

**PUBLIC ACCOUNTABILITY COMMITTEE**  
**APPOINTMENT OF MR JOHN BARILARO AS SENIOR TRADE AND INVESTMENT**  
**COMMISSIONER TO THE AMERICAS**

**RESPONSES TO QUESTIONS TAKEN ON NOTICE – JENNY WEST**

**A. T15: question from the Hon. Wes Fang regarding legal correspondence between Ms West’s lawyers and the lawyers for Investment NSW – “were they seeking something, were they seeking clarification?”**

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1. On 14 October 2021, Ms Brown told Ms West that she would not be getting the STIC Americas Role, that the role would be a “present” for someone, and that Ms West’s current role as Deputy Secretary, Trade & International was to be abolished and she would receive a redundancy. Ms West’s file note of this conversation has been provided in the documents tabled before the Committee at the hearing on 11 July 2022.
2. Ms West then engaged Harmers Workplace Lawyers to advise her on her workplace rights and entitlements given the circumstances surrounding the revocation of her offer for the STIC Americas Role and in light of a potential redundancy.
3. On 19 October 2021, on Ms West’s behalf, Harmers Workplace Lawyers wrote to Ms Brown setting out in detail the factual background to Ms West’s employment with Investment NSW as well as her selection as the successful candidate for the STIC Americas Role. The letter identified potential entitlements Ms West might have against the NSW Government, the loss and damage suffered by Ms West, and invited the NSW Government to participate in good faith negotiations to resolve the matter.
4. By this letter, Ms West also made a public interest disclosure pursuant to the *Public Interest Disclosure Act 2013* (NSW). Ms West is not aware whether any steps were taken by Investment NSW or Ms Brown to investigate the disclosure, or whether the matter was referred for investigation by an “investigating authority” pursuant to s 26 of that Act.
5. A copy of the letter dated 19 October 2021 is attached to this response.
6. There was correspondence between Harmers Workplace Lawyers and the Crown Solicitor’s Office on behalf of Investment NSW between 19 October 2021 and 8 November 2021. That correspondence was on a “without prejudice” basis. Accordingly, Ms West has not produced the correspondence to the Committee.
7. Harmers Workplace Lawyers sent two further letters to the Crown Solicitor’s Office on 16 November 2021 and 25 November 2021. Copies of those letters are attached to this response.

**B. T17: question from the Hon. Scott Farlow with respect to Ms West's negotiation of her contract terms for the Senior Trade & Investment Commissioner to the Americas role – "What was the total figure at that stage that you negotiated?"**

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8. The total remuneration package approved by Ms Brown for Ms West on 14 August 2021 was as follows:

- 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
- Additional US\$15,000 living allowance.

9. The email correspondence between Ms Brown and Ms West regarding her remuneration package has been provided to the Committee in the bundle of documents that were tabled at the hearing before the Committee on 11 July 2022, being the emails dated 13 August 2021 and 14 August 2021. A brief summary of the email correspondence is as follows:

(a) On 13 August 2021, Ms West emailed Ms Brown outlining the overall remuneration package as follows:

- 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

Ms West sought an additional allowance of US\$10,000 - \$15,000 per annum to assist with the additional cost of living expenses associated with living in New York, including rental costs, health care and study. Ms West also sought approval to use Deloitte for taxation advice.

(b) On 14 August 2021, Ms Brown approved Ms West's request by email, stating:

*"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".*

**C. T27 – question from the Hon. Wes Fang regarding compensation Ms West received upon the termination of her employment with Investment NSW – “*What happened to the claim that you did put in previously and how was it resolved?*”**

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10. Ms West refers to her answer given in response to the question taken on notice at page 15 of the transcript.
11. Ms West notes that her employment was terminated without cause on 19 November 2021 pursuant to s 41 of the *Government Sector Employment Act 2013* (NSW). Ms West received the statutory entitlement for compensation following such termination.

**D. T30: question from the Hon. Wes Fang regarding the remuneration package for the Agent General in London – “*I believe that there is a return in the SO 52 with a brief that has been written and approved by you about the Agent General’s package in London*”.**

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12. Ms West is not able to comment on the remuneration package for the position of Agent General in London as she no longer has access to such documents since the termination of her employment with Investment NSW.

**E. T34: question from the Hon. Daniel Mookhey regarding the letter terminating Ms West's appointment with Investment NSW – “So [Michael Coutts-Trotter] provided you a notification that he was considering a redundancy, and then thereafter you weren't invited to make a submission and you were provided this letter?”**

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13. Ms West has no record of personally receiving a notice of intention to terminate from Mr Coutts-Trotter. It is conceivable that the notice of intention from Mr Coutts-Trotter was provided to Ms West's lawyers at the time. However, Ms West has no copy or recollection of receiving the intention to terminate.