we will get to work together.

MY BACKGROUND

I am currently the Deputy Secretary for Trade & International in "Investment NSW" (*see presentation on what we do for your reference*).

Prior to moving across into "Investment NSW" I was in NSW Treasury under Michael Pratt.

I have been in my current role just over a year and was previously in the Federal Government working for Austrade running all the Trade & Investment / Sector teams across Australia as well as leading their digital transformation agenda.

I came into Government after 20+ years private sector experience in order to make a difference. Having run NSW-ACT for Telstra for 5 years and then working globally and domestically across 10 different industries I felt my skill set would greatly assist NSW as part of its global ambitions.

Since coming into the role some of my achievements have been:

- Rolling out the international network around the world
- Taking over 150 Exporters globally
- Assisting Food & Ag producers and the wine industry diversify on the back of the Chinese bans
- Setting up a Services & Tech export team
- Launching the 1st ever Trade Statement - a 10 year strategy for the State
- Bringing back International Students
- Leading across NSW Government/Industry/Academia a 5 Year Strategy on Population, Skills & Migration

THE CURRENT SITUATION

I am reaching out to you directly as I currently don't know whether I have a job.

I applied for (and was successful) to take up the Senior Trade & Investment Commissioner role running the America's (see my background and resume for your reference).

<https://www.linkedin.com/in/jenny-m-west/?originalSubdomain=au>

This role was briefed into all Ministers Offices (*including the Premiers - see attachment below*) and my appointment into the role approved.

I was following up with HR/Legal for 3 1/2 weeks to get my contract and in the meantime [REDACTED] lodged a submission to Cabinet (which was approved) that affected "Investment NSW's" delegations in regards to the appointments (they moved from Public Service Band 3 roles to political appointments).

Upon hearing the news and speaking with Amy Brown my Manager I asked "so do I still have my current role" and her answer was "I don't know". From discussions with her I found out she had already used the money from my role to fund 2 roles in Investment NSW so I was out of a job. I am now currently waiting for confirmation of my redundancy.

MY REQUEST - a 15 Minute Discussion

I would greatly appreciate a brief 15 minute discussion with you to explain my situation to you in person.

I have been on the Band 3 Leadership Academy with Catherine D'Elia from the Department of Justice and she has been raving about your leadership style so I thought I would reach out directly to you.

I am currently on leave and due back at work this Wednesday 13th October but would appreciate 15 minutes of your time if possible.

My mobile is

Thank you in advance for your consideration

Jenny

1335. Mr Mookhey to move—

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Deputy Premier and Minister for Regional New South Wales, Industry and Trade, the Minister for Jobs, Investment, Tourism and Western Sydney, the Treasurer, Treasury, the Department of Premier and Cabinet, or Investment NSW relating to Investment NSW:

1. (a) all documents relating to the recruitment process of Senior Trade and Investment Commissioners,
2. (b) all documents relating to the following expenses incurred in overseas trade and investment offices during the 2019-2020 and 2020-21 financial years:
 - (i) rent,
 - (ii) parking,
 - (iii) stationery,
 - (iv) flowers,
 - (v) catering,
 - (vi) legal expenses,
 - (vii) car leases,
 - (viii) office it equipment,
 - (ix) personnel it equipment such as phones and tablets, (x) parking fines,
 - (xi) uniforms,
 - (xii) well-being programs,
 - (xiii) fitness programs,
 - (xiv) furniture,
 - (xv) childcare assistance,
 - (xvi) commuter assistance,

From: Jenny West [REDACTED]
Subject: Re: NOTE - Important - Confidential (Jenny West)
Date: 14 October 2021 at 5:35:52 pm AEDT
To: Lauren Brouwer-French
Cc: [REDACTED] Greg Robertson
[REDACTED], Michael Harmer

Hi all,

I just had my 1 on 1 with my boss Amy Brown and it has been confirmed that my current role will no longer exist.

FILE NOTES:

Meeting between Jenny West and Amy Brown (5.15pm 14th October 2021)

Amy - how are you feeling?

Me - a bit better thanks. The Doctor said I was extremely run down and exhausted so recommended that I take time off.

My blood pressure was up so it was important to rest.

Amy - I am sure it was stress related

Me - Any update on my situation?

Amy - I have spoken to Minister Ayers who has taken over the Deputy Premiers portfolio and he has confirmed you will not be getting the America's role. It will be a "present" for someone. There will not be a role in New York for you. It has also been decided given the other Band 3's around the world we will not be having a Deputy Secretary, Trade and International onshore so the role wont exist in the new structure.

Amy - have you incurred any costs in planning to move to New York?

Me - yes I have.

Amy - let me know what they were and we will cover those

Me - so what is next?

Amy - given your role is not going to continue into the longer term let me know what you want to do.

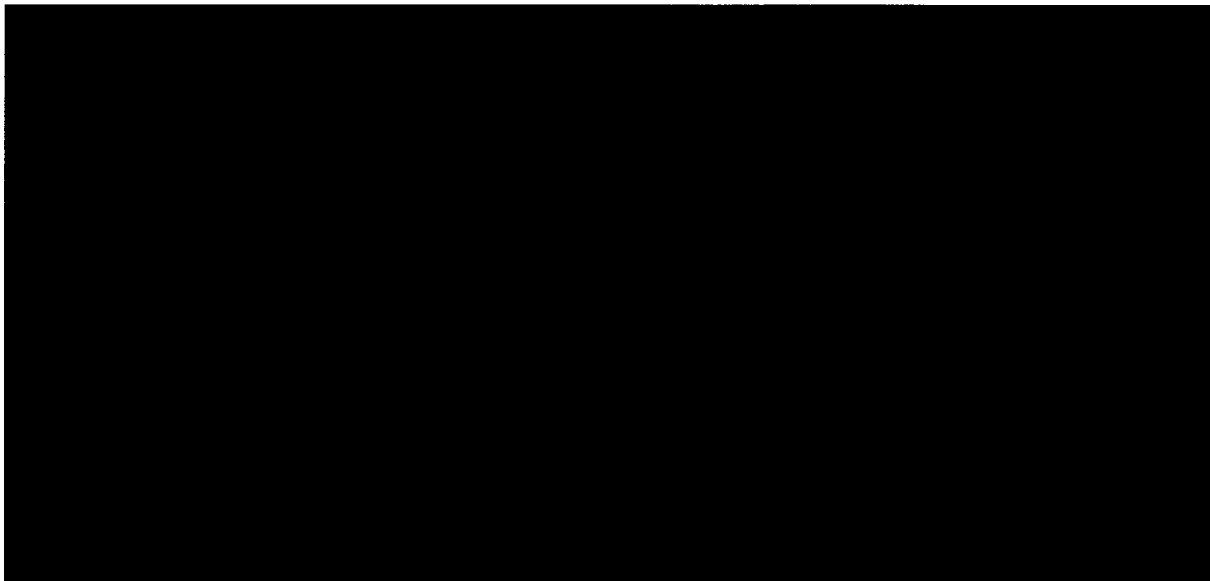
Do you want a few weeks or to leave immediately?

With your role being abolished you will get 38 weeks. I know you have spoken to Katrina Lo and my new Secretary would be keen to talk to you about other roles in the Public Sector for you.

Me - can I have a think about what I want to do and come back.

Amy - yes of course. You are an extraordinary performer and I am upset that this has happened.

MEETING ENDS.



Jenny

The Hon. PETER PRIMROSE: In previous estimates I asked you about your draft Aerotropolis Precinct Plans technical reports summaries dated November 2020. You have now read that, is that correct?

Mr STUART AYRES: Have I read the technical report assessment?

The Hon. PETER PRIMROSE: Yes.

Mr STUART AYRES: I am aware of the document. I would not say that I have read every single page of the aerotropolis technical assessment. Have you, Mr Primrose?

The Hon. PETER PRIMROSE: Yes. The report states that it examines the—

... catchment area defined as the Western City District local government areas (LGAs). This Catchment Area is then split into Primary and Secondary catchments based on their proximity to the Western Sydney Airport. The Primary Catchment is defined as the Liverpool, Penrith, Fairfield, Camden and Campbelltown LGAs with the Secondary Catchment defined as Blue Mountains, Hawkesbury, and Wollondilly LGAs.

I note that on page 29 of that report it states:

... industries such as health care and social assistance ... experienced declining employment

Last time, as the Hansard record shows, you agreed with this statement. Do you still agree with that statement?

Mr STUART AYRES: I think I refuted the concept that healthcare employment had declined. That is my memory of the hearing.

The Hon. PETER PRIMROSE: You refuted that?

Mr STUART AYRES: Yes.

The Hon. PETER PRIMROSE: That is not what the Hansard transcript said, but I will take that as your answer. Why is that statement in the report then?

Mr STUART AYRES: To the best of my knowledge, health care is one of the faster growing sectors of employment across western Sydney.

The Hon. PETER PRIMROSE: What are your predictions for the need for workers in the healthcare and social assistance categories in each of these LGAs over the next decade?

Mr STUART AYRES: I have got no doubt that it will increase.

The Hon. PETER PRIMROSE: Do you have predictions?

Mr STUART AYRES: I do not have them available but I can take workforce data on notice and provide it to you.

The Hon. PETER PRIMROSE: May I ask then specifically if you will take on notice the question: What are the predicted numbers of those who will be employed in the healthcare and social assistance category over each of the next five years by each of the eight LGAs in the western Sydney district catchment area?

Mr STUART AYRES: If that information is available, I will provide it on notice.

The Hon. PETER PRIMROSE: I would be most surprised if it was not, Minister. Thank you very much.

The Hon. PENNY SHARPE: Minister, I want to ask you about your trade commissioners. I think, Ms Brown, I will be looking at you. In November last year, in June this year and in October this year you announced that you will double the footprint of the New South Wales international network from 11 to 21 offices and appoint six senior trade investment commissioners, including an agent-general in the UK. How many of those extra 10 office locations are now open?

Mr STUART AYRES: I am not sure that—I will get Ms Brown to answer the question about offices opening. I will make one reference point here—that the last 20 months has not necessarily been the ideal time to try and open new trade commission offices internationally. We have done a lot of that work domestically, but as far as specific numbers, I will let Ms Brown answer the question just on individual offices.

Ms BROWN: Yes. Of the new offices that are being opened, as you know there are six hub offices that look after the region. Of those, only one is new and that is in New York.

The Hon. PENNY SHARPE: Is that open?

Ms BROWN: It is to open in January 2022 and it is based within the Australian Consulate in New York.

The Hon. PENNY SHARPE: So the other five are already existing?

Ms BROWN: The other five are already in existence, yes. Just to clarify, some of them are in existence but they are in shared office accommodation with Austrade, for example.

The Hon. PENNY SHARPE: Yes.

Ms BROWN: We are converting them into independent hub offices. So Tokyo would be an example of that, and that is opening in March 2022. Singapore is a similar scenario. Singapore is currently in shared accommodation but it will be an independent office towards the very end of this year. New York, as I said, is still to open in January 2022. Mumbai is already open. It is an independent hub office as we speak and Shanghai is already an independent hub office. We then have a number of spokes which are either existing operational or also opening as additional locations for the New South Wales Government to be represented in.

The Hon. PENNY SHARPE: Thank you for that. So there are 10 offices to be opened. We have 11 and you have announced another 10.

Ms BROWN: Yes.

The Hon. PENNY SHARPE: And from that answer, it sounds to me you have talked to me about six.

Ms BROWN: No, sorry, they are the six hub offices. We also have spoke locations, and the new ones are Frankfurt, Paris, Kuala Lumpur, Washington, Santiago, Toronto, Bangalore, Hong Kong and Beijing.

The Hon. PENNY SHARPE: Yes. Are they all open?

Ms BROWN: Not all of them, no. We are putting staff—for example, Frankfurt and Paris are going to be spoke locations and they will be open by the end of the year. I can run through all the other examples—

The Hon. PENNY SHARPE: If you just take that on notice and provide to the Committee a list of all of them, their current status and when they intend to be opened, that would be very useful.

Mr STUART AYRES: Yes, we can do that.

Ms BROWN: For completeness, I did that at the last hearing. So I will just re-provide that answer.

The Hon. PENNY SHARPE: So nothing else has opened since then. Is that what you are telling me?

Ms BROWN: Yes.

The Hon. PENNY SHARPE: That makes it easier.

Ms BROWN: Let me take that on notice though.

The Hon. PENNY SHARPE: An update it, even if it is the same information, that would be very helpful.

Ms BROWN: Thank you.

The Hon. PENNY SHARPE: So far, you have appointed only two: the trade commissioner for North Asia and the agent-general in the UK. What is the status of the other four?

Mr STUART AYRES: The Singapore and India positions are at the final stages of their recruitment. I would like to think that we would be in a position to be able to announce them before the end of the year. The New York position has been advertised but the recruitment process for that has not moved as quickly. A lot of that will be related to COVID. The last position is the China position.

Ms BROWN: That is right.

Mr STUART AYRES: Have we advertised?

Ms BROWN: We advertised the China position and we are now re-examining the applicants to see whether or not we would like to go back to market.

The Hon. PENNY SHARPE: So you have looked but you are going to have to go again. Do you have a time frame of when you think you will be appointing those?

Mr STUART AYRES: Sorry, just on the reference point that Ms Brown just made around China, we have not decided whether we will need to go back to market. We just have not had a chance, literally.

The Hon. PENNY SHARPE: But you might.

Mr STUART AYRES: I would describe that as in the early stages of the recruitment process.

The Hon. PENNY SHARPE: That is all early stages, so that does not give me much. Again, I am happy for you to do it on notice to provide when you expect them to be actually appointed?

Ms BROWN: Certainly.

The Hon. PENNY SHARPE: Can you give the Committee an outline of what the key performance indicators [KPIs] are for the senior trade commissioner in North Asia and the agent-general to the UK?

Ms BROWN: Certainly. Thanks, Ms Sharp. As you have insinuated, these are very senior positions, so we do expect to have strong KPIs on the individuals. In terms of the investment side of things, they have to identify business leads that align with New South Wales Government's social and economic priorities. They have to account manage and service these businesses, usually at the CEO level—hence why they are very senior appointments—to ensure that they land the deals for our State in terms of the inbound investment. They then also have to advise New South Wales businesses to sell to the regional market and connect New South Wales businesses directly with consumers and buyers. The bottom line is they have to deliver measurable economic returns for the targets.

The Hon. PENNY SHARPE: They have been given targets in all of those criteria?

Ms BROWN: That is correct. The targets are being developed.

The Hon. PENNY SHARPE: So they are not available for you to provide to us now?

Ms BROWN: No.

The Hon. PENNY SHARPE: We might have to come back to that. I am interested in when these offices open and understanding what the budget will be allocated for each of these offices, particularly in relation to functions but in a whole range of ways. Are you able to give us an idea about what the budget is for these offices—the budget that is not accommodation and those things? I want to know how much you will be spending on functions and those kinds of things. Can you tell us what is attached to those?

Ms BROWN: What I can say is that the budget is \$128.9 million to expand the international network. I will have to take on notice whether or not we have a breakdown between office accommodation and things like industry events and connection and networking activities.

The Hon. PENNY SHARPE: We would really like a breakdown. We have asked these questions on notice. That information has not been provided and we have been referred to the annual report, and all we get is that global figure. We are looking for a breakdown by office of as many of the different aspects of that budget.

Ms BROWN: Let me take that on notice.

The Hon. MARK LATHAM: Minister, just in that discussion you had with Mr Primrose about passenger numbers on the St Marys metro, are you aware that the metro business case states that at peak loading it will only have 11 per cent capacity one way?

Mr STUART AYRES: I do not know the exact number about the capacity, I will take your word for it, but my expectation is that if you construct the rail line between St Marys and Western Sydney Airport at this particular time, in fact in the early stages of the operating of the airport, with so few areas between the airport and an existing rail line developed, you are always going to have relatively low, quite low—sub-20 per cent—patronage levels because the primary driver of the patronage in the early stages of the rail line will be the airport.

The Hon. MARK LATHAM: So you are spending \$11 billion on a rail line that will be very poorly utilised right from the beginning. That is what you are saying.

Mr STUART AYRES: I am saying that at the beginning it will always have lower patronage than capacity. My expectation is as western Sydney continues to grow, as more people live in the areas that are currently either greenfield sites—there are a lot of areas that will not be developed but there are a lot of areas that will need to be developed. Western Sydney, we know, will have to absorb a larger percentage of Sydney's growth to what has largely happened for the last, I will call it, 200 years. We have migrated further west, driven by topography. We now have got to a point that between effectively south of the M4, through the aerotropolis area down towards the Camden LGA where you pick up the south-west growth sectors—places like Oran Park and Harrington Park—one area where the greater population will need to expand will be in this location.

So my expectation is that as the population in those areas expands so too will be the patronage on the rail line. What I do not want to do though is do what happened in north-west Sydney where we had seas of houses rezoned by government after government and people who lived in north-west Sydney had to wait a century for a rail line that J. J. Bradfield put on the map 100 years ago.



Premier & Cabinet

Ref: A5218848

PRIVATE AND CONFIDENTIAL

Ms Jenny West
Deputy Secretary, Trade and International
Investment NSW

Dear Ms West

Removal from your senior executive role pursuant to Section 41 of the Government Sector Employment Act 2013 ("The Act")

I refer to previous correspondence concerning my intention to terminate your employment pursuant to section 41 of the *Government Sector Employment Act 2013*.

Having considered the relevant information, I have decided, pursuant to section 41 of the Act, to terminate your employment as Deputy Secretary, Trade and International effective from the close of business 30 November 2021. You will be offered outplacement support by Investment NSW.

You are entitled to compensation in accordance with section 41 of the Act and clause 39 of the *Government Sector Employment Regulation 2014*. The compensation will be deposited in your nominated financial institution in the next available pay period following your last day of duty.

You should note, however, that section 41 (3) of the Act provides for repayment of a proportionate amount of such compensation in the event of your re-employment in the public sector during the period specified in the contract of employment to which the compensation relates.

Should you have any inquiries about administrative arrangements, please contact Kristy Manton Director People and Culture on

I would like to take this opportunity to thank you for your contribution to the NSW public sector and wish you well in your future endeavours.

Yours sincerely

Michael Coutts-Trotter
Secretary

19 November 2021

The Hon. PENNY SHARPE: Sorry, could you just clarify the date that that occurred on?

AMY BROWN: Certainly. Twelfth of August 2021—a verbal offer was made to the candidate. Before we could enter into substantive contract negotiations, there were quite significant tax structuring issues that emerged, particularly in terms of how Investment NSW established itself as a foreign office in the US jurisdiction. I wasn't in a position to put a contract on the table until that was resolved. That turned out to be a lot more complicated than we thought. In fact, it was only resolved on 8 December this year. Once that emerged, I had a conversation with Minister Ayres, as the portfolio Minister, to say even if we wanted to progress with STIC Americas and offer somebody the job now, we can't, so why don't we work our way through this tax issue and then we'll do another recruitment process.

The Hon. PENNY SHARPE: Did you ever discuss having this appointment as a direct appointment?

AMY BROWN: Sorry, can you clarify the question?

The Hon. PENNY SHARPE: My understanding is that, under the Act, you're able to decide that this—basically, you've gone to Minister Ayres and said, "We could make a direct appointment in relation to this." Are you aware of any discussion, ever, about that?

AMY BROWN: That would not have been best practice; I would not have advised it.

The Hon. PENNY SHARPE: Do you know whether Mr Barilaro ever asked Mr Ayres for a direct appointment in relation to this position?

AMY BROWN: Certainly not to my awareness.

The Hon. DANIEL MOOKHEY: Did you, when you were first meeting with Minister Ayres, which took place somewhere, presumably from 5 October onwards, in that week—did you inform Minister Ayres that Minister Barilaro had requested that you withdraw the verbal offer that was made?

AMY BROWN: Mr Barilaro didn't request me to withdraw the verbal offer. The decision of government specifically referred—

The Hon. DANIEL MOOKHEY: So Minister Ayres was aware of that, as a result of his participation in that decision-making?

AMY BROWN: Yes, because he is the member of the Government. Yes.

The Hon. DANIEL MOOKHEY: Did he raise any concerns with you about that? Or did he provide any evidence—sorry, did you have any discussion with him about the call that you made to the successful candidate?

AMY BROWN: I said—it was in the context of what I just described around the tax structuring. I said, "We did have a great candidate from the first round. We could essentially resurrect that process, I suppose." But it seemed like a foolish thing to do, in light of the fact that it would be months before we could actually appoint someone.

The Hon. DANIEL MOOKHEY: But why not, given that we had already spent hundreds of thousands of dollars recruiting a person who you have just said now was an excellent candidate? You told that candidate on 27 September, or thereabouts, that she wasn't getting the role.

AMY BROWN: On 1 October.

The Hon. DANIEL MOOKHEY: Sorry. On 1 October you told her that she wasn't getting the role. Then, six days later, or thereabouts, you are advising Minister Ayres about the problems about the tax issues—but you have a candidate, who you have assessed as being excellent for the job. Why didn't you simply say to Minister Ayres, "Let's just appoint this successful candidate", in December, rather than having to run a whole second process?

AMY BROWN: That's a very good question. So that candidate—I gave that candidate early visibility that government was considering the policy change in terms of the basis of appointment of STICs. So she had been aware for a couple of weeks before the news was delivered. And then, of course, the news was confirmed, as I just said, on 1 October. She was extremely upset about that, understandably so. And so, to me, the fact that we couldn't appoint anyone for some period of time, and the fact that she was very unhappy with the arrangements and government, the whole situation felt quite irreconcilable.

The Hon. DANIEL MOOKHEY: So the reason why you weren't in a position to appoint the successful candidate in December, when you were in a position to appoint a candidate, having resolved the tax issues, was

The Hon. DANIEL MOOKHEY: Secretary, for the contract you signed nine days ago, did you make any inquiries with your staff or anyone else as to whether there were any issues that arose from the reference checks?

AMY BROWN: I didn't ask the question, no.

The Hon. COURTNEY HOUSSOS: What inquiries did you make before signing the contract?

AMY BROWN: Well, I was on the panel. I undertook the interviews. The steps that then follow are 360-degree reference checks, subsequent due diligence, ASIC checks, insolvency checks, police checks, occupational personality questionnaire. That all occurs and then the panel signs its report.

The Hon. PENNY SHARPE: And the reference report.

AMY BROWN: Yes, that's the 360-degree—

The Hon. PENNY SHARPE: But you can't tell us—

AMY BROWN: I didn't undertake it.

The CHAIR: Order! Just to let members know, every time everybody speaks over each other, Hansard cannot hear a thing. That is not great for anybody. Mr Mookhey?

The Hon. DANIEL MOOKHEY: Secretary, I appreciate you did not do the reference check. To be fair to you, we are not asking whether you did the reference check. But the reference check is provided to the recruitment panel in the first instance and then thereafter.

AMY BROWN: It is, yes.

The Hon. DANIEL MOOKHEY: And I can only presume that as a member of the recruitment panel, you read the material that was in front of you, correct?

AMY BROWN: Yes, in late March.

The Hon. DANIEL MOOKHEY: Therefore, you would have recall of the reference report that was provided by NGS Global, correct?

AMY BROWN: Yes, in late March.

The Hon. DANIEL MOOKHEY: And as you finalised a decision, I think you said the recruitment panel signed off on the final report on 16 June, correct?

AMY BROWN: That's when we signed the report, because there was a logistical reason because Kathrina was not available.

The Hon. DANIEL MOOKHEY: Sure, but you did sign on 16 June, did you not?

AMY BROWN: Yes, but I read the reference checks at the end of March.

The Hon. DANIEL MOOKHEY: Sure, and I accept that. Having now established that you read the reference checks, did Secretary Barnes provide a reference?

AMY BROWN: I'll take it on notice.

The Hon. JOHN GRAHAM: Ms Brown, given this is supposed to be an independent process, and we are assured it is, can you understand why the constant meetings with Ministers, the informal approvals, the sense checks that you have referred to, the cancellation of the process—all this is leading to questions about exactly how independent this process is?

AMY BROWN: I do understand. The sense check with Ministers was actually more with respect to the second ranked candidate, because they had no experience in government, and I was just a little bit worried about their ability to represent New South Wales on that basis.

The Hon. JOHN GRAHAM: You have been very specific about when John Barilaro applied for this role, but when did you first become aware that John Barilaro might be interested in applying for one of these commissioner roles?

AMY BROWN: Minister Ayres mentioned casually that Mr Barilaro might apply.

The Hon. JOHN GRAHAM: When did that occur?

AMY BROWN: The position was advertised on 17 December and he applied on 19 January. Some time in that time, but we were all off on Christmas and New Year, so—

AMY BROWN: I will take that on notice. I believe that we are providing a copy of the panel report. What I can tell you is that he was the first ranked candidate against the criteria.

The CHAIR: And just to check as well, did he exceed the manage and develop people quality?

AMY BROWN: I will take it on notice.

The CHAIR: Did Mr Barilaro undertake, like the other candidates did, a psychometric assessment?

AMY BROWN: He did. It is called an occupational personality questionnaire.

The CHAIR: Okay. Getting down to when Mr Barilaro is the preferred candidate the second time around—actually, no, let's step back a little bit. When Mr Barilaro first applied for the position after he had had the conversation with you—this was in terms of the direction from Government at a particular time. Is that correct?

AMY BROWN: No. I never had a conversation with Mr Barilaro around Government's direction to change to ministerial appointments. I simply read it as a Government decision.

The CHAIR: And the conversation that Mr Barilaro had with you that you mentioned earlier?

AMY BROWN: Of course. I had one meeting with Mr Barilaro in the entire time that I was accountable to him as Minister for Industry and Trade. It was on 15 September via Teams. For context, we were in statewide lockdowns and there was an outbreak of Delta in the regions. He apologised for the fact that he had been fully occupied by that scenario and he said we were going to have a good year in 2022 because we were hoping to do another tranche of the global rollout. It was a very short conversation.

The CHAIR: Did you speak to anybody about the fact that Mr Barilaro had applied for the position? Did you speak to anybody within Government, any Minister, that that had occurred?

AMY BROWN: After he applied?

The CHAIR: At any stage before he was offered the job. Did you speak to anybody about the fact that he had applied?

AMY BROWN: The only conversation I ever had about Mr Barilaro applying for this role was with the responsible portfolio Minister, Minister Stuart Ayres. He gave me a heads-up that Mr Barilaro might apply and then Mr Barilaro did apply, and somewhere in that process I let the Minister know that that had occurred.

The CHAIR: Did the Minister express any concerns to you about how this may play out publicly—about the fact that Mr Barilaro did apply for this job?

AMY BROWN: He did not. Minister Ayres, as a portfolio Minister, is very respectful of the public service and our processes and so he was very cautious about not having those sorts of conversations.

The Hon. COURTNEY HOUSSOS: Can you just explain "cautious"?

AMY BROWN: Appropriately cautious.

The Hon. COURTNEY HOUSSOS: Okay. How was that conveyed to you?

AMY BROWN: As in, I'd given Minister Ayres a heads-up that Mr Barilaro had applied but he didn't give me a strong opinion as to how he expected that process to play out. He let me run the process.

The Hon. COURTNEY HOUSSOS: When did you tell Mr Ayres that Mr Barilaro had applied?

AMY BROWN: It would have been—Mr Barilaro applied on 19 January. We received 12 applications including that one, and I expect that somewhere in the short-listing process, which would have been a week to 10 days later, I gave him a heads-up that Mr Barilaro was on the short list.

The Hon. ROBERT BORSAK: I go back to my previous line of questioning in relation to your position as CEO of Investment NSW and the potential for conflict of interest. Again I ask you, as CEO of Investment NSW, who did you actually report to? Who, physically in your line of report, did you report to?

AMY BROWN: The employer of the head of an agency in this context—as in my context, I beg your pardon—was the Secretary of Department of Premier and Cabinet.

The Hon. ROBERT BORSAK: The Secretary of the Department of Premier and Cabinet at the time?

AMY BROWN: That's right.

The Hon. ROBERT BORSAK: When did you get promoted to the role of Secretary of Enterprise, Investment and Trade?

AMY BROWN: It wasn't Mr Barilaro's decision to unwind the first recruitment process. It was a decision of Government. As for the remainder of the events and how they unfolded, it's not for me to express an opinion.

The Hon. COURTNEY HOUSSOS: Ms Brown, I just wanted to turn again to the question of the process of the appointment of Mr Barilaro. So you said on 19 January there were 12 applications that were received, and you informed Minister Ayres. Is that correct?

AMY BROWN: No, sorry. I informed Minister Ayres after we'd had a go at the short list.

The Hon. COURTNEY HOUSSOS: How many people were on the short list?

AMY BROWN: The short list that went to interview, there were four people. But one I had already seen as part of the first process, so I said, "Let's just interview the other three."

The Hon. COURTNEY HOUSSOS: So there were four on the short list. When did you compile the short list?

AMY BROWN: It was compiled between 21 January and 2 February. The reason it took a bit of time is we had a couple of candidates drop out and so we had to redo it.

The Hon. COURTNEY HOUSSOS: So of the 12 applications, to get them down to the four for the short list, was that just your call?

AMY BROWN: No, it was the call of the panel.

The Hon. COURTNEY HOUSSOS: Okay, the panel did the—what was the process?

AMY BROWN: Yes, that is how it tends to work. So what happens is there's an executive search done by NGS. They do initial screening. It is a bit like a first round interview. Then the long short list gets sent around to all panel members with a suggestion as to who the top four might be, and then that becomes the short list for interview purposes.

The Hon. COURTNEY HOUSSOS: And were there any changes to that initial short list that was compiled by the recruiter?

AMY BROWN: Yes, there was. So I sense checked the short list with Minister Ayres because I was a little bit—the first time I ran the process, I didn't consult with any Minister about anything. So I wanted to sense check along the way.

The Hon. PENNY SHARPE: Can I just check one thing, just quickly there? At any time did Minister Ayres give you a heads up that there were going to be other applicants other than John Barilaro applying?

AMY BROWN: No, he did not.

The Hon. DANIEL MOOKHEY: So the only person Minister Ayres provided prior warning to you about a likely application was John Barilaro?

AMY BROWN: That's correct.

The Hon. DANIEL MOOKHEY: Did you actually ever ask Minister Ayres how did he have the knowledge that Mr Barilaro was likely to be interested in this role?

AMY BROWN: No, I wasn't particularly interested.

The Hon. DANIEL MOOKHEY: You weren't interested in the former Deputy Premier, who you used to report to, all of a sudden expressing an interest in a role within months of his resignation? That didn't create any reason for you to interrogate further?

AMY BROWN: It wouldn't have been appropriate, to be honest.

The Hon. DANIEL MOOKHEY: Why not?

AMY BROWN: Because I'm a public servant and I implement Government decisions and I don't really go into the "who had conversations with who" sort of territory.

The Hon. DANIEL MOOKHEY: Secretary Brown, this is not a Government decision; it's your decision.

AMY BROWN: It is my decision but in terms of what conversations Minister Ayres has, I don't normally engage with him on that.

AMY BROWN: On 30 January 2022.

The Hon. ROBERT BORSAK: On 30 January 2022.

AMY BROWN: I beg your pardon, it was 31 January 2022.

The Hon. ROBERT BORSAK: Did you make an application for that role of secretary, or were you directly appointed without a recruitment process?

AMY BROWN: I was directly appointed without a recruitment process, as is permissible under the arrangements for secretaries.

The Hon. ROBERT BORSAK: You were directly appointed.

AMY BROWN: Yes.

The Hon. ROBERT BORSAK: So there was no recruitment process for you to go through on a competitive basis as, for example, was occurring for these trade roles. Is that true?

AMY BROWN: Yes. I and three other secretaries were all appointed during the same kind of seven- to 10-day period and none of us went through competitive processes.

The Hon. ROBERT BORSAK: At that time, who was the Minister that appointed you into that role?

AMY BROWN: Minister Ayres was the senior cluster Minister for Enterprise, Investment and Trade and, of course, Premier Perrottet was the Premier and the order is made by Premier Perrottet as the Premier for all secretaries.

The Hon. DANIEL MOOKHEY: Your appointment coincided with the formation of the cluster—correct?

AMY BROWN: So there are six administrative orders. The department was established on 21 December. We had this conversation in estimates—

The Hon. DANIEL MOOKHEY: We did.

AMY BROWN: —when we had two employees. That was good.

The Hon. DANIEL MOOKHEY: I remember it.

The Hon. SCOTT FARLOW: It's déjà vu.

AMY BROWN: That was good. I enjoyed reading that back.

The Hon. DANIEL MOOKHEY: Not as much as I did.

AMY BROWN: The department was established on 21 December. I commenced as secretary on 31 January.

The Hon. DANIEL MOOKHEY: Yes.

AMY BROWN: It became—and then Investment NSW was brought in on 17 February.

The Hon. DANIEL MOOKHEY: Yes, and then thereafter there was a recommendation to the State offices remuneration tribunal, was there not, relating to you?

AMY BROWN: Me and three other secretaries all at the same time.

The Hon. DANIEL MOOKHEY: When did that happen?

AMY BROWN: I will take it on notice. It is publicly available. I just don't—I've got a lot of dates in front of me.

The Hon. PENNY SHARPE: In relation to your congratulations to the successful applicant, did you ever provide her with a gift in relation to that?

AMY BROWN: No, it was a text message.

The Hon. PENNY SHARPE: You did not provide her with a bottle of champagne?

AMY BROWN: No, I did not.

The Hon. DANIEL MOOKHEY: Did Investment NSW?

AMY BROWN: No.

The Hon. PENNY SHARPE: Did any Minister or Minister's office ever tell you not to proceed with the preferred candidate's application—appointment?

AMY BROWN: No, only the decision of Government that I referred to before.

The Hon. PENNY SHARPE: So there has never been an express direction to you in relation to that?

AMY BROWN: No, and I was very light touch in terms of my engagement with Ministers with respect to this appointment.

The Hon. DANIEL MOOKHEY: Secretary Brown, earlier on you made the point that Mr Barilaro was effectively given a verbal offer on 23 May, is that right, do I recall that?

AMY BROWN: That is when his contract discussions commenced. That is why I have that date documented in writing.

The Hon. DANIEL MOOKHEY: When was he first given a verbal offer?

AMY BROWN: He actually reports into the Managing Director of Trade and Investment, Kylie Bell. So she would have spoken to him at some point before that but not much before that.

The Hon. DANIEL MOOKHEY: So sometime in May, correct?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: And is that because—when did the selection panel that recommended Mr Barilaro complete its final report?

AMY BROWN: The report itself was not signed by all members until 15 June, the reason being Ms Kathrina Lo was on leave for the entirety of May.

The Hon. DANIEL MOOKHEY: As his employer, when did you decide he was the person for the job?

AMY BROWN: Let me just check, in terms of my decision. It would have been sometime end of—here we go—by 1 April.

The Hon. DANIEL MOOKHEY: You had decided by 1 April that he was the candidate?

AMY BROWN: Yes, that's right.

The Hon. DANIEL MOOKHEY: Correct. Okay. Why then was there a six-week interregnum before commencement of negotiations?

AMY BROWN: So on 1 April several elements of the machinery of government change took into effect, and we went from being a department of two to a department of 1,000. Everybody in my operational team was very consumed by standing up an operational function, and we were very uncertain as to what budget we were going to get, and we were trying to make budget submissions to be sufficient to run a whole department. So it effectively took us out for a month.

The Hon. DANIEL MOOKHEY: Okay. You had more urgent matters to attend to.

AMY BROWN: Unfortunately, yes.

The Hon. DANIEL MOOKHEY: Fair enough, Secretary Brown. Between 1 April—after the first, you made the decision that Minister Barilaro was the person for the job, did you contact Minister Ayres' office?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: Did you notify him?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: When did you do that?

AMY BROWN: Sometime within April.

The Hon. DANIEL MOOKHEY: Yes. Do you have any specific recall?

AMY BROWN: No. Unlike my previous portfolio Minister, I catch up with this Minister regularly so that I can engage on the portfolio.

The Hon. DANIEL MOOKHEY: Did you notify Minister Ayres verbally or via a written brief?

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The Hon. DANIEL MOOKHEY: Did you notify Minister Ayres verbally or via a written brief?

The Hon. DANIEL MOOKHEY: Secretary, for the contract you signed nine days ago, did you make any inquiries with your staff or anyone else as to whether there were any issues that arose from the reference checks?

AMY BROWN: I didn't ask the question, no.

The Hon. COURTNEY HOUSSOS: What inquiries did you make before signing the contract?

AMY BROWN: Well, I was on the panel. I undertook the interviews. The steps that then follow are 360-degree reference checks, subsequent due diligence, ASIC checks, insolvency checks, police checks, occupational personality questionnaire. That all occurs and then the panel signs its report.

The Hon. PENNY SHARPE: And the reference report.

AMY BROWN: Yes, that's the 360-degree—

The Hon. PENNY SHARPE: But you can't tell us—

AMY BROWN: I didn't undertake it.

The CHAIR: Order! Just to let members know, every time everybody speaks over each other, Hansard cannot hear a thing. That is not great for anybody. Mr Mookhey?

The Hon. DANIEL MOOKHEY: Secretary, I appreciate you did not do the reference check. To be fair to you, we are not asking whether you did the reference check. But the reference check is provided to the recruitment panel in the first instance and then thereafter.

AMY BROWN: It is, yes.

The Hon. DANIEL MOOKHEY: And I can only presume that as a member of the recruitment panel, you read the material that was in front of you, correct?

AMY BROWN: Yes, in late March.

The Hon. DANIEL MOOKHEY: Therefore, you would have recall of the reference report that was provided by NGS Global, correct?

AMY BROWN: Yes, in late March.

The Hon. DANIEL MOOKHEY: And as you finalised a decision, I think you said the recruitment panel signed off on the final report on 16 June, correct?

AMY BROWN: That's when we signed the report, because there was a logistical reason because Kathrina was not available.

The Hon. DANIEL MOOKHEY: Sure, but you did sign on 16 June, did you not?

AMY BROWN: Yes, but I read the reference checks at the end of March.

The Hon. DANIEL MOOKHEY: Sure, and I accept that. Having now established that you read the reference checks, did Secretary Barnes provide a reference?

AMY BROWN: I'll take it on notice.

The Hon. JOHN GRAHAM: Ms Brown, given this is supposed to be an independent process, and we are assured it is, can you understand why the constant meetings with Ministers, the informal approvals, the sense checks that you have referred to, the cancellation of the process—all this is leading to questions about exactly how independent this process is?

AMY BROWN: I do understand. The sense check with Ministers was actually more with respect to the second ranked candidate, because they had no experience in government, and I was just a little bit worried about their ability to represent New South Wales on that basis.

The Hon. JOHN GRAHAM: You have been very specific about when John Barilaro applied for this role, but when did you first become aware that John Barilaro might be interested in applying for one of these commissioner roles?

AMY BROWN: Minister Ayres mentioned casually that Mr Barilaro might apply.

The Hon. JOHN GRAHAM: When did that occur?

AMY BROWN: The position was advertised on 17 December and he applied on 19 January. Some time in that time, but we were all off on Christmas and New Year, so—

AMY BROWN: Not the Premier's office.

The Hon. PENNY SHARPE: Have you received any texts or emails from any other Ministers or officers in relation to today's hearing?

AMY BROWN: I have not.

The Hon. PENNY SHARPE: Ms Brown, is it correct that Mr Barilaro has signed a contract to become the Senior Trade and Investment Commissioner to go to New York?

AMY BROWN: That is correct, yes.

The Hon. PENNY SHARPE: When did he sign that contract?

AMY BROWN: The contract commenced on 20 June. It was approved by me on 16 June, so between 16 June and 20 June is the most accurate I can relay.

The Hon. PENNY SHARPE: And it was announced publicly on 17 June. Thank you.

The Hon. DANIEL MOOKHEY: Thank you for your appearance as well, Secretary Brown. Was Mr Barilaro given an offer prior to him signing the contract? If so, when?

AMY BROWN: He was given a verbal offer prior to signing the contract, as is customary. We commenced formal, substantive contract negotiations on 23 May, and so the verbal offer would have been made immediately prior to that.

The Hon. PENNY SHARPE: Is the contract for one year or for three years?

AMY BROWN: Three years.

The Hon. PENNY SHARPE: And can I confirm that it's a band 3 appointment?

AMY BROWN: Yes, it is a band 3 appointment under the GSE Act.

The Hon. PENNY SHARPE: Is it above that figure?

AMY BROWN: No, the salary is within the band 3 determination.

The Hon. PENNY SHARPE: So it's about \$487,000. Is that correct?

AMY BROWN: Approximately, yes.

The Hon. PENNY SHARPE: Are there living allowances as well in relation to this appointment?

AMY BROWN: Yes, a cost-of-living allowance is provided to take into account the cost differential between living in Sydney and living in New York.

The Hon. PENNY SHARPE: Are you able to tell the Committee how much that is?

AMY BROWN: I would have to take that on notice. Although I will note that it is marginal compared to the figure that is being quoted, or speculated upon.

The Hon. PENNY SHARPE: What is the figure that is being speculated upon?

AMY BROWN: I believe a figure in the order of \$100,000 or so has been speculated upon, and it is nowhere near that amount.

The Hon. PENNY SHARPE: But that is the amount that is paid for the London Agent General.

AMY BROWN: That's exactly right; the Agent General is under particular circumstances that are different from the STICs.

The Hon. DANIEL MOOKHEY: The Japanese position, I think you told us at estimates Ms Brown, was circa \$70,000 to \$80,000. Is it more closely aligned to the Japanese figure or is it more closely aligned to the London figure?

AMY BROWN: I don't recall saying that at estimates. I'm sorry, Mr Mookhey.

The Hon. DANIEL MOOKHEY: I will put it to you now: The Japanese figure is circa \$70,000 to \$80,000. Is it closer to \$70,000 to \$80,000 or is it closer to \$112,000?

AMY BROWN: I would have to take it on notice because I've prepared for the STIC Americas line of questioning.