

# Reporting Formats – Workstream & Executive



Investment  
NSW



# Program Structure - People

## Program Steering Committee

**Chair: Program Sponsor Jenny West, Deputy Secretary Trade**

Lisa Braid, COO, Investment NSW  
 Donna Awad, ED Commercial Partnerships, Investment NSW  
 Chris Carr, General Counsel Investment NSW  
 Stewart Webster, MD Investment Strategy, Investment NSW  
 Steve Cox, CEO, Destination NSW  
 Sue Doyle, Director Partnerships and Global Operation Destination NSW  
 Tracy Wilson, CIO NSW Treasury

## Program Workstreams Group

**Chair: Project Manager, Nesh Tului (to end July)**

**Workstream Oversight: Kylie Bell, ED Trade & International**

**Global Operations:** Clare O'Connor, Ashley White, Joseph di Maria, Mark Rawlinson, John Blighe, Tom Stobo, Stephen Ginger

**Communications:** Jim Dickens

**Human Resources:** Evelina Polura

**Global Markets:** Karla Lampe

Other attendees to be nominated by leads as required

## Program Office (PMO)

**Program Director:** Vacant

**Project Manager:** Nesh Tului (to end July)

**Program Co-Ordinators:** John Blighe, Tom Stobo

**Workstream Oversight:** Kylie Bell, ED Trade & International

**Dep Sec Alignment:** Lauren Hannah, Associate Director

DRAFT

## **Program Workstreams**

**Workstream 1: International Network Planning**

**Lead:** Vacant

**Workstream 2: Pre Launch Operations**

**Lead:** Kylie Bell

**Workstream 3: People & Capability**

**Lead:** Evelina Polura

**Workstream 4: Marketing & Comms**

**Lead:** Vacant

**Business Partner Support:** Jim Dickens

**Workstream 5: Post Launch Operations**

**Lead:** Ashley White / Kylie Bell

**Strategy Support:** tbc

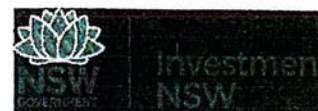
**Workstream 6: Stakeholder Engagement**

**Lead:** Karla Lampe

CHRIS CARR



## Employment Agreement for Senior Trade & Investment Commissioner, North Asia.



<b>Issue:</b>	A preferred candidate for the role of Senior Trade & Investment Commissioner (STIC) North Asia has been identified, interviewed and endorsed by relevant approvers. The employment agreement for [REDACTED] has been prepared by OGC and HSF and now needs to be signed and issued.
<b>Analysis:</b>	<p>[REDACTED] has received and accepted an offer letter which outlined the remuneration of this contract.</p> <p>[REDACTED] has seen a draft version of this contract and has discussed feedback with Evelina Polura, HR BP.</p> <p>[REDACTED] has had a briefing with Deloitte to understand the interaction between Australian and Japanese tax and social security.</p>
<b>Timeframe:</b>	By 9th July so that the contract can be issued to [REDACTED] prior to his start date of 12th July 2021.

### Key reasons

- As part of the NSW Global strategy and revamping the NSW international network, the NSW Government announced the intended appointment of a Senior Trade & Investment Commissioner (STIC) North Asia located in Tokyo (in addition to 4 other Trade and Investment Commissioners and an Agent General in London).
- A selection report identified [REDACTED] as the preferred and most suitable candidate and he has been interviewed / endorsed by the Treasurer, Deputy Premier and Premier and approved by Cabinet.
- The candidate has undergone the necessary reference checks, psychometric tests and capability assessment.
- Salary has been set in line with SER Band 3 salary bands and a one-off capped relocation amount of AU\$60,000 has been set which will be consistent for all STIC roles that require relocation.

### Financial or other impact

- Total salary and super package of AU\$450,000 (equivalent to salary and super package of JPY 37,336,500);
- Cost of Living Allowance of AU\$18,407 based on Mercer data and subject to annual reviews with upward or downward adjustment.
- Relocation expenses of AU\$60,000 (JPY 313,000) paid as reimbursement against receipts of costs incurred for one way flights for four people, temporary accommodation for up to three months, household goods shipment and incidentals such as home and school search, tax advice, etc;

### Supporting information

#### List of attachments (include where relevant)

- Attachment A – Employment Agreement
- Attachment B – Endorsed Investment NSW – Tokyo STIC Offer Letter
- Attachment C – Mercer COLA calculation
- Attachment D – Cabinet Endorsement
- Attachment E – [REDACTED]

Investment NSW Office Use

Sensitivity label: None

Date investment NSW action due: Date

Date final action due: Date

Investment NSW

Page 1 of 1

Options considered in preparing this brief (include where relevant)

Option considered	Why not preferred option or why option discounted
	N/A

Consultations undertaken in preparing this brief (include where relevant)

Person consulted	Issue
Herbert Smith Freehills	Prepared and reviewed contract template in conjunction with Japanese legal partner for local employment law compliance.
Investment NSW OGC – Richelle Kumar and Chris Carr	Worked with HR and HSF to prepare, review and finalise employment contract.
Kristy Manton	Terms around remuneration and offshore components

### Recommendations and actions

That the **Chief Executive Officer**, Investment NSW:

- approve contract for [REDACTED] NSW Senior Trade and Investment Commissioner, North Asia.
- sign the contract of [REDACTED] NSW Senior Trade and Investment Commissioner, North Asia (Attachment A).

Investment NSW final approver: Jenny West

Responsible Action Officer: Evelina Polura–HR Business Partner Investment NSW–



I hope this assists with clarifying our understanding on the current status. I've also copied in Alicia, so we're all in the loop with the same understanding.

Kind regards  
Lynne

**From:** Leah Lambert  
**Sent:** Monday, 31 May 2021 11:47 AM  
**To:** Lynne Clements  
**Cc:** Deputy Secretary of Trade  
**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Hi Lynne,

We now have the below dates held in the panel's diary – Tim Reardon, Warwick Smith, Amy Brown and Jenny West for two of the panel interviews: STIC Singapore/ASEAN and STIC India/Middle East.

Friday 25 June between 8:30am – 2.30pm Expect 4 candidates for Americas, 3 for Singapore/ASEAN. Can just fit in on this date. Important to do Americas early on.

Friday 2 July between 10.00am – 12.30pm Expect 4 candidates for India/Middle East

Can you please confirm the timings – ie. we may be able to fit both panels on the one day: 25 June or is there sufficient time on 2 July to do one of the panels and the other panel on 25 June. We would also ask you to confirm if these timings correlate to the timezone where the candidates are located. Dates are held currently, but it would be ideal to confirm timings so that we can circulate a diary invite to the panel.

**TIMING:** STIC India shortlist candidates (*pending final s/l confirmation of names?*) 1 candidate in India, 1 candidate in UAE other candidates AUS based).

Given UAE -6 hours; and India is -4.30. Therefore while afternoon meetings AEST are more desirable for these candidates, due to candidate 'crossover' Americas and Singapore need to be done on the same day and the last two candidates would be from India then UAE.

For the shortlisting meeting for the two roles noted above, we still require an earlier date as none of the earlier dates from Tim's office aligned with Warwick's availability. I have gone back to Tim's office to find an earlier date for the shortlisting meeting. Our understanding was that if Warwick could not be there at the same time, the Shortlist would be discussed with him separately. Please confirm that 4/6 for shortlisting can proceed.

For the STIC Americas role, as Mike had previously mentioned that he has limited availability in June we are seeking a July date for this panel. It would also require another shortlisting meeting for Mike to join and Jenny to drop off. Amy's assistant mentioned that the Americas role may be more urgent than July – can you please confirm if July interviews for STIC Americas is an appropriate timeline? Americas must be done as soon as possible, and we were not sure if Jenny is going to be on the Panels.

Kind regards,  
Leah

**Leah Lambert | Executive Assistant to Jenny West**  
Office of the Deputy Secretary, Trade | Investment NSW  
Level 35, 52 Martin Place, Sydney NSW 2000

| [investment.nsw.gov.au](https://investment.nsw.gov.au)



Investment  
NSW

I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

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.

**My workdays are: Mon | Tue | Wed | Thu | Fri**

INV.001.002.7716

## RE: STIC Roles - Shortlisting and Panel Interviews

**From:** Leah Lambert  
**To:** Lynne Clements  
**Cc:** marianne.broadbent ; Alicia Kemp  
Deputy Secretary of Trade  
**Date:** Tue, 01 Jun 2021 10:45:19 +1000

Hi Lynne,

Thank you for your email.

To move forward with the Americas role, Mike Pratt has indicated that he would like to join this panel only and I was advised by his office that he had limited availability in June due to budget preparations and would be seeking a date in July for interviews. I will reach out to his office today to confirm his availability for joining an earlier panel in June.

Confirming that Mike is not available for any of the dates provided, which would mean that these dates below would not work if Singapore and Americas are required to be on the same day. This may require Mike to not join the panel for any interviews, due to urgent timing for Americas and I will clarify this asap. Jenny is not joining the panel for the Americas role and Mike would join instead.

For the hold on 2 July – can you please confirm this provides enough time for the interviews of 4 candidates for India/Middle East?

Shortlisting – Amy and Jenny had a recent shortlisting meeting however, I was requested to arrange an additional shortlisting meeting to include Amy, Jenny, Warwick and Tim. Can you please clarify if a shortlisting meeting goes ahead without Warwick, can one of the panel brief Warwick separately alone? I was of the understanding that it was required to be a panel discussion with each panel member present. Please let me know as soon as possible on this point as 4 June is not being held in any diaries now, just the two dates below.

Kind regards,  
Leah

**Leah Lambert | Executive Assistant to Jenny West**  
Office of the Deputy Secretary, Trade | Investment NSW  
Level 35, 52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](https://investment.nsw.gov.au)



**Investment  
NSW**

I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

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.

**My workdays are: Mon | Tue | Wed | Thu | Fri**

**From:** Lynne Clements  
**Sent:** Monday, 31 May 2021 2:55 PM  
**To:** Leah Lambert  
**Cc:** marianne.broadbent  
Secretary of Trade  
**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Alicia Kemp

; Deputy

Hi Leah,

Thanks for your email. Given there are a number of points you've raised here, **I've responded to each individually in red noted below against each point.**

INV.001.002.7715



I hope this assists with clarifying our understanding on the current status. I've also copied in Alicia, so we're all in the loop with the same understanding.

Kind regards  
Lynne

**From:** Leah Lambert  
**Sent:** Monday, 31 May 2021 11:47 AM  
**To:** Lynne Clements  
**Cc:** Deputy Secretary of Trade  
**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Hi Lynne,

We now have the below dates held in the panel's diary – Tim Reardon, Warwick Smith, Amy Brown and Jenny West for two of the panel interviews: STIC Singapore/ASEAN and STIC India/Middle East.

Friday 25 June between 8:30am – 2.30pm Expect 4 candidates for Americas, 3 for Singapore/ASEAN. Can just fit in on this date. **Important to do Americas early on.**

Friday 2 July between 10.00am – 12.30pm Expect 4 candidates for India/Middle East

Can you please confirm the timings – ie. we may be able to fit both panels on the one day: 25 June or is there sufficient time on 2 July to do one of the panels and the other panel on 25 June. We would also ask you to confirm if these timings correlate to the timezone where the candidates are located. Dates are held currently, but it would be ideal to confirm timings so that we can circulate a diary invite to the panel.

**TIMING:** STIC India shortlist candidates (*pending final s/l confirmation of names?*) 1 candidate in India, 1 candidate in UAE other candidates AUS based).

Given UAE -6 hours; and India is -4.30. Therefore while afternoon meetings AEST are more desirable for these candidates, due to candidate 'crossover' Americas and Singapore need to be done on the same day and the last two candidates would be from India then UAE.

For the shortlisting meeting for the two roles noted above, we still require an earlier date as none of the earlier dates from Tim's office aligned with Warwick's availability. I have gone back to Tim's office to find an earlier date for the shortlisting meeting. Our understanding was that if Warwick could not be there at the same time, the Shortlist would be discussed with him separately. Please confirm that 4/6 for shortlisting can proceed.

**For the STIC Americas role, as Mike had previously mentioned that he has limited availability in June we are seeking a July date for this panel. It would also require another shortlisting meeting for Mike to join and Jenny to drop off. Amy's assistant mentioned that the Americas role may be more urgent than July – can you please confirm if July interviews for STIC Americas is an appropriate timeline? **Americas must be done as soon as possible, and we were not sure if Jenny is going to be on the Panels.****

Kind regards,  
Leah

**Leah Lambert | Executive Assistant to Jenny West**  
Office of the Deputy Secretary, Trade | Investment NSW  
Level 35, 52 Martin Place, Sydney NSW 2000

| [investment.nsw.gov.au](https://investment.nsw.gov.au)



Investment  
NSW

I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

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.

**My workdays are: Mon | Tue | Wed | Thu | Fri**

INV.001.002.7716

**From:** Lynne Clements  
**Sent:** Friday, 28 May 2021 2:32 PM  
**To:** Leah Lambert  
**Cc:** Deputy Secretary of Trade  
**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Hi Leah,

Thanks for this information. I will put holds into Marianne's calendar for these dates.  
Yes I was aware Jenny would not be on the Panel for the Americas interview – understand you'll come back with dates for this one.

Thanks for the update.

Kind regards  
Lynne

Lynne Clements  
EXECUTIVE OFFICER  
**NGS GLOBAL** | AMERICAS • EUROPE • ASIA PACIFIC • AFRICA • MIDDLE EAST  
L5, 175 Collins Street, Melbourne VIC 3000

[www.ngs-global.com](http://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:** Leah Lambert  
**Sent:** Friday, 28 May 2021 2:27 PM  
**To:** Lynne Clements  
**Cc:** Deputy Secretary of Trade  
**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Hi Lynne,

I hope this finds you well.

I am getting in touch regarding dates for shortlisting and interviews for the STIC roles. At this stage, we now have the below dates and times held with Tim Reardon, Amy Brown and Jenny West. I am now waiting on confirmation for the below dates with Warwick Smith's office and will let you know once I have an update.

Mike Pratt has advised that due to conflicting commitments with budget preparations in June, he will not join for two of the panels, and will only join for the Americas role. Mike also mentioned Jenny would not join the Americas panel – were you aware of this? We will need to look for additional dates in July for the Americas role which I will coordinate with the panel.

**Shortlisting Meeting – 1 hour**

Friday 4 June between 1.30pm – 2.30pm

**Interviews**

Friday 11 June between 9.30am – 1pm

Friday 25 June between 8:30am – 2.30pm

Friday 2 July between 9am – 12.30pm

Kind regards,  
Leah

**Leah Lambert | Executive Assistant to Jenny West**  
Office of the Deputy Secretary, Trade | Investment NSW  
Level 35, 52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](http://investment.nsw.gov.au)

INV.001.002.7717





Investment  
NSW

I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

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.

**My workdays are: Mon | Tue | Wed | Thu | Fri**

**From:** Lynne Clements

**Sent:** Thursday, 20 May 2021 12:18 PM

**To:** Leah Lambert <

**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

Hi Leah,

Yes correct, the STIC Singapore/ASEAN and India/Middle East 2 individual Shortlist Recommended Reports and attached CV zip files were all sent on 13/5 to Amy and Jenny.

The STIC Americas was sent through on 17/5 with all attachments.

Regards,

Lynne

Lynne Clements

EXECUTIVE OFFICER

**NGS GLOBAL | AMERICAS • EUROPE • ASIA PACIFIC • AFRICA • MIDDLE EAST**

L5, 175 Collins Street, Melbourne VIC 3000

[www.ngs-global.com](http://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:** Leah Lambert

**Sent:** Thursday, 20 May 2021 12:12 PM

**To:** Lynne Clements

**Subject:** RE: STIC Roles - Shortlisting and Panel Interviews

**Importance:** High

Hi Lynne,

Can we please check in as to whether the shortlist report for Mumbai, Singapore and NY STIC appointments has been finalised? I haven't seen anything come through as yet, but perhaps it was sent to Jenny directly?

Please let me know when we can expect to receive, if not sent already.

Kind regards,

Leah

**Leah Lambert | Executive Assistant to Jenny West**

Office of the Deputy Secretary, Trade | Investment NSW

Level 35, 52 Martin Place, Sydney NSW 2000

| [investment.nsw.gov.au](http://investment.nsw.gov.au)



Investment  
NSW

I acknowledge and pay my respects to the traditional owners and custodians on whose land I walk, work and live.

INV.001.002.7718

## RE: Investment NSW and statutory officers

From: Vanessa Grimm  
To: Amy Brown

Alexandra Engel

Date: Thu, 19 Aug 2021 15:07:53 +1000

This is very helpful. Thank you!

**Vanessa Grimm | Director of Communications, Media & Engagement**  
Investment NSW  
Level 9, 52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](http://investment.nsw.gov.au)



**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.

**My workdays are: Mon | Tues | Wed | Thurs | Fri**

From: Amy Brown  
Sent: Thursday, 19 August 2021 2:57 PM  
To: Vanessa Grimm

Alexandra Engel

Subject: FW: Investment NSW and statutory officers

In case helpful – when the DP wanted clarification on whether the STICs were ministerial appointments or not. It was a fair question, because Treasury initially set up an erroneous process where they had to go to Cabinet, which is completely inappropriate.

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

[investment.nsw.gov.au](http://investment.nsw.gov.au)



**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: Friday, 2 July 2021 10:24 AM  
To: Joseph Brayford (Contact)  
Subject: Investment NSW and statutory officers

Hi Joseph

Further to your question on the above:

INV.001.005.3701



- Investment NSW is an executive agency 'related to the Department of Premier and Cabinet', which does not have an Act or statutory functions sitting behind it
- By contrast, Infrastructure NSW and the Greater Sydney Commission (both also in the Premier & Cabinet cluster) have statutory functions which sit behind them in their own Acts
- In the case of the GSC for example, this Act creates 'Commissioners' which are statutory officers appointed by the Minister(s) on specific terms
- Because Investment NSW does not have an Act, our Senior Trade and Investment Commissioners are public servants, subject to the Government Sector Employment Act. This has the benefit of affording them the usual employment protections as set out in the GSE Act.
- Statutory positions (such as GSC Commissioners) tend to be more arms length in nature, and sit outside of normal employment contracts and arrangements
- In order for Investment NSW to have an Act, the usual process of passing legislation would need to be followed. This act would then be allocated to the Premier, Deputy Premier and Minister for Jobs, Investment, Tourism and Western Sydney (although particular portions of the Act could be allocated to one of those Ministers)
- There is complexity around the STICs being statutory officers which may make it more appropriate to retain their status as public servants. The day-to-day activities of the STICs are subject to the direction and control of the CEO of Investment NSW and each STIC will have strong KPIs around their outputs and performance. Statutory officers appointment to a Minister are not subject to the direction and control of an agency CEO, making those KPIs difficult to monitor and enforce. Additionally, all the staff supporting the STICs offshore in NSW Government offices will continue to be public servants. Their reporting lines will be difficult to maintain where the STIC is an independent statutory officer but their staff are not.

Hope that helps,

Amy

Amy Brown  
CEO, Investment NSW

## RE: Briefs to Ministers for Mumbai and Singapore Candidates, Media Releases and Draft Contracts

---

From: Kristy Manton  
To: Tim Bayl  
Cc: Evelina Polura  
Date: Mon, 23 Aug 2021 09:45:05 +1000

---

Welcome back!!

We are still awaiting final advice on whether they will be signed off. However, confidentially we can share the email we sent to Amy and the panel reports so you aware of status for the briefs.

Evelina- could you please share with Tim?

K

**Kristy Manton | Director People & Culture**  
Investment NSW  
Level 35, 52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](https://investment.nsw.gov.au)



**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.

**My workdays are: Mon | Tues | Wed | Thurs | Fri**



From: Tim Bayl  
Sent: Monday, 23 August 2021 9:42 AM  
To: Kylie Bell ; Lauren Hannan ; Kristy Manton ; Evelina Polura  
Cc: Karla Lampe  
Subject: Re: Briefs to Ministers for Mumbai and Singapore Candidates, Media Releases and Draft Contracts

Hi everyone!

Thanks Kylie - I can draft these based on the Tokyo and London ones.  
@Kristy and @Evelina I'll need your help with the candidate details though please.  
I'll make a start then come to you to fill in the gaps for me (Once I get my internet working!!)

Regards,  
Tim

---

From: Kylie Bell  
Sent: Monday, August 23, 2021 9:01:49 AM  
To: Lauren Hannan ; Kristy Manton

INV.001.005.3908



## CHRIS CARR

Evelina Polura

; Tim Bayl

Cc: Karla Lampe

Subject: Briefs to Ministers for Mumbai and Singapore Candidates, Media Releases and Draft Contracts

Hi all

Happy Monday everyone.

Further to emails last week, I understand the Mumbai and Singapore candidates were with Amy last week for sign-off, which means these are imminent and will be ready to go in the next few days.

Next steps was the briefs to PO, TO and DPO for endorsement of candidates. With Tim back today and given this is something Jenny has managed, can I suggest @Tim takes the lead in drafting them with Kristy and Evelina so they can be pushed through Objective and onto the offices this week as soon as Amy and the panel have signed off.

@ Karla, could we get started as well this week on the Media Release shells for NY, Mumbai and Singapore. I think we are close to be able to announce NY and the others will probably be ready to go sometime in September. Then we are all done. 😊

@ Evelina, the draft contracts for these three roles are all ready as well aren't they?

Cheers

K

**Kylie Bell | Executive Director Trade & International**

Investment NSW

Level 35, 52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](https://investment.nsw.gov.au)

Executive Assistant | Helen Braithwaite |



**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.

**My workdays are: Mon | Tues | Wed | Thurs | Fri**

INV.001.005.3909



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 having  
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 <sup>relevant</sup> experience levels of candidates the DP would put in.

Chris went onto explain that was why they specifically called out Trade + Inv/Diz 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.



## Draft background email ahead of PSC call for comment

From: Chris Carr  
To: Kristy Manton  
Date: Tue, 21 Sep 2021 09:06:43 +1000

Dear Sarah

Ahead of our call today, I wanted to set out the issue that has arisen that we will need to discuss.

### Background

Investment NSW is leading the delivery of the Global NSW policy which includes the opening of new offices and the employment of additional resources in 6 so-called hub locations. Each of these hubs will be led by a Senior Trade and Investment Commissioner (a STIC) or in the case of the UK, an Agent-General. For simplicity we will refer to them all as STICs. There are peculiarities under English law that are not relevant to this question that cause that role to be termed an Agent General. That role is essentially the same as the other STICs.

### Employment Terms

STICs have been appointed for the two hubs of Singapore and UK/Europe. Both have commenced but only one has been announced owing to protocols with the UK Government. Those appointments were made under the GSE Act but made subject to the Regulation 10A of the GSE Regulations. Specifically, they are not statutory officers nor are they public officers. They are appointed by applying s47A of the NSW Constitution Act and not s47. Advice has been obtained in relation to that already. They each have employment contracts entered into by the Crown in the Right of the state of NSW acting through Investment NSW.

### The issue

Under Regulation 10A(5) of the GSE Regulations, it says:

(5) Persons may be employed as overseas trade employees without compliance with the government sector employment rules on merit-based employment. However, any decision to employ a person as an overseas trade employee must be based on the person's appropriateness for the role concerned having regard to the nature of the role and the person's qualifications, skills and experience.

To date, that has been the basis for all the STICs (as well as other offshore roles in the hub offices). They have been appointed by the CEO of Investment NSW (noting the impact of the Administrative Orders establishing Investment NSW replacing the Secretary with the CEO).

In total we are expecting there to be 6 STICs (including the UK/Europe). We are therefore addressing an issue relevant to a very small number of very senior roles.

We are now asked to consider whether there are alternative methods that STICs could be employed. Specifically, we have been asked whether there is an option for Ministerial appointments. Advice has already been provided in relation to s47 and s47A of the NSW Constitution Act as well as the use of other mechanisms such as the enactment of specific legislation (eg as is done in Victoria) to create statutory officers. Likewise, the option of using contractors with the material risks of those arrangements having been highlighted through a WA audit report on their approach to offshore structures.

Where there is a specific question we want to discuss with you is in relation to Regulation 10A(5) of the GSE Regulations.

We are asked whether an amendment to Regulation 10A is feasible to provide for the relevant Minister to make recommendations to the CEO of Investment NSW on the appointments of the STICs outside Regulation 10A(5). That is, if possible there may be a desire for these positions to remain in the Public Service and subject to various codes of conduct and employment terms but that their appointment is subject to a ministerial recommendation. Given the seniority and prominence of these roles, advice is needed on whether the appointments can be made more akin to Agency Head appointments as currently made under the GSE Act, while the ongoing accountability remains with the agency head, in this case the Investment NSW CEO. Clearly a change in the regulations would be required to achieve that, so we are seeking to discuss with you any potential issues or concerns before this is further explored.



## CHRIS CARR

That's the general basis for the discussion this afternoon. The urgency driving this is that recruitment processes are well advanced for the next batch of appointments and there is now a need to clarify whether this alternative is viable.

I look forward to discussing with you later today.

Kind regards

Chris

Chris Carr, General Counsel  
Investment NSW  
52 Martin Place, Sydney NSW 2000

[investment.nsw.gov.au](http://investment.nsw.gov.au)



Investment  
NSW

***SENSITIVE: LEGAL*** - This email, including any attachments, is confidential and may be subject to legal or other professional privilege. If this email is sent to you in error, confidentiality and privilege are not waived and you must not disclose or use the information in it. Please contact the General Counsel or other member of the Investment NSW legal team via [legal@investment.nsw.gov.au](mailto:legal@investment.nsw.gov.au) before disclosing the existence or content of any advice contained in this email to a third party or before distributing this email or attachments to a third party.

INV.001.006.0120

**The Hon. DANIEL MOOKHEY:** Given that the department itself, or DPC, has ordered an investigation, are you considering suspending his appointment, pending the outcome of that investigation?

**AMY BROWN:** I have not considered that.

**The Hon. JOHN GRAHAM:** So you haven't considered even pausing this appointment?

**The Hon. WES FANG:** Point of order—

**The Hon. PENNY SHARPE:** There's no point of order.

**The Hon. WES FANG:** No, there is, Ms Sharpe. Chair?

**The CHAIR:** He has taken a point of order, so I have to hear it.

**The Hon. WES FANG:** Yes. I understand we have a number of participating members from the Labor Party, and I know everyone wants to get on camera today—

**The Hon. PENNY SHARPE:** It's our time. Now you're wasting our time.

**The Hon. COURTNEY HOUSSOS:** You're eating up our time.

**The Hon. WES FANG:** However, the continual talking over of the witness—

**The Hon. PENNY SHARPE:** We're not talking over each other.

**The CHAIR:** Order! I've heard enough, Mr Fang, and that wasn't talking over. Mr Graham jumped in when another question was finished and that question was answered.

**The Hon. WES FANG:** You just answered the point.

**The Hon. PENNY SHARPE:** I don't think Ms Brown needs your assistance.

**The CHAIR:** There is no point of order. Mr Graham, please continue.

**The Hon. WES FANG:** It's not that. It's about procedural fairness.

**The CHAIR:** Mr Fang, let's continue with the Opposition questions.

**The Hon. JOHN GRAHAM:** I just simply want to ask that you haven't even turned your mind to pausing this appointment, given the significant public controversy over the appointment of Mr Barilaro and the investigation that is ongoing? Is that correct?

**AMY BROWN:** Given the short notice for the hearing today, I've barely had a chance to think about it.

**The Hon. DANIEL MOOKHEY:** Chair, can I table certain documents, please, and have them provided to the witness, if it's possible?

**The CHAIR:** Sure thing.

**The Hon. DANIEL MOOKHEY:** I have copies for others too, but perhaps we can start with the witness. As a prelude, Secretary Brown, one of the issues that has now arrived in the public domain is around whether or not Investment NSW was asked to convert these positions into ministerial appointments. In the documents that are eventually going to be handed to you—which I would ask go straight to the witness, please, if it's possible to get them straightaway. Thank you. I really appreciate that. These are documents that your agency produced to the upper House. If you don't mind, please, turning to page 44 of the bundle that has been given to you—down the bottom, it says page 44 of 54.

**AMY BROWN:** Sorry, some of them are sideways.

**The Hon. DANIEL MOOKHEY:** One of them is sideways, Ms Brown.

**The Hon. WES FANG:** Can we wait till we all have a copy?

**The Hon. DANIEL MOOKHEY:** We can. At page 44, you can see here this is an email—

**The Hon. PENNY SHARPE:** This SO 52 has been downstairs since November, so you could have had it since then.

**The Hon. WES FANG:** I know, but you're tabling them now to the hearing.

**The Hon. DANIEL MOOKHEY:** This is an email, which your general counsel—

**AMY BROWN:** I am familiar with this email.



**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.

**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.



**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.

**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.



## Sensitive - NSW Cabinet: STIC recruitment

From: Amy Brown  
To: marianne.broadbent  
Cc: Lisa Braid

; Chris Carr

; Kristy Manton

Date: Sun, 03 Oct 2021 14:13:02 +1100

Hi Marianne

I hope you're getting a bit of relaxation in over this long weekend. I was endeavouring to phone you on Friday, but then Friday happened..... So in the interests of time I've decided to email.

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 (ie Ministerial appointments). The Agent General for London and STIC for Tokyo will be transitioned across to the new arrangements.

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 with the process. We will be handling the STIC New York position as an internal matter.

Kristy Manton will kindly liaise with you to work through what this means for your engagement with us (including invoices for all the work you've undertaken, for example). I expect much of this is covered by the terms and conditions of your engagement.

Our sincere apologies for the fact that you've done a considerable amount of work but not been able to fulfill the entire mandate for most positions. We appreciate the frustration that this has caused on your side.

Thanks again for your patience and understanding. As you will no doubt appreciate, most of the above has been outside of our control.

Kind regards

Amy

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

| [investment.nsw.gov.au](http://investment.nsw.gov.au)



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.

INV.001.006.1854

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?



**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."

**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—