



LEGISLATIVE COUNCIL

PUBLIC ACCOUNTABILITY COMMITTEE

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

**Questions from the Hon Daniel Mookhey MLC, with the agreement of the
committee**

Ms Jenny West

Please provide a statement which sets out all your knowledge about:

1. The selection process which led to the selection of Mr Paul Webster as the preferred candidate for the role of NSW Agent-General to the United Kingdom.
2. The selection process which led to the replacement of Mr Paul Webster as the preferred candidate for the role of NSW Agent-General to the United Kingdom with Mr Stephen Cartwright.
3. All conversations you had with Mr Michael Pratt and Ms Amy Brown about the above two processes.
4. The negotiations you had with Mr Stephen Cartwright over his total remuneration package with Investment NSW for the Agent-General in London role.

Further Statement of Jenny West

I thank the Committee for the invitation to provide further information. There are two parts: my answers to the questions from the Committee; my response to statements made to the Committee by Ms Brown and Mr Carr.

I remind the Committee that, as I am no longer an employee of the Department, I do not have access to many emails and documents which may have assisted me in providing responses to the questions posed. The answers provided below are provided from my own memory of events and with reference to the limited documents to which I have access.

PART A: RESPONSE TO QUESTIONS FROM THE COMMITTEE

1. The selection process which led to the selection of Mr Paul Webster as the preferred candidate for the role of NSW Agent-General to the United Kingdom.

As I have previously stated to the Committee, I commenced my employment with the State of NSW in October 2020 when I commenced as the Deputy Secretary, Trade & International in NSW Treasury and in March 2021 my role was moved into Investment NSW where I held the role of Deputy Secretary, Trade & International.

When I commenced at NSW Treasury the recruitment for the Agent-General to the United Kingdom (Agent-General) role had already commenced. There had been a first round of interviews conducted by a panel and I joined the existing panel for the second round of interviews. I was not part of the first panel which identified Mr Webster as a strong candidate, nor was I involved in any rating of him or his credentials, however, I did participate in a phone call with Mr Webster which had been arranged by NGS Global and I thought that he was a strong candidate.

Like other STIC roles, NGS Global was involved and largely facilitated the structure of the recruitment process. It was suggested by NGS Global that I have an informal catch up with Mr Webster given he had been identified as a strong candidate. At that stage Mr Webster was considered to be the strongest candidate, however, other applicants had not been ruled out and the recruitment process was ongoing.

For the second round of interviews there were a number of candidates interviewed. My recollection is that Mr Webster was not re-interviewed but was still under consideration for the role.

2. The selection process which led to the replacement of Mr Paul Webster as the preferred candidate for the role of NSW Agent-General to the United Kingdom with Mr Stephen Cartwright.

While Mr Webster was considered to be a strong candidate, there were concerns as to his suitability for the Agent-General role because he had very strong overseas experience but not the familiarity with the NSW business community which would be required.

I am aware that Stephen Cartwright had recently resigned from his role at Business NSW and approached one of the members of the recruitment panel directly. I believe this was either Secretary Michael Pratt or Mr Warwick Smith AO. Mr Cartwright indicated his interest in applying for the Agent-General role. I was not told of any Ministerial involvement in the decision to consider or ultimately appoint Mr Cartwright to the Agent-General role – if it happened, I was unaware of it.

It was determined by the recruitment panel that a second recruitment process should be commenced. I was involved in this recruitment panel and interviewed Mr Cartwright and others candidates. My recollection is that Mr Webster still under consideration for the role during the second recruitment process.

At the end of the second recruitment process Mr Cartwright was identified as the preferred candidate. He was offered the role and there was some negotiation around his salary package.

3. All conversations you had with Mr Michael Pratt and Ms Amy Brown about the above two processes.

Other than the phone call I had with Mr Webster, I had no involvement in the first recruitment process run by NSW Treasury as it was completed prior to me starting in NSW Government.

With respect to the second recruitment process, Michael Pratt was a part of the recruitment panel.

My recollection was that Investment NSW was established whilst the recruitment process was underway. The recruitment process therefore moved from NSW Treasury to Investment NSW under Ms Amy Brown.

During the second recruitment process Amy Brown was the CEO of Investment NSW. I do not recall that Ms Brown was a part of the recruitment process, but I believe she was involved in negotiations with Mr Cartwright around his total remuneration package.

4. The negotiations you have with Mr Stephen Cartwright over his total remuneration package with Investment NSW for the Agent-General in London role.

Once Mr Cartwright had been identified as the preferred candidate for the Agent General role the process of finalising the employment process was delegated to the HR department of Investment NSW.

My recollection is that once Mr Cartwright had been issued with a draft outline of total remuneration package by the HR department, there were a number of queries raised by Mr Cartwright. Mr Cartwright requested a meeting with Ms Brown and me to discuss his total remuneration package. This was the only time I had conversations about his total remuneration. Following this meeting Ms Brown or the HR department were responsible for finalising his total remuneration package.

The meeting with Ms Brown and Mr Cartwright occurred on 12 August 2021. I recall that Mr Cartwright did raise issues with his proposed salary in this meeting. I recall that Mr Cartwright said words to the effect that he was "taken by surprise" by the salary package and that he would need to "cop it on the chin".

I attached to this statement a file note of the conversation I had with Mr Cartwright on 12 August 2021 relating to salary.

I met with Mr Cartwright on the 1 and 9 September 2021 but I do not believe salary was raised in those conversations. These meetings were in relation to his induction into NSW Government.

Otherwise, my understanding is that Ms Brown or the HR department was the primary point of contact with Mr Cartwright on negotiations around his total remuneration package.

PART B: RESPONSE TO STATEMENTS MADE BY MS BROWN AND MR CARR

I would like to take this opportunity to make the following comments with respect to other issues which have been raised by Ms Brown and Mr Carr.

My Application for the STIC Americas Role

The issue of a conflict of interest I might have had in applying for the STIC Americas role was raised during the evidence given by Ms Brown on 3 August 2022 [Transcript pages 13-14].

I was quite aware of a potential for a conflict of interest arising at the time. Because of that I took measures to make it known that I thought there could be a conflict of interest and for Ms Brown to disqualify my application if she saw fit.

Before I applied for the STIC Americas role I raised my intentions to do so with Ms Brown and - as I have previously stated to the Committee - Ms Brown was supportive of me applying for the role. It was Ms Brown's right to refuse my application if the window to apply had closed.

Ms Brown's assertion that I did not make relevant declarations to her while applying for the STIC Americas role [page 16] is incorrect. I recall that I had a meeting with Secretary Tim Reardon and Ms Brown prior to sending my application to NGS Global. It was Secretary Reardon who made recommendations around how to make the relevant declarations and ensured that I was no longer involved in the STIC recruitment process moving forward.

As soon as I had decided to apply for the STIC Americas role I informed Ms Brown that I should be removed from any involvement in the recruitment process and the role which I otherwise would have performed in recruiting for this role was transferred from my team to the HR Department. I note this is consistent with the evidence which Dr Marianne Broadbent has given to the Committee.

My role at Investment NSW at the time of applying for the STIC Americas role included recruitment for prior STIC roles including the Agent General, STIC ASEAN/Singapore and STIC India/Middle East and STIC Middle East. I was involved in the initial stages of the recruitment for the STIC Americas role but like all other STIC recruitment processes, the process itself was delegated to NGS Global who worked with a panel to interview candidates.

In terms of my involvement with the recruitment for the STIC America's role, I was initially on the panel that would have been interviewing the candidates that had been short-listed by NGS Global but recused myself from the process before I applied for the role myself. The HR team worked with NGS Global around the job description and advertisement. I had spoken to NGS Global about

advertising the STIC roles but was not involved in interviewing any STIC America's candidates. This occurred after I had recused myself from the process completely. I do not recall reviewing any interim report on candidates provided by NGS Global prior to applying for the role myself.

Ms Brown referred to an email dated 23 June in her evidence [page 14]. I cannot recall specifically receiving that email but note that it refers to "any of these recruitment processes". I believe this is a reference to any recruitment processes beyond the STIC Americas recruitment process which I had already recused myself from.

Performance Issues

I note that Ms Brown again referred to 'performance issues' she was having with me in her evidence on 3 August 2022 [page 15].

I remain entirely in the dark about what those performance issues were; they were never raised with me while I was an employee under Ms Brown's supervision and her evidence given to the Committee appears to me to be inconsistent.

For instance, Ms Brown agreed with Mr Poulos when he characterised the relationship between Ms Brown and I as one which had "began to unravel" [page 15] in the context of me being informed of the fact that I was no longer likely to be proceeding into the STIC Americas role which I had been offered.

I would like to remind the Committee of the following key dates:

1. On Wednesday 11 August 2021 Ms Brown provided a briefing to the Premier confirming me as the preferred candidate for the STIC Americas role. This was signed off by the Premier on Thursday 12 August 2021.
2. On Thursday 12 August 2021 I was verbally advised by Ms Brown that I was the preferred candidate and was offered the STIC Americas role.
3. On Friday 17 September 2021 I was verbally informed by Ms Brown that my STIC Americas appointment was on hold pending a Cabinet decision which might convert STIC roles to Ministerial appointments.
4. On Monday 27 September 2021 the above-mentioned Cabinet decision was passed.
5. On Thursday 30 September 2021 I took sick leave from work and did not return to work until Wednesday 27 October 2021.
6. On Friday 1 October 2021 Ms Brown has given evidence that she formed the view that there was no suitable candidate for the STIC Americas role.
7. On Tuesday 19 October 2021 my legal representatives first wrote to Ms Brown.

Any suggestion that the relationship between me and Ms Brown had “unravelling” or that a decision that I was no longer a suitable candidate because communications between me and Ms Brown were fraught and strictly between lawyers is simply not true.

The events to which Ms Brown was referring occurred much later and were not matters about which she expressed any concern at the time in question. There were eight working days between 17 September 2021 when I was told I might not have the STIC Americas role anymore and 30 September when I went on leave. Nothing about those eight working days stand out to me as being particularly difficult or hostile between Ms Brown and myself, however, this appears to be the period in which Ms Brown determined that I was no longer a suitable candidate for the STIC Americas role. I otherwise re-iterate my previous evidence that I considered that Ms Brown and I had a strong and positive working relationship, including during the period up to 1 October 2021.

Clarification of Evidence relating to contact from Mr Coutts-Trotter

I stated in my evidence previously given to the Committee that on 11 October 2021 I wrote to Mr Coutts-Trotter seeking a 15 minute conversation to explain my situation. As I previously stated, the next correspondence I received from Mr Coutts-Trotter was a formal letter terminating my employment.

The evidence given to the Committee by Mr Carr on 19 July 2022 [transcript page 3] appears to have misunderstood what it was that I was seeking to explain and discuss with Mr Coutts-Trotter. For instance, Mr Carr has stated that I am incorrect because I received an intention-to-terminate letter from Mr Coutts-Trotter via my lawyers dated 8 November 2021 and that I had an opportunity to respond at that time.

I do not have a copy of that letter dated 8 November 2021, it might have been provided to my lawyers but I have never seen it personally. More importantly, however, the intention-to-terminate letter related to my role as Deputy Secretary, whereas my intention to speak to Mr Coutts-Trotter was to ensure he was fully apprised of the manner in which the STIC Americas role had been offered to me and then withdrawn. I also wanted to address the foreshadowed likelihood that I would be terminated from my role as Deputy Secretary.

I felt, and still do feel, that it was important that Mr Coutts-Trotter was aware of what was occurring with respect to the STIC Americas role.

In his opening statement Mr Carr suggested that I had given false or incorrect evidence regarding an opportunity to speak to Mr Coutts-Trotter [transcript page 3]. I stand by my evidence; it is Mr

Carr who has got things wrong. In this respect I attach an apology I received from Mr Coutts-Trotter dated 16 August 2022 in which he explicitly apologises for not responding to my email of 11 October 2021. I call upon Mr Carr to withdraw his assertion.

Dated: 12 September 2022

Jenny West

* Taken by surprise

* Copied on the check

* Representation

* Clarity on the fr. acct.
Bank or pay, up to
verify a mortgage

* Show contract
pay, up

* What
Sept

HR =

Martin Slattery

From: Michael Coutts-Trotter
Sent: Tuesday, 16 August 2022 4:38 PM
To: Martin Slattery
Subject: Email for Ms West

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.

OFFICIAL

Dear Martin,

I understand from my colleague Kate Boyd that you act for Jenny West.

I'd be grateful if you could forward the following email to Ms West on my behalf.

Kind regards,

Michael Coutts-Trotter
Secretary
NSW Department of Premier and Cabinet

Dear Ms West,

As I think you know, I've today had published on our department's website Mr Head's final report into the appointment of the Senior Trade and Investment Commissioner to the Americas:
<https://www.dpc.nsw.gov.au/publications/categories/trade-commissioner-to-americas-employment-process-inquiry/>

I've waited until now to write to you to apologise for not responding to your email of 11 October 2021.

Soon after I received your email I sought advice from Investment NSW about your request to meet. I was advised that I should not meet with you.

That was reasonable in the circumstances, but I very much regret not having told you that myself by return email.

While I had asked Investment NSW to respond to you directly, I should have been more attuned to the difficult situation in which you found yourself.

In evidence to the Parliamentary inquiry you also raised concerns about the process by which your employment was terminated. Mr Head has addressed that matter on page 34 of his report.

Yours sincerely,

Michael Coutts-Trotter
Secretary
NSW Department of Premier and Cabinet

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