

Responses to Questions taken on Notice

Inquiry into the appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas

Hearing Date – 3 August 2022

Question (p.26)

The CHAIR: Conflicts of interest were declared by all panel members, that's correct?

AMY BROWN: Yes, as in there were no conflicts of interest to declare.

The CHAIR: All of the applications that were received, they were received by NGS Global?

AMY BROWN: Yes, all of them.

The CHAIR: In terms of the applications that are received, are you given the entire long list —

AMY BROWN: Yes.

The CHAIR: — or are you given a short list?

AMY BROWN: Yes.

The CHAIR: Did the rest of the selection panel get the long list or just the short list?

AMY BROWN: I would need to check that. I'll take that on notice.

Answer

The selection panel received the final shortlist report which contained candidate application material and an NGS candidate report for the three candidates to be interviewed and a fourth candidate whose application had been held over from the previous recruitment round.

Question (p.26)

The CHAIR: That's okay. So the selection panel's report, the final one, that gets sent to every member of the selection panel to sign off?

AMY BROWN: Correct.

The CHAIR: Was that by you or by NGS recruitment, or somebody on your behalf such as your chief of staff?

AMY BROWN: I'll take that on notice straight away as well. I just have in my note that it was circulated to all panel members. I'm not sure if it came from my inbox, the chief of staff or Ms Bell. I'll check now.

Answer

The final selection panel report was circulated to panel members by NGS Global on 15 June 2022.

Question (p.34)

The Hon. SCOTT FARLOW: I believe there's an email from Marianne Broadbent to Jenny West, dated 16 April, which is the progress report. That also included an email attached to it, which was the client progress reports for the three STIC roles. As we've established, as of 16 April, with only 10 days to the close of applications, Ms West had the name of all the Americas STIC candidates and applicants and also NGS's assessment of their strengths and weaknesses. Is that correct to

your knowledge?

AMY BROWN: I can take advice on how much detail the progress report goes into. But, broadly speaking, that's correct.

The Hon. SCOTT FARLOW: To your recollection, is it correct that that report and Ms Broadbent note that the quality of the candidates in response to advertising is not high? Do you recall that?

AMY BROWN: I don't recall that specific comment. We were in COVID, though —

The Hon. SCOTT FARLOW: Could you take that on notice?

AMY BROWN: I'll take on notice whether she said it. I can broadly say I agree with some of that sentiment, though, because we were in COVID and not that many people wanted to move their families to the other side of the world.

The Hon. SCOTT FARLOW: Is it fair to say that Ms West had access to very detailed information about each of the STIC Americas applicants — who they were, their strengths and weaknesses — at the time that she applied for that role?

AMY BROWN: I'll take on notice how much detail was attached to the progress report.

Answer

In the email from Ms Broadbent to Ms West dated 16 April 2021, Ms Broadbent attached the Client Progress Reports for the STIC ASEAN, Americas and India & Middle East roles and advised that *“The quality of the candidates in response to advertising is not high, but we know too that the bulk of candidates do not apply till a day or two before the closing date. Noting that applications do not close till 26 April, the summary is as below.*

- ASEAN – Good candidate base building
- INDIA/ME – Considerable interest but few top level candidates
- AMERICAS – Very good candidate base building”

The Client Progress Reports contained the names of all candidates engaged, interviewed, approached, applied and not recommended to proceed, or declined the opportunity. The Reports contained their full name, location, title and organisation, link to LinkedIn profile and comments on their experience and capabilities.

Question (p.36)

The Hon. SCOTT FARLOW: With respect to the communication of how people had got the role — and I know there was some interest before in whether it was Ms Bell who told her — with respect to the ASEAN STIC and the Indian STIC, which were in place by this time, how were they communicated to those individuals?

AMY BROWN: It's a very good question. I believe that their success in the process was conveyed to them by NGS Global, but I can take that on notice if you'd like it firmed up. I didn't give them a call.

Answer

Ms Brown spoke to Mr Parker and Mr Padmanabhan on 10 November 2021 to provide formal

confirmation that they were the successful candidates for the STIC ASEAN and STIC India & Middle East roles respectively.

Question (p.52)

AMY BROWN: One of reasons I'm forthcoming is he said it on a Teams call with multiple people. You could probably ask some of my colleagues and get the same answer. Yes.

The Hon. DANIEL MOOKHEY: Who was on the call?

AMY BROWN: My general counsel is the only person I can confirm was on the call.

The Hon. DANIEL MOOKHEY: That's Mr Carr? Was it Mr Carr at Investment NSW at this point in time?

AMY BROWN: Yes. Whenever that — yes, because, like I said, they were protracted discussions.

The Hon. DANIEL MOOKHEY: Okay. But there are other people, who you do not recall, who were on that call?

AMY BROWN: Yes. You could test with Ms Bell, but I can't confirm.

The Hon. DANIEL MOOKHEY: Is it possible, perhaps, you might be able to make inquiries now as to who was on that call?

The Hon. COURTNEY HOUSSOS: You can try.

The Hon. DANIEL MOOKHEY: And then, on balance, if you don't mind taking it on notice?

The Hon. DANIEL MOOKHEY: He said that he would go to the Deputy Premier or the Premier. Which Premier are you referring to, sorry? The current Premier or the former Premier?

AMY BROWN: I will take it on notice in terms of the — when that comment was made on a Teams call, so that I could just confirm when it was said, because it's been a long journey —

The Hon. DANIEL MOOKHEY: It has.

AMY BROWN: — and it actually straddles between prior to 5 October 2021 and after 5 October 2021.

The Hon. DANIEL MOOKHEY: When was the point where the Agent General — actually, to be fair, when was the point that candidate Cartwright told you — when was his Teams call? Do you have recall?

The Hon. WES FANG: She just said she was going to clarify.

AMY BROWN: Yes.

Answer

The two meetings referred to in Ms Brown's evidence were:

25 May 2021 - meeting between Mr Cartwright, Ms Brown and Ms West to discuss Mr Cartwright's contract.

28 October 2021 - meeting between Mr Cartwright, Ms Brown and Mr Carr to discuss Mr Cartwright's concerns about the timing of payment of his cost of living allowance.

Question (p.54)

The Hon. DANIEL MOOKHEY: Indeed. But the outcome of this negotiation is that the Agent General gets a cost-of-living allowance that's above \$100,000. Correct?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: Is that higher than all of the other candidates?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: The next highest would be circa 70-ish?

AMY BROWN: I'd have to take it on notice and get advice as to what I can provide.

Answer

From 31 January 2022 to 5 July 2022 Mr Cartwright's cost of living allowance was AUD\$112,950.

From 6 July 2022 Mr Cartwright's cost of living allowance is AUD\$11,839.89 and payment of rent arrangement is AUD\$101,111.11, totalling AUD\$112,951. Investment NSW has also agreed to make good on the tax applicable to this benefit in line with other Commonwealth employees and Agent Generals. This is estimated to be a maximum of AUD\$107,859 per annum.

The next highest cost of living allowance is for the STIC China and is \$22,851.

Question (p.55)

The Hon. DANIEL MOOKHEY: Do we cover the Agent General's accommodation?

AMY BROWN: Yes.

The Hon. PENNY SHARPE: Can you just explain to us the other arrangements, beyond the salary, of that position? What's the situation in relation to super? What does the living-away-from-home allowance cover?

AMY BROWN: Yes. I'll have to take the details on notice. The person who knows this intimately is Ms Bell, so she would absolutely be able to tell you, or I can take it on notice in the interim.

Answer

From 6 July 2022 Mr Cartwright's cost of living allowance is AUD\$11,839.89. The allowance is paid in UK pounds through a UK payroll provider on a fortnightly pro-rata basis. The allowance is subject to the UK tax regime and mandatory UK Pension and National Insurance contributions.

From 6 July 2022 Investment NSW also pays Mr Cartwright's rent directly to Mr Cartwright's landlord monthly. The payment of rent arrangement is AUD\$1,944 per week / AUD\$101,111.11 per annum.

Investment NSW has also agreed to make good on the tax applicable to this benefit in line with other Commonwealth employees and Agent Generals. This is estimated to be a maximum of AUD\$107,859 per annum.

As Mr Cartwright is paid in the UK under the UK tax regime, superannuation is not provided or

deducted.

The cost of living allowance is paid to cover the cost of living in a particular city. Mercer provides this data and it is based on the cost of particular items including housing, transportation, food and clothing. This enables Investment NSW to ensure that remuneration packages do not disadvantage our employees because the real value of their remuneration is absorbed by the higher costs of living in particular cities and ensures parity across the regions.

Question (p.59)

AMY BROWN: No, no-one had any conversation with me endorsing Ms Chikarovski for a STIC position or otherwise.

The Hon. PENNY SHARPE: Did anyone give you a heads-up that she might apply?

AMY BROWN: No.

The Hon. DANIEL MOOKHEY: Just to be clear, when you have taken it on notice to see whether or not you're capable of providing an answer, is the reason you've taken it on notice and the advice that you're likely to seek as to whether or not, in providing an answer to this question, you may be breaching a privilege rule?

AMY BROWN: Yes.

The Hon. COURTNEY HOUSSOS: I'm happy if you want to take these on notice, given that you've taken the earlier ones on notice. If Ms Chikarovski did apply, are you able to tell us on what date the application was received?

AMY BROWN: I'll take it on notice.

The Hon. COURTNEY HOUSSOS: And if she was short-listed?

AMY BROWN: I'll take it on notice.

The Hon. COURTNEY HOUSSOS: And who her references were?

AMY BROWN: Certainly, I'll take it on notice.

Documents relating to the recruitment process have been returned to the Legislative Council as a part of the Standing Order 52 request made on Wednesday 22 June.

Question (p.60 / 61 / 62)

The Hon. PENNY SHARPE: And there's been speculation about the others. I am asking you directly: Who were the referees for Mr Barilaro?

AMY BROWN: I will have to take it on notice.

The Hon. PENNY SHARPE: But you do know who they are?

AMY BROWN: It's covered by the documents that have been provided to the LC already.

The Hon. PENNY SHARPE: Yes, but as I said, the documents provided to the LC already identify Mr Sinodinos.

AMY BROWN: Yes.

The Hon. PENNY SHARPE: I am saying that this is a different situation. We asked previously about Mr Barnes.

AMY BROWN: Yes.

The Hon. PENNY SHARPE: Can you confirm that Mr Barnes was a referee for Mr Barilaro?

AMY BROWN: I will take it on notice so that I can – similarly to the other one – check the privilege claim.

The Hon. PENNY SHARPE: We did ask you last time.

AMY BROWN: I know.

The Hon. SCOTT FARLOW: There have been some changes to privilege claims over that time.

The Hon. DANIEL MOOKHEY: To be fair, it was provided by Regional NSW to the House. It was coming from the department of Regional NSW by way of contacts as part of its return. I am sure someone might find that document and bring it down. That reference check would have taken place, I think, sometime within April or May. We can infer that Gary Barnes was interviewed for someone. Was it for Ms Cole?

AMY BROWN: I need to take it on notice so that I can take advice.

The Hon. DANIEL MOOKHEY: Equally, it says "following a review of references". We have established from the Regional NSW return that certainly Gary Barnes was interviewed for a reference check for someone, who at this point could only have been Kimberley Cole or John Barilaro. I presume some weight was attached to the view of the secretary.

AMY BROWN: I will take that on notice as per my earlier answer.

The Hon. DANIEL MOOKHEY: It has been returned. You can see the index number at the top, I think, about the public return. Now we can ascertain that Mr Sinodinos was one of the referees and that Mr Barnes was the other, but was there a third?

AMY BROWN: I don't know but I assume so.

The Hon. PENNY SHARPE: You don't know, or are you taking it on notice?

AMY BROWN: I don't know for certain, but I will take it on notice.

Answer

Documents relating to the recruitment process have been returned to the Legislative Council as a part of the Standing Order 52 request made on Wednesday 22 June.

The evidence provided by Mr John Barilaro on 8 August 2022 confirmed the names of his referees.

Question (p.72 / 73)

The Hon. DANIEL MOOKHEY: And in any of those four or five months did you have any other need to seek a meeting with the secretary of DPC to discuss such issues?

AMY BROWN: Well, he was secretary of the principal department that I was accountable to and held my employment contract with, so we certainly had regular catch-ups as to how, in particular, the establishment of Investment NSW was going, but I don't think I ever alerted him to an urgent issue that I really wanted his attention on in such a manner before...

... The Hon. DANIEL MOOKHEY: Sure. Just to be clear, that meeting has then happened. Was anybody else attending it other than Mr Reardon and your general counsel? Did his general counsel or anyone else attend that meeting?

AMY BROWN: I don't think she was. I think she was unavailable, but I don't even know if I can confirm that.

The Hon. DANIEL MOOKHEY: Do you wish to take it on notice as to whether anybody else was at that meeting?

AMY BROWN: Yes, sure.

Answer

The meeting took place on 30 September 2021 via Teams. The meeting invite included Mr Tim Reardon, DPC Secretary, Ms Amy Brown, CEO Investment NSW, Mr Chris Carr, General Counsel Investment NSW and Ms Kate Boyd, General Counsel DPC, however Ms Boyd did not end up attending the meeting due to other commitments.