

RE: OFFSHORE RECRUITMENT - Approval Required for "TA21/685 - For Approval 'Offshore Recruitment Partner for Global NSW - 2021' - 18-03-2021 15:19:00"

From: Amy Brown
To: Jenny West
Date: Mon, 29 Mar 2021 12:29:34 +1100

Approved – thanks Jenny.

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

| investment.nsw.gov.au



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From: Jenny West
Sent: Monday, 29 March 2021 10:40 AM
To: Amy Brown
Subject: OFFSHORE RECRUITMENT - Approval Required for "TA21/685 - For Approval 'Offshore Recruitment Partner for Global NSW - 2021' - 18-03-2021 15:19:00"

Amy

We have a Headhunter – NGS Global running our Senior Trade & Investment Commissioner roles offshore – Tokyo candidate been given the go-ahead by Treasurer and DP today.

For other roles we are looking at getting Michael Page to be our global recruiter (for the next level down) given their extensive network globally

Attached is a brief for you to review – we are looking to recruit approximately 20 roles – total cost around \$480,000.

Can you please let me know if you are happy for me to progress – I just want to make sure you are fully across things as they evolve.

Thanks Jenny

From: Jo Blackwell
Sent: Friday, March 26, 2021 5:17:04 PM
To: Jenny West
Subject: FW: Approval Required for "TA21/685 - For Approval 'Offshore Recruitment Partner for Global NSW - 2021' - 18-03-2021 15:19:00"

Docs attached...

From: Jo Blackwell
Sent: Friday, 26 March 2021 3:55 PM
To: Kylie Bell

Jenny West

Cc: Simon Anderson

Kristy Manton

INV.001.001.0229

RE: STIC - Tokyo

From: Tim Bayl
To: Jenny West
Date: Thu, 06 May 2021 12:17:58 +1000
Attachments: TA21_847 - Global NSW - Tokyo STIC Appointment.obr (8 bytes)

Thanks Jenny, have saved in Objective at attached ref.

Please send through the TO one when you locate/receive this.

Regards,
Tim

Tim Bayl | Executive Officer

Office of the Deputy Secretary, Trade | Investment NSW
Level 35, 52 Martin Place, Sydney NSW 2000

| investment.nsw.gov.au



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From: Jenny West
Sent: Thursday, 6 May 2021 12:14 PM
To: Tim Bayl
Subject: Fwd: STIC - Tokyo

Evelina Polura

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From: Joseph Brayford
Sent: Thursday, May 6, 2021 10:57:10 AM
To: Jenny West
Subject: FW: STIC - Tokyo

From: Joseph Brayford
Sent: Monday, 29 March 2021 10:21 AM
To: 'Amy Brown'
Subject: STIC - Tokyo

Jenny West

Good morning both

Happy Investment NSW day

Apologies, I'm unclear who is best to contact regarding this, so trying to cover all bases. As I think Jenny ascertained just now, the Deputy Premier is happy to progress with [REDACTED] as the Tokyo STIC candidate – a very impressive applicant.

Joseph

INV.001.001.8855

Joseph Brayford

Senior Policy Adviser

Office of The Hon. John Barilaro MP

Deputy Premier, and Minister for Regional New South Wales, Industry and Trade

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new regional rail fleet

John Blighe

Tim Bayl

Cc: Ella Ambarchi
Subject: RE: Tokyo STIC confirmation process

Oops – copying in Tim as well.

From: Kylie Bell
Sent: Thursday, 1 April 2021 1:23 PM
To: Tom Stobo

Ashley White
John Blighe

Evelina Polura

Cc: Ella Ambarchi
Subject: RE: Tokyo STIC confirmation process

Hi Tom

Confirming that all STIC positions need to go via Premier, Treasurer and DP.

If you could please work with Ash and Evelina to prepare an email from Jenny to Amy will a quick one page brief on role and the proposed candidate to support the meeting request with the Premier, we can get that off ASAP. Just off phone from Jenny and she is aware this needs to happen. Amy is on leave next week. HR/ Mike's office are no longer leading on setting up the appointments and Jenny will need to manage (Tim also copying you for this purpose).

Copying in John so he can do the same for the London AG – appointments are still required with DP, Treasurer and Premier for this one.

At the same time Evelina, could you please liaise with Tamara I understand there is a standard one page cabinet template for HR decisions. If we can get this completed as well for both candidates next week we will be good to go with cabinet approvals as soon as interviews are completed.

Hope this makes sense but lets try and get these emails out by next Tuesday at the latest. Ash could you please assist Tom and John (with Evelina) so that the timing doesn't slip.

Thanks
Kylie

From: Tom Stobo
Sent: Thursday, 1 April 2021 11:39 AM
To: Kylie Bell
Cc: Ella Ambarchi
Subject: Tokyo STIC confirmation process

Hi Kylie,

I just wanted to confirm that the Tokyo STIC is required to be approved by the Premier prior to Cabinet approval? If so, do you have any visibility as to when the candidate will be meeting with the Premier/who will be setting up that meeting?

Regards,

Tom

Tom Stobo | Associate, Global Operations | Trade
52 Martin Place, Sydney (enter via 127 Phillip Street)
GPO Box 5469, Sydney NSW 2001

W: www.treasury.nsw.gov.au

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INV.001.001.2738

Update on offshore roles and recruitment timeframes

From: Tim Bayl
 To: Jenny West
 Cc: Evelina Polura
 Date: Wed, 12 May 2021 12:44:15 +1000

Hi Jenny,

Joseph asked for this in the DPO fortnightly meeting last week.
 Are you happy for me to provide him the below and copy you and Amy?

Role	Status	Expected Start Date
STIC North Asia (Tokyo)	<ul style="list-style-type: none"> • Candidate selected. • Candidate endorsed by DP and Treasurer. • Premier endorsement is being sought prior to Cabinet consideration on 7 June. 	June/July 2021
AG UK/STIC EU & Israel (London)	<ul style="list-style-type: none"> • Candidate selected. • Remuneration being finalised. • Premier, DP and Treasurer endorsement to be sought. 	July/August 2021
Director Americas (San Francisco); Director India (Mumbai)	<ul style="list-style-type: none"> • Second interviews complete. • Preferred candidates' final interviews with Dep Sec 12/5. 	June/July 2021 June/July 2021
Associate Director Int'l Ed (Jakarta)	<ul style="list-style-type: none"> • First interviews complete. • Second interviews scheduled. 	June 2021
Director ASEAN (Jakarta)	<ul style="list-style-type: none"> • Shortlisting complete. • First interviews complete 12/5. 	June/July 2021
STIC Americas (New York); STIC India & Middle East (Mumbai); STIC ASEAN (Singapore)	<ul style="list-style-type: none"> • Advertised on 2/4. • Applications closed. • Shortlisting report due 13/5. • Interviews planned for 25-28/5 (with Warwick, Jenny, Tim, Mike). • Premier, DP and Treasurer endorsement to be sought in June. 	August/September 2021

Regards,
 Tim

Tim Bayl | Executive Officer

Office of the Deputy Secretary, Trade | Investment NSW
 Level 35, 52 Martin Place, Sydney NSW 2000

| investment.nsw.gov.au



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INV.001.002.0821

From: Evelina Polura
Sent: Wednesday, 12 May 2021 11:48 AM
To: Tim Bayl
Subject:

**1. Recruitment
San Fran Director**

- First round interviews complete - [REDACTED] & [REDACTED] through to 2nd round - scheduled for 6th May with Evelina and Ash.

Recruitment of Mumbai Director (replacement for [REDACTED])

- First round interviews complete - [REDACTED] through to 2nd round – scheduled for 5th & 6th May with Kylie, Ash, Evelina.

Recruitment of Dubai Expo Project Manager

- Shortlisting done by Mounir Sankary and Moin Anwar, waiting for confirmation of how many and details of selected, interviews hopefully to start next week.

Jakarta Director & Associate Director

- AD: first interviews for 5 candidates happening this week with [REDACTED] and one more.
Second round hopefully from next week with [REDACTED] and one more.

Director: 4 candidates shortlisted for 1st round - [REDACTED]
[REDACTED] – hopefully starting next week with Lisette Groot, Karla Lampe and one more.

Evelina Polura | HR Business Partner

Investment NSW
52 Martin Place, Sydney NSW 2000

| investment.nsw.gov.au



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INV.001.002.0822

FW: Briefs today for Jenny/ Amy

From: Tim Bayl
To: Leah Lambert
Date: Thu, 20 May 2021 10:47:10 +1000

FYI

From: Kylie Bell
Sent: Thursday, 20 May 2021 9:26 AM
To: Jenny West
Cc: Tim Bayl
Subject: RE: Briefs today for Jenny/ Amy

Hi Jenny

The brief for the Mumbai office is with you for decision, outlining the property search conducted and the final recommendation. If you are happy with the recommendation we can proceed with the lease negotiations etc, for now just seeking your approval (and then Amy's approval) to go with a location. We can walk you through it today. Our next one-on-one is not until Monday but we can schedule 15 minutes with Leah for this today or tomorrow.

Cheers
K

From: Jenny West
Sent: Thursday, 20 May 2021 9:00 AM
To: Kylie Bell
Cc: Tim Bayl Lauren Hannan
Subject: Re: Briefs today for Jenny/ Amy

Kylie

Thanks for the update but I am a bit concerned not to be kept up to date on some of these decisions

No one has taken me through or updated me on the new Mumbai office location

Can we please ensure weekly meetings for 1 hour so I am across things please. This should be approved by myself as the final sign off

Thanks Jenny

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From: Kylie Bell
Sent: Thursday, May 20, 2021 8:16:13 AM
To: Jenny West
Cc: Tim Bayl Lauren Hannan
Subject: Briefs today for Jenny/ Amy

Hi all

I am working from home today and in brief mode. Sending across this morning/ last night two briefs for Jenny to clear to go to Amy:

1. Brief on TIAC and letters from Amy to Committee members confirming appointments and including the conflict of interest declaration we need them to complete. Joseph called on Monday and asked that these letters now come from Amy so we have re-drafted them. Not sure if she even knows what TIAC is yet, so we drafted a quick cover brief for her. Once approved Lauren can put on the tracker and send across.

J.BARILARO

[REDACTED] has confirmed his availability for a Teams call next Tuesday. I have sent through a diary invite to Amy.

Jenny will be joining remotely so have not booked a meeting room, let me know if Amy requires a meeting room booked for the call.

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

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From: Leah Lambert
Sent: Tuesday, 18 May 2021 2:17 PM
To: Alicia Kemp
Subject: NGS Global update

Hi Alicia,

Amy has advised NGS Global that she no longer needs a catch up with them (I think she spoke to them earlier), so we can remove the hold at 3.30pm tomorrow.

I have followed up with NGS Global re a meeting for Amy and Jenny with [REDACTED] Thanks for continuing to hold Tuesday 25 May at 2.00 – 2.30pm. I will let you know once there is an update.

I have emailed you and Hayley separately re the shortlisting and interviews for the STIC appointments.

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

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INV.001.002.3361

Re: Summary of DPO/Investment NSW fortnightly meeting

From: Jenny West
To: Tim Bayl
Date: Mon, 24 May 2021 15:56:57 +1000

Thanks for the notes and follow up - very helpful

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From: Tim Bayl
Sent: Monday, May 24, 2021 2:25:35 PM
To: Joseph Brayford (Contact)
Cc: Eamon Waterford

Jenny West
Stewart Webster
Ian Smith

Alexandra Engel

Kylie Bell
Sarah Timbrell

Rebecca Fox

Chris Hanger

Subject: Summary of DPO/Investment NSW fortnightly meeting

Hi Joseph,

Please find below a summary of our fortnightly meeting between the DPO and Investment NSW last week.

DPO/Investment NSW fortnightly meeting – 19 May 2021

Trade: Jenny West, Kylie Bell, Tim Bayl
Industry Strategy: Stewart Webster
Regional NSW: Ian Smith, Louise McMeeking, Rebecca Fox

Expo 2020 in Dubai (October 2021 to March 2022)

- DPO has asked Trade to look at options for a pre-Expo build-up food and bev event, possibly connected to an onshore trade mission and a local event, in consultation with Regional NSW and Destination NSW.
- Destination NSW have provided some possible events between June and September.
- Regional NSW indicated the next trade mission is slated for the New England and North West region, and would include the Moree SAP and showcase the plant-based protein industry.
- Although not scheduled till November, the trade mission could be brought forward to October or even earlier, as long as 3 months are allowed to plan it.
- There's an opportunity for NSW to really lead the plant-based protein industry, including at Expo. NSW has the only Modern Manufacturing Initiative (MMI) bid for plant-based protein. Ian Smith confirmed he would brief the DPO on the MMI next week.
- [ACTION] Trade will review options with Regional NSW and come back to the DPO with a proposal.
- DPO confirmed that November would focus on the Joint-Economic Meeting (JEM) with Guangdong.

Carry-forwards for Trade and Industry

- [ACTION] Trade to confirm with the COO and confirm status of carry forwards to DPO

Budget media

- Media Release to focus on achievements, appointments in Vietnam, Indonesia and Singapore, Going Global success and Export Grants. Possible op-ed on supporting exporters to access ASEAN markets.
- [ACTION] Industry Strategy to provide info on who helped and how.

TIAC letters

- Letters to the confirmed TIAC members will go from Amy.

Agent General (London) and STIC (Tokyo) roles

- The Treasurer and Amy are scheduled to meet with the AG candidate.
- Jenny and Amy are meeting with the AG candidate on Tuesday 25 May.

INV.001.002.5305

J.BARILARO

- Amy may also meet with the previous preferred AG candidate.
- Tokyo STIC candidate has been endorsed by the Premier and is on track for 7 June Cabinet.

International Network Rollout

- **[ACTION]** Trade will brief the DPO on the rationale for minor changes to locations based on metro precincts, special activation precincts, and post-COVID economic conditions.
- Trade will put a brief to the DPC Secretary to confirm the minor changes proposed for the expanded international network, following Jenny's presentation to the DPC Senior Executive.
- These adjustments to locations within regions are based on advice from Regional NSW and Destination NSW, Austrade and key chambers of commerce.

International students

- **[ACTION]** DPO has requested a stripped-down one-pager on the pending announcement be fact-checked, approved and returned – (the documentation Trade prepared was very detailed).

Regards,
Tim

Tim Bayl | Executive Officer

Office of the Deputy Secretary, Trade | Investment NSW
Level 35, 52 Martin Place, Sydney NSW 2000

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INV.001.002.5306

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

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INV.001.002.7716

FW: NSW Senior Trade and Investment Commissioner - Mumbai and Middle East (edits 3 June) (003)

From: Tim Bayl
To: Evelina Polura
Date: Thu, 03 Jun 2021 14:05:35 +1000

FYI only please.
Not for further distribution.

From: Jenny West
Sent: Thursday, 3 June 2021 2:04 PM
To: Joseph Brayford (Contact)
Cc: Tim Bayl
Subject: NSW Senior Trade and Investment Commissioner - Mumbai and Middle East (edits 3 June) (003)

Joseph

It will be a Band 3 role – base pay including super.
Relocation costs to and from the destination will be included as well as 3 months temporary accommodation.

Thanks Jenny

From: Kylie Bell
Sent: Thursday, 3 June 2021 2:00 PM
To: Joseph Brayford (Contact)
Cc: Lauren Hannan
Evelina Polura
Kristy Manton
Jenny West
Alexandra Engel
Tim Bayl

Subject: NSW Senior Trade and Investment Commissioner - Mumbai and Middle East (edits 3 June) (003)

Hi Joseph

Please find attached the Mumbai STIC role description as discussed.

Thanks
Kylie

New Task - Notification - EMS Sent for Ministerial Approval for "TA21/1397 - For Approval 'DP Endorsement of Agent-General to the UK and STIC for Europe and Israel' - 22-06-2021 17:53:15"

From: Objective Administrator
To: Evelina Polura
Date: Fri, 25 Jun 2021 12:34:38 +1000

Hello Evelina Polura,

'TA21/1397 - DP Endorsement of Agent-General to the UK and STIC for Europe and Israel'

Pending Ministerial Approval

Approval order: » Kristy Manton » Executive Officer - Deputy Secretary - Trade (TD) (TR) » Deputy Secretary - Trade (TR) » Executive Officer - Deputy Secretary - Trade (TD) (TR)

Submitter: Evelina Polura

Printing: No printing required (electronic approval only)

Task CC:

Final Destination: Minister

INV.001.003.8297

Unique ID:

TA21/1397

TSY Due Date

25
Jun 2021

APPROVAL HISTORY

Comments	Actions Taken	Version
Finn Cowden "Softt copy emailed to Jo Brayford"	EMS - Send for Ministerial Approval (25-06-2021 12:34:12)	n/a
Evelina Polura ***	Send for Ministerial Approval (25-06-2021 10:51:57)	n/a
Tim Bayl "For DP endorsement ahead of 2 July in time for eCabinet lodgement."	Approve (25-06-2021 10:49:04)	n/a
Jenny West ***	Approve (22-06-2021 18:42:57)	n/a
Tim Bayl "Progressing to Dep Sec Trade. Consistent with Premier brief already approved by CEO and DPC Secretary."	Approve (22-06-2021 18:18:56)	n/a
Kristy Manton ***	Approve (22-06-2021 18:12:56)	n/a
Evelina Polura ***	Submitted for approval (22-06-2021 17:53:15)	n/a

INV.001.003.8298

DOCUMENT(S) FOR APPROVAL

Document(s) for Approval:

TA21/1397 - DP Endorsement of Agent-General to the
UK and STIC for Europe and Israel

Open →

Open Task →

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INV.001.003.8299

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



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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



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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

J.BARILARO

- 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

INV.001.005.3702

RE: REVIEW: Premier Briefing - Appointment of Senior Trade and Investment Commissioner July 2021

From: Amy Brown
To: Alexandra Engel
Date: Sun, 25 Jul 2021 12:30:03 +1000
Attachments: AXXXXXX Premier Briefing - Appointment of Senior Trade and Investment Commissioner July 2021_AB comments.docx (55.6 kB)

Here you go. Thanks so much for preparing. Jim B strongly recommends that the recruitment reports fully signed by each panel member (even if it's 'subject to referee checks and psychometric testing') be completed before this brief is sent up to the Ministers, in anticipation of them messing with due process.... (Realise that might delay this brief going up slightly). Could you please liaise with Kristy/Marianne on that?

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

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From: Alexandra Engel
Sent: Friday, 23 July 2021 4:50 PM
To: Amy Brown
Subject: REVIEW: Premier Briefing - Appointment of Senior Trade and Investment Commissioner July 2021

Hi Amy,

Sorry this took awhile to get to you – see attached STIC brief for the Premier.

Please confirm if Mike was involved in any of the interview panels (his name currently in red). Sorry if I've got any other details wrong – I've pieced things together from as many sources as I could find. Alicia is putting all the files together for me (CVs and panel reports), that I'll attach to the workflow when I send through.

I'll now prepare drafts for Treasurer, DP, Ayres, Tim and Mike in their templates – but will await your final approval of the attached content before inserting everything into workflow.

Alex

Alex Engel-Mallon | Chief of Staff
Office of the Chief Executive, Investment NSW
52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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INV.001.004.7382

Re: Senior Trade & Investment Commissioners - Recruitment Report - 3 of 3

From: Marianne Broadbent
To: Alicia Kemp
Cc: Lynne Clements
Date: Mon, 26 Jul 2021 14:05:13 +1000
Attachments: Selection Panel Report- STIC_Americas_2107_Draft1.xlsx (71.28 kB)

Alicia, attached now is the Selection Report for Americas. Again if you can get Amy to review and sign please. And then either do the same with Jim Betts and Warwick Smith or send us back the Report signed by Amy and we will do the rest.

Thanks much. Marianne B

Dr Marianne Broadbent
MANAGING PARTNER

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From: Marianne Broadbent
Date: Monday, 26 July 2021 at 1:41 pm
To: Alicia Kemp
Cc: Lynne Clements
Subject: Re: Senior Trade & Investment Commissioners - Recruitment Report

Alicia, THought we had already sent those reports for India/ Middle East and for ASEAN/Singapore to Amy to review, and will shortly also provide the Americas one. Best if Amy checks them first please before going to the other Panel members. Happy then once checked by Amy for you to then send directly to Tim Reardon and Warwick Smith. If you need us to this after Amy approves, let's know.

Thanks Marianne B

Dr Marianne Broadbent
MANAGING PARTNER

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From: Alicia Kemp
Date: Monday, 26 July 2021 at 1:25 pm
To: Marianne Broadbent
Cc: Lynne Clements
Subject: Senior Trade & Investment Commissioners - Recruitment Report

INV.001.004.7519

Hi Marianne,

We are currently preparing the briefs for the Premier and Ministers regarding the appointment of Senior Trade and Investment Commissioners.

Amy has requested a recruitment report (Panel debrief/recommendations etc) for each position be prepared and fully signed by each panel member.

Would you please assist in preparing the reports as urgency so we can have these signed off by each panel member and attached to our briefs.

Kind regards,
Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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My workdays are: Mon | Tues | Wed | Thurs

RE: Senior Trade & Investment Commissioners - Recruitment Reports

From: Alexandra Engel
To: Kristy Manton
Cc: marianne.broadbent
Date: Mon, 02 Aug 2021 11:00:29 +1000

Alicia Kemp

Thanks all.

We don't need the psychometrics completed before sending the Americas report up for approval.

Marianne – if we could just get the signed panellist report for this one ASAP, that will be sufficient.

Thanks,

Alex

Alex Engel-Mallon | Chief of Staff
Office of the Chief Executive, Investment NSW
52 Martin Place, Sydney NSW 2000

| investment.nsw.gov.au

From: Kristy Manton
Sent: Monday, 2 August 2021 10:59 AM
To: Alicia Kemp
Cc: marianne.broadbent
Subject: FW: Senior Trade & Investment Commissioners - Recruitment Reports

Alexandra Engel

Hey Alicia

FYI- This one is being dealt with in a different way due the applicants

Alex has confirmed I can get the preferred candidate report from NGS so I can organise psychometric testing today (will be about 5 days till we get results) . If we send through a report today from NGS please note it will not have testing results

K

From: Alicia Kemp
Sent: Monday, 2 August 2021 10:55 AM
To: Kristy Manton
Cc: Michelle Vigo
Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Evelina Polura

Hi all – Amy has advised she would like to send the Americas report to the DPO today – could we please prioritise this report so I can have the panellists approve today.

Thanks,
Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

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My workdays are: Mon | Tues | Wed | Thurs

From: Alicia Kemp
Sent: Monday, 2 August 2021 9:46 AM
To: Kristy Manton
Cc: Michelle Vigc
Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Evelina Polura

Thanks Kristy can you please confirm once this has been actioned?

Amy is wanting to finalise and have the panelist individually sign the reports we will be including the reports in the final briefs to PO/MO.

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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My workdays are: Mon | Tues | Wed | Thurs

From: Kristy Manton
Sent: Friday, 30 July 2021 11:51 AM
To: Evelina Polura
Cc: Michelle Vigo
Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Alicia Kemp

Hi Alicia

We will populate into the selection report. Just grabbing off Marianne now

K

From: Evelina Polura
Sent: Friday, 30 July 2021 11:08 AM
To: Kristy Manton
Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Alicia Kemp

Hi Alicia,

Please find attached the OPQ results for the India/Middle East and Singapore STIC candidates.

Please don't hesitate to reach out if you need anything else.

Regards,

INV.001.005.0052

Evelina Polura | HR Business Partner

Investment NSW

52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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

From: Kristy Manton

Sent: Friday, 30 July 2021 10:32 AM

To: Alicia Kemp

Cc: Evelina Polura

Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Hey Alicia

Happy Friday!

Evelina is our HRBP for International so will be able to assist in the first instance.

K

From: Alicia Kemp

Sent: Friday, 30 July 2021 10:26 AM

To: Kristy Manton

Subject: FW: Senior Trade & Investment Commissioners - Recruitment Reports

Hi Kristy,

Happy Friday!

Are you able to assist or advise who is best to assist with the OPQ results for the STIC reports?

Thanks,

Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer

Investment NSW

52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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My workdays are: Mon | Tues | Wed | Thurs

From: Marianne Broadbent

Sent: Thursday, 29 July 2021 8:29 PM

To: Alicia Kemp

Cc: Lynne Clements

Subject: Re: Senior Trade & Investment Commissioners - Recruitment Reports

INV.001.005.0053

Alicia – thanks. Yes people explained when / how they knew the candidates, and whatever was needed by way of Conflicts of Interest.

Re completion of the Report, Investment NSW or the qualified person in P&C needs to enter the OPQ results. We do not complete the OPQ part as that is done internally by the HR folks, at least that is my experience to date. In Treasury Ken Boots did it in the format that the Dept required.

Thanks Marianne B

Dr Marianne Broadbent
MANAGING PARTNER

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From: Alicia Kemp
Date: Thursday, 29 July 2021 at 5:08 pm
To: Marianne Broadbent
Cc: Lynne Clements
Subject: RE: Senior Trade & Investment Commissioners - Recruitment Reports

Hi Marianne,

Apologies for missing your call.

Option 1 is the preference rather than having individual reports (we will be providing these with the Premier and Minister briefs).

When each panel convened, did all the members confirm their 'Candidates Conflict of Interest Declaration'? Amy's signed copy will be in PDF format so it will be difficult to edit the Conflict of Interest Declaration so I am planning to leave this as 'No Conflict of Interest' for each panel member.

Can you please confirm the copies I have are the finalised copies for signing and no other fields need to be completed.

Many thanks,
Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

investment.nsw.gov.au



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My workdays are: Mon | Tues | Wed | Thurs

From: Marianne Broadbent
Sent: Thursday, 29 July 2021 3:55 PM
To: Alicia Kemp

INV.001.005.0054

Cc: Lynne Clements

Subject: Re: Senior Trade & Investment Commissioners - Recruitment Reports

Alicia, attached is the revised report. As per my phone message, can you please confirm which of the following approaches you want to have the reports signed:

Option 1: Amy completes her part of the each Report then send to me and I get the same elec version signed by the other Panel members and return that to you,

OR

Option 2: I send an elec copy of each Report to each Panel member and they sign their own copy, return to me, then we return all elect copies to you as would need to keep all copies – if three panel members then 3 copies of each report, each with a different signature.

Please advise, and if Option 1, please send me the 'Amy signed' version and we will do the round robin with that version.

Thanks Marianne B

.

Dr Marianne Broadbent
MANAGING PARTNER

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**RE: Selection Panel Report- STIC_Americas_2107 - SIGNED
VERSION.xlsx**

To: Kristy Manton
Cc: Alexandra Engel

Michelle Vigo

Date: Mon, 02 Aug 2021 12:50:15 +1000

Thanks Kristy.

It was requested by Amy and Jim Betts that we should have each panel member sign the report rather than approving via email/to Amy.

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

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My workdays are: Mon | Tues | Wed | Thurs

From: Kristy Manton
Sent: Monday, 2 August 2021 12:13 PM
To: Alicia Kemp
Cc: Alexandra Engel

Michelle Vigo

marianne.broadbent

Subject: Selection Panel Report- STIC_Americas_2107 - SIGNED VERSION.xlsx

Hey Alicia

Here is the report where I have removed what is not required

Due to obvious sensitivities only myself and Michelle (at Investment NSW) should be contacted in relation to the recruitment.

The panel will need to now sign off. Im assuming this will occur post Dep Prem discussion?

All that will be required is an email to all panel members with a response of approved.

We have sent out OPQ today and will complete the selection report with these results by CoB Friday

K

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

investment.nsw.gov.au

INV.001.005.0140



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



RE: STIC Panel - Approval/Signature required

From: Leanne Stacey
To: Alicia Kemp
Date: Tue, 03 Aug 2021 14:32:06 +1000
Attachments: Selection Panel Report- STIC_Americas_2107 - SIGNED VERSION.pdf (271.14 kB)

Please see attached –

Kind regards

Leanne

Leanne Stacey
Executive Assistant to Secretary Jim Betts

Office of the Secretary | Department of Planning, Industry and Environment

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150.

From: Alicia Kemp
Sent: Tuesday, 3 August 2021 2:25 PM
To: Leanne Stacey
Subject: FW: STIC Panel - Approval/Signature required
Importance: High

Hi Leanne,

Just wanted to confirm when we might receive an approved/signed copy of the panel selection report.

We need to include this with our brief to the DPO and across ASAP.

Many thanks,
Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

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My workdays are: Mon | Tues | Wed | Thurs

From: Alicia Kemp
Sent: Monday, 2 August 2021 12:43 PM
To: Leanne Stacey
Subject: STIC Panel - Approval/Signature required
Importance: High

CONFIDENTIAL

Hi Leanne,

INV.001.005.0481

Hope you are well and had a nice weekend.

Attached is the STIC Americas Selection Panel Report which required approval/signing – could you please arrange for Jim to approve/sign.

Amy would like to arrange for the DPO to have a copy today if possible.

Thanks,
Alicia

Alicia Kemp | Executive Assistant to Chief Executive Officer
Investment NSW
52 Martin Place, Sydney NSW 2000

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My workdays are: Mon | Tues | Wed | Thurs

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.

INV.001.006.0119

J.BARILARO

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



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INV.001.006.0120

AMY BROWN: Of course I knew Mr Barilaro in the past. I was with the Public Service Commissioner, who knows the structure of the public service and that he was the Minister for trade and industry.

The Hon. COURTNEY HOUSSOS: Ms Brown, you have just said that you didn't insist on Mr Barilaro completing his own declarations, but you could have made your own about a conflict-of-interest declaration. Why didn't you?

AMY BROWN: I could have but there was no conflict of interest, so I did not. Kathrina Lo, who is the Public Service Commissioner—hopefully you will call her and she can talk to that point.

The Hon. WES FANG: What's the conflict?

AMY BROWN: I don't know.

The CHAIR: Order! Mr Fang, we're doing so well.

The Hon. DANIEL MOOKHEY: Secretary Brown, can I take you to page 12 of the tender bundle?

The CHAIR: What page did you say?

The Hon. DANIEL MOOKHEY: Twelve. This is correspondence that you sent to your chief of staff, in which you say:

Here you go. Thanks so much for preparing. Jim B—

which is a reference to Jim Betts, who at the time was the incoming Secretary of the Department of Premier and Cabinet—

strongly recommends that the recruitment reports fully signed by each panel member ... be completed before this brief is sent up to the Ministers, in anticipation of them messing with due process ...

Did you have a conversation with then Secretary Betts about signing the selection reports?

AMY BROWN: I did have a conversation with Secretary Betts about signing the selection report.

The Hon. DANIEL MOOKHEY: Did he warn you that there was a chance that Ministers would mess with due process?

AMY BROWN: We had a conversation about the fact that because the other two appointments went to Cabinet, there was a lot of confusion, and I was concerned that certain Ministers or their offices may feel that they have veto rights over my appointment.

The Hon. DANIEL MOOKHEY: Who were you concerned would have veto rights over your appointment?

AMY BROWN: I was concerned that the Deputy Premier's office would feel that they had veto rights.

The Hon. DANIEL MOOKHEY: You were concerned that the Deputy Premier's office would, and then Secretary Betts gave you the advice to make sure that every panel checked it. Is that correct?

AMY BROWN: Yes, and particularly because the first-ranked candidate was a current bureaucrat.

The Hon. DANIEL MOOKHEY: Can we now turn to page 35 of the bundle? You will have to start on page 36, and then we will go to 35. It's an email chain that starts on the bottom of page 36 and then goes up, so we will have to start on 36. You can see here right at the bottom of 35, I think one of your executive assistants chases up for the signed panel report that Secretary Betts recommended. You see right at the bottom here your executive assistant is informing someone else—your chief of staff, I think—that:

Amy would like to arrange for the DPO to have a copy today if possible.

Do you see that?

AMY BROWN: Yes, I do.

The Hon. DANIEL MOOKHEY: Can you go to page 35?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: Can you go up the page?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: You see here that this person, who is the executive assistant, is emailing now the executive assistant of Secretary Betts?

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: So your EA is emailing Mr Betts' EA.

AMY BROWN: Yes.

The Hon. DANIEL MOOKHEY: It says this:

Hi ...

Just wanted to confirm when we might receive an approved/signed copy of the panel selection report.

We need to include this with our brief to the DPO and across ASAP.

You understand "DPO" to be a reference to the Deputy Premier's office?

AMY BROWN: That is true.

The Hon. DANIEL MOOKHEY: Why was it so urgent to send it to the Deputy Premier's office?

AMY BROWN: I wanted to provide briefs for noting briefs to the four Ministers who I referred to before, and I wanted the selection reports to be signed before I did that.

The Hon. DANIEL MOOKHEY: Indeed.

AMY BROWN: I had already verbally offered—well, no, at this point I hadn't verbally offered the candidate, but I wanted to get going on the appointment. So "ASAP" was—

The Hon. DANIEL MOOKHEY: But you don't mention the other offices in this email: "We need to include this with our brief to the DPO and across". It's not "DPO and Treasury", "DPO and Premier", "DPO and Ayres". It's DPO.

AMY BROWN: He was the portfolio Minister, so—

The Hon. DANIEL MOOKHEY: But was he asking for this brief urgently?

AMY BROWN: His office was.

The Hon. DANIEL MOOKHEY: His office was asking for an urgent brief outlining the selection report for the New York position?

AMY BROWN: They wanted to know the outcome of the process.

The Hon. DANIEL MOOKHEY: Can I have an indulgence, Chair? Can I just ask a few more questions?

The CHAIR: Just one—

The Hon. SCOTT FARLOW: No.

The Hon. WES FANG: You've had two hours.

The CHAIR: Finish the line of questioning.

The Hon. DANIEL MOOKHEY: Thank you. The only line of questioning is: Did you then send the report to the Deputy Premier's office?

AMY BROWN: It was attached to the for noting brief that went up on 11 August.

The Hon. DANIEL MOOKHEY: It went up on 11 August?

AMY BROWN: That's right.

The Hon. DANIEL MOOKHEY: The report went to the Deputy Premier's office about the Americas position?

AMY BROWN: Yes. Because it was attached to the briefing.

The CHAIR: Thank you very much. We finish at midday, unless the Government would like to, with the permission of the witness—

The Hon. SCOTT FARLOW: The Government does.

The CHAIR: If the witness is able to stay, the Government would like to ask questions for the remaining 15 minutes, with the indulgence of the—

AMY BROWN: Yes, okay.

The Hon. SCOTT FARLOW: I thought that was the resolution of the Committee.

The Hon. WES FANG: I note, also, that Ms Brown said she's got some answers to provide to the—

The CHAIR: Questions from the Government. Who would like to—

The Hon. SCOTT FARLOW: I will start off, thank you. Just for clarification, with respect to the obligations of a Minister in seeking future employment and whether you gave any reference to this, the NSW Ministerial Code of Conduct at 24 (2) specifically says that the "clause does not apply to any offer of post-separation employment by the State of New South Wales or any agency representing the State". Is that something you would've considered, perhaps, in terms of your discussions with Mr Barilaro?

AMY BROWN: That's very helpful. I suspect that the Public Service Commissioner is very aware of that provision, as I also would expect my general counsel is. That is why I did not receive any counsel or advice to the contrary.

The Hon. SCOTT FARLOW: Also turning back to the evidence you gave with respect to there being no suitable applicant at the end of the process on 1 October, as I understand it, you outlined that in about mid-September you started to make Ms West aware of the potential that there was going to be some changes in terms of how that role was appointed. I think you invited the Committee before that potentially you were happy to go into—maybe not happy but could go into why you'd come to that view that Ms West was not suitable for the role. I invite you to perhaps outline to the Committee why, as of 1 October, you had come to the view that she was not suitable for the role.

The Hon. DANIEL MOOKHEY: Point of order: As I recall, what the secretary said was that she was happy to provide further evidence in camera. I'm happy to resolve that we go in camera to hear the evidence, because it's a good question. I think the appropriate thing to do would be to go in camera.

The CHAIR: That's correct. We have also been very careful throughout the past two hours. I remind Government members to try not to name individuals.

The Hon. SCOTT FARLOW: I think Ms West has been quite high profile in this inquiry.

The CHAIR: To use these final 15 minutes of a public hearing to outline why an applicant is not suitable—I would suggest we go in camera for that.

The Hon. SCOTT FARLOW: I think that it's fundamental when it comes to the actual nature of this inquiry that there was a candidate who was deemed to not be suitable for a certain reason by 1 October.

The Hon. DANIEL MOOKHEY: Just to be clear about the point of order, I am not challenging the right of the Government to ask the question. The Government has the right to ask the question. There has been previous practice in the Legislative Council that we go in camera when we are giving sensitive information about a person. The Committee can make a decision later as to whether we publish the transcript. My view is that if the Government wishes to continue to move down this path—because it's a valid question—the appropriate way for us to deal with it would be in camera, with the Committee making a decision later as to whether we publish it.

The Hon. JOHN GRAHAM: If that was the wish of the witness, yes.

The CHAIR: If that was the wish of the witness and if the Opposition members wanted to move that way, then that's what we do. Does the witness wish to proceed in that manner in terms of discussing—

AMY BROWN: Other than to say the relationship deteriorated, specific details of that are probably best for in camera.

The CHAIR: Yes. If that's the way—

The Hon. DANIEL MOOKHEY: We will happily move—

The CHAIR: Okay. Let's proceed—

The Hon. SCOTT FARLOW: Why don't we come back to this line of—if I can pass to my colleague Mr Fang and return to this in an in-camera hearing—

The Hon. PENNY SHARPE: The other option is to do that on a different day.

The Hon. DANIEL MOOKHEY: Yes, we can do it on a different day.

The CHAIR: Order! What we are going to do—any other questions from the Government that don't require us to go in camera, then, if time permits, we will go in camera to go down that line of questioning by Mr Farlow. Mr Fang—

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

Hi Jenny

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

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

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

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

Kind regards

Amy

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IN-CAMERA REPORT ON PROCEEDINGS BEFORE

PUBLIC ACCOUNTABILITY COMMITTEE

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

UNCORRECTED

At Jubilee Room, Sydney, on Monday 22 November 2021

The Committee met at 13:00.

PRESENT

The Hon. Robert Borsak (Acting Chair)
The Hon. Wes Fang
The Hon. Scott Farlow
Ms Sue Higginson (substituting for Ms Faehrmann)
The Hon. Courtney Houssos
The Hon. Taylor Martin (substituting for Mr Farlow)
The Hon. Daniel Mookhey (participating)
The Hon. Peter Poulos
The Hon. Penny Sharpe (substituting for Mr Graham)

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another

The ACTING CHAIR: Welcome to this in-camera session of the Public Accountability Committee inquiry into the appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas. Before I commence, I would like to acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past, present and emerging and celebrate the diversity of the Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. I welcome Mr Joseph Brayford, who has agreed to give evidence in private today. Before we commence, I would like to make some brief comments about procedures for today's hearing. Please note that this is an in-camera hearing and evidence is confidential. This means that this session is not being broadcast and a transcript of today's session will remain confidential to the Committee.

In certain circumstances, the Committee may find it valuable to publish some of what you say. If so, the Committee secretariat will consult with you about this, taking into account your circumstances. Ultimately, the decision as to what is or is not published rests with the Committee. As you would be aware, your evidence is protected by parliamentary privilege. It is important to remember that privilege does not apply to what you say outside of your evidence at the hearing. If you are unable to answer a question today and want to take some more time to respond, you can take a question on notice. Written answers to questions taken on notice are to be provided within 21 days. In terms of the audibility of the hearing today, I remind both Committee members and witnesses to speak into the microphones.

Evidence in camera by **Mr JOSEPH BRAYFORD**, Former Senior Policy Adviser, Office of the Deputy Premier, affirmed

The ACTING CHAIR: Welcome, Mr Brayford. Would you like to start by making a short opening statement?

JOSEPH BRAYFORD: Yes.

The ACTING CHAIR: Please keep it to a couple of minutes.

JOSEPH BRAYFORD: Thank you, Committee members. My name is Joseph Brayford. I was employed as the senior policy adviser for industry and trade in the office of the Deputy Premier from March 2019 to October 2021. I am here today to help this inquiry.

The Hon. DANIEL MOOKHEY: Mr Brayford, thank you for your appearance today. It is very much appreciated. When did you commence as an adviser to Mr Barilaro?

JOSEPH BRAYFORD: In the senior policy adviser role? I was previously before that—

The Hon. DANIEL MOOKHEY: Yes, the senior policy adviser role.

JOSEPH BRAYFORD: March 2019.

The Hon. DANIEL MOOKHEY: So upon the Government's re-election?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: When did you leave?

JOSEPH BRAYFORD: October 2021.

The Hon. DANIEL MOOKHEY: Can I formally table those documents, Chair, and can I provide a copy to Ms Higginson and also to Government members? What were your responsibilities, Mr Brayford?

JOSEPH BRAYFORD: As senior policy adviser for industry and trade, it was quite broad. My responsibilities were—day to day, I would be drafting correspondence, editing correspondence, drafting speeches, I would be reviewing briefing notes, I would be researching. For example, if the Deputy Premier was meeting someone, I would research who he was meeting and any historical interactions they might have had or this person might have had with the Government. I essentially acted as the conduit between the government agency, which was Treasury at the beginning and then later Investment NSW, and the Deputy Premier.

The Hon. DANIEL MOOKHEY: You were the senior adviser; is that right?

JOSEPH BRAYFORD: That was my title, yes.

The Hon. DANIEL MOOKHEY: Was there a junior adviser?

JOSEPH BRAYFORD: No, there wasn't. It was just a bit of an unusual title and one that I inherited. There was no senior/junior; it was just one senior.

The Hon. DANIEL MOOKHEY: Who did you report to?

JOSEPH BRAYFORD: The chief of staff.

The Hon. DANIEL MOOKHEY: Who was that?

JOSEPH BRAYFORD: I can't remember the date they would have changed over, but at the beginning it was Mark Connell, and then at some point during that term it changed to Siobhan McCarthy, who was also Siobhan Hamblin—she got married.

The Hon. DANIEL MOOKHEY: Did that transition take place circa 2020?

JOSEPH BRAYFORD: I actually can't recall.

The Hon. DANIEL MOOKHEY: How often did you speak to the Deputy Premier?

JOSEPH BRAYFORD: Infrequently. I would struggle to be able to give a—there were no regular meetings scheduled between him and I; it was just ad hoc.

The Hon. DANIEL MOOKHEY: So in terms of the duties that you have just described, how would you provide that information to the Deputy Premier?

JOSEPH BRAYFORD: We had an internal office protocol set up. Say if it was a piece of correspondence, I would provide that draft correspondence to the chief of staff and then my understanding is that she would approve or review or whatever and then provide it to the Deputy Premier.

The Hon. DANIEL MOOKHEY: Did the Deputy Premier ever give you verbal instructions?

JOSEPH BRAYFORD: Occasionally.

The Hon. DANIEL MOOKHEY: Did he ever give you verbal instructions in respect of any of the senior trade and investment commissioner roles?

JOSEPH BRAYFORD: A verbal—

The Hon. DANIEL MOOKHEY: Did you have any discussion with the Deputy Premier whatsoever at any point in time about any of the senior trade and investment commissioner roles?

JOSEPH BRAYFORD: Yes, I would have.

The Hon. DANIEL MOOKHEY: Do you recall when the first conversation was?

JOSEPH BRAYFORD: I can't say if it was the first one, but I do recall, for example, I think London and Tokyo were the first two which they recruited and there was, I think, a meeting request for the candidates to meet the Deputy Premier. I think I might have provided that to his diary manager and then I may have spoken to him to say, "They're here to meet you."

The Hon. DANIEL MOOKHEY: Okay. I'm going to now refer to the senior trade and investment commissioners using the term the STIC, just to be clear—the STIC commissioners.

JOSEPH BRAYFORD: Okay, yes.

The Hon. DANIEL MOOKHEY: Did you at any point have any discussion with the Deputy Premier about the STIC Americas position?

JOSEPH BRAYFORD: I can't recall a specific conversation with him at any point about that one.

The Hon. DANIEL MOOKHEY: Did you have any discussion with the chief of staff about the STIC Americas position of any type?

JOSEPH BRAYFORD: I can't recall a conversation, no.

The Hon. DANIEL MOOKHEY: Any conversation whatsoever? Search your memory, Mr Brayford.

JOSEPH BRAYFORD: I can't recall it.

The Hon. DANIEL MOOKHEY: Do you recall any conversations with the CEO of Investment NSW about the STIC Americas position?

JOSEPH BRAYFORD: No.

The Hon. DANIEL MOOKHEY: None?

JOSEPH BRAYFORD: Not—

The Hon. PENNY SHARPE: Can I just ask on that, how often did you meet with the Investment NSW CEO?

JOSEPH BRAYFORD: Fortnightly, I think.

The Hon. PENNY SHARPE: So, quite frequently, and so you were the main conduit between the office and the work that Investment NSW was doing in relation to the trade—in particular, the recruitment process for the global program for the STICs.

JOSEPH BRAYFORD: That was my understanding of my role, yes.

The Hon. DANIEL MOOKHEY: Was it fortnightly, or was it weekly?

JOSEPH BRAYFORD: I can't recall.

The Hon. DANIEL MOOKHEY: Ms Brown has told us that she had weekly meetings with the Deputy Premier's office. Could it have been weekly?

JOSEPH BRAYFORD: Maybe. It could have.

The Hon. DANIEL MOOKHEY: Who attended those weekly or fortnightly meetings?

JOSEPH BRAYFORD: It would be myself; whoever from Investment NSW, I suppose, would be required—so sometimes they might have been talking about maybe some manufacturing issues, because the industry side is so broad, it covered so much and there were people who looked after particular areas of it; Kylie Bell, who was the executive director at the time; Jenny West usually attended those meetings, but there were a few that she was absent for, I can recall; and then I can't say that Amy Brown was always there, but I think she was—

The Hon. DANIEL MOOKHEY: A regular attendee?

The Hon. PENNY SHARPE: Yes. She'd be the most regular attendee, wouldn't she?

JOSEPH BRAYFORD: I can't say she was the most regular attendee. I don't know if she was the most regular.

The Hon. DANIEL MOOKHEY: But she was a regular attendee.

JOSEPH BRAYFORD: She was an attendee.

The Hon. DANIEL MOOKHEY: Yes, okay. But, just to be clear here, you're telling me that you never had any conversations with Ms Brown about the STIC Americas position? Did I hear you correctly?

JOSEPH BRAYFORD: Sorry. I can't recall an explicit conversation with her about that, sorry.

The Hon. DANIEL MOOKHEY: And you can't recall a specific conversation about the STICs Americas position with the chief of staff? Or did you say that you've never had a conversation with the chief of staff?

JOSEPH BRAYFORD: I can't recall one explicitly about the Americas.

The Hon. DANIEL MOOKHEY: And you can't recall a specific conversation about the Americas conversation with Mr Barilaro either?

JOSEPH BRAYFORD: No. I can't recall a particular one about that.

The Hon. DANIEL MOOKHEY: Okay. Do you recall any conversation with Minister Barilaro about converting the STICs positions into ministerial appointments?

JOSEPH BRAYFORD: Not with Barilaro, no.

The Hon. DANIEL MOOKHEY: With anyone?

JOSEPH BRAYFORD: I recall a conversation with my chief of staff about that.

The Hon. DANIEL MOOKHEY: Let's start with that. When was the first conversation that took place?

JOSEPH BRAYFORD: I believe it was August 2021.

The Hon. DANIEL MOOKHEY: And what did the chief of staff ask? What was the nature of the conversation? Did you initiate it, or did the chief of staff initiate it?

JOSEPH BRAYFORD: My chief of staff initiated it.

The Hon. DANIEL MOOKHEY: Take us through it.

JOSEPH BRAYFORD: What I recall was she called me into her office and asked me to contact Amy Brown and to inquire as to the various methods and arrangements for commissioners overseas.

The Hon. DANIEL MOOKHEY: And this was in the ministerial office, was it?

JOSEPH BRAYFORD: It could have been here at Parliament.

The Hon. DANIEL MOOKHEY: Okay. And, sorry, she asked you for—can you just repeat that again?

JOSEPH BRAYFORD: So, she asked me to ask Amy Brown for information and advice around various alternative appointment processes for commissioners overseas.

The Hon. DANIEL MOOKHEY: And in terms of asking you to ask Amy Brown, did she ask you specifically whether or not there was an option to convert them into ministerial appointments?

JOSEPH BRAYFORD: I think—I don't think she asked that. I think it was a broader question.

The Hon. DANIEL MOOKHEY: At the first conversation?

JOSEPH BRAYFORD: At the first conversation, yes. I actually recall two conversations on this.

The Hon. DANIEL MOOKHEY: Take us to the second conversation.

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Actually, before we do, do you have any specific recall as to when in August this conversation—

JOSEPH BRAYFORD: No. No, I don't recall. August is the closest I think I can get confidently.

The Hon. DANIEL MOOKHEY: Okay. Just before we move on—

The Hon. COURTNEY HOUSSOS: Did you get any file notes?

JOSEPH BRAYFORD: I can't recall if I took any. I can't recall that.

The Hon. DANIEL MOOKHEY: Did you have this conversation with—is it Ms Hamblin at this time?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: After you received a briefing note about the STIC Americas position?

JOSEPH BRAYFORD: I can't recall receiving a briefing note.

The Hon. DANIEL MOOKHEY: Do you recall receiving a briefing note on the appointment of the STICs positions around 11 August 2021?

JOSEPH BRAYFORD: I can't recall. I can't recall.

The Hon. DANIEL MOOKHEY: Did Ms Hamblin make any reference to a briefing note?

JOSEPH BRAYFORD: I can't recall if she did.

The Hon. DANIEL MOOKHEY: This conversation takes place sometime in August. Was it early August, late August or you just don't recall?

JOSEPH BRAYFORD: I—

The Hon. DANIEL MOOKHEY: That's okay. I won't push you on that. But, Mr Brayford, just moving forward, you get asked to make a request to inquire with Ms Brown about alternative appointments. Did you make those inquiries?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: How did you make those inquiries?

JOSEPH BRAYFORD: I think email.

The Hon. DANIEL MOOKHEY: To Ms Brown?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: And did Ms Brown reply?

JOSEPH BRAYFORD: I don't know if Ms Brown replied or it could have—she could have maybe had a delegate. I'm not sure, but I do recall getting a response to it.

The Hon. DANIEL MOOKHEY: And did you get the response approximate to when you made the request? Was it within a couple of days? Was it a week? Was it two weeks?

JOSEPH BRAYFORD: I can't put a time frame on it, but it wasn't two weeks or anything like that. I think it was within maybe 24 to 48 hours.

The Hon. DANIEL MOOKHEY: So it was quick. It was turned around relatively quickly.

JOSEPH BRAYFORD: They were a good agency. They turned things around pretty regular.

The Hon. DANIEL MOOKHEY: And did you then provide that advice back to Ms Hamblin?

JOSEPH BRAYFORD: Yes, I did.

The Hon. DANIEL MOOKHEY: In email or verbally?

JOSEPH BRAYFORD: I think she used an in-tray system at the time, so what we would do is we would put her requests, also those correspondence things I had sent before—we'd put them in her in-tray.

The Hon. DANIEL MOOKHEY: So you wrote a written note or—

JOSEPH BRAYFORD: No, I didn't write one. I would have provided the email.

The Hon. DANIEL MOOKHEY: Oh, so you would have printed Ms Brown's email and popped it in.

JOSEPH BRAYFORD: I recall printing the email, I think, and I—see, I can't say 100 per cent. I think I printed the email and put it in her in-tray.

The Hon. DANIEL MOOKHEY: Okay. And what advice did Ms Brown give you in respect to the alternative—

JOSEPH BRAYFORD: I can't recall the content of the email.

The Hon. DANIEL MOOKHEY: Okay. And there's a second conversation that takes place with Ms Hamblin—unless we've got any more questions on the first? No? When does the second conversation take place?

JOSEPH BRAYFORD: It was—again, I can't recall the exact date but it was following the first conversation.

The Hon. DANIEL MOOKHEY: Proximate to.

The Hon. PENNY SHARPE: Can we just get it approximately? It's clear that dates aren't your favourite thing, Mr Brayford, which is fine, and we are asking a couple of years in.

The Hon. DANIEL MOOKHEY: One year.

The Hon. PENNY SHARPE: But we just trying to get a bit of a sense of—look, let's be honest here. An approval process had gone through where Jenny West had been approved as the preferred candidate. There had been discussion and then there was obviously preparations happening in your office to actually take to Cabinet changes in the way that these positions were appointed. We're trying to get a sense of the time line and discussions within the office about who was acting in relation to those actions. We're pretty across all that so—

JOSEPH BRAYFORD: I understand.

The Hon. PENNY SHARPE: You don't need to give us the exact date.

JOSEPH BRAYFORD: I understand. Unless I'm confident, I don't want to mislead anything.

The Hon. DANIEL MOOKHEY: If you don't mind, perhaps we can move forward here because we will be asking you a lot on the specifics. Can you provide us whatever information you have and perhaps take on notice whether you can provide specific detail on further dates, if that's possible?

JOSEPH BRAYFORD: I can try, yes. I am happy to take that on notice.

The Hon. DANIEL MOOKHEY: Close to the first conversation, you had a second conversation with Ms Hamblin. What was the nature of that conversation?

JOSEPH BRAYFORD: So, she asked me to again seek advice from Amy Brown if ministerial appointments required legislation.

The Hon. DANIEL MOOKHEY: That is in order to convert the appointment process for the STICs to ministerial appointments—whether that required a legal change?

JOSEPH BRAYFORD: Well, that's what she asked me; why she asked me that, I won't—

The Hon. DANIEL MOOKHEY: Did you make any inquiries as to why she was asking that?

JOSEPH BRAYFORD: No, I didn't ask that.

The Hon. DANIEL MOOKHEY: Did you then act on that request?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: How? Did you email Ms Brown?

JOSEPH BRAYFORD: I think it was similar to the first time.

The Hon. DANIEL MOOKHEY: And then you provided that advice back to Ms Hamblin?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: In the same way you did before, which is you put it into an inbox?

JOSEPH BRAYFORD: I believe so.

The Hon. DANIEL MOOKHEY: Do you have any idea as to when that took place?

JOSEPH BRAYFORD: I'd struggle to put any more detail than just August.

The Hon. DANIEL MOOKHEY: Early August, did you say?

JOSEPH BRAYFORD: No, I can't—no, just August.

The Hon. DANIEL MOOKHEY: August?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: At this point in time were you aware that Ms West had been selected by the first selection panel for the Americas position.

JOSEPH BRAYFORD: I wasn't aware of that. The extent that I was made aware was—I can't remember who in Investment NSW told me but they had mentioned that Ms West had applied for the New York role and she, therefore, would be distancing herself from any process around that.

The Hon. DANIEL MOOKHEY: At this point in August, Ms West had already been selected for the role. Were you aware of that?

JOSEPH BRAYFORD: I wasn't aware of that.

The Hon. DANIEL MOOKHEY: Did Ms Hamblin ever mention it to you?

JOSEPH BRAYFORD: I can't recall a conversation where she mentioned that to me.

The Hon. DANIEL MOOKHEY: And you don't recall yourself getting any ministerial briefing?

JOSEPH BRAYFORD: I can't recall one.

The Hon. DANIEL MOOKHEY: Can you turn to page 14 of the tender bundle?

JOSEPH BRAYFORD: Which one is that? The big one or—

The Hon. DANIEL MOOKHEY: The one that says "tender bundle", the big one.

JOSEPH BRAYFORD: Yes. Fourteen, did you say?

The Hon. DANIEL MOOKHEY: Yes. Start on page 13, actually.

JOSEPH BRAYFORD: Sorry, 13, did you say?

The Hon. DANIEL MOOKHEY: Yes, start on 13. My error, Mr Brayford. You can see here that this is an excerpt from the Objective system. This is a briefing note that is "DP Endorsement of the Agent-General to the UK and STIC for Europe and Israel Pending Ministerial Approval". Do you see that?

JOSEPH BRAYFORD: In this grey box? It says "DP Endorsement"—

The Hon. DANIEL MOOKHEY: Yes. Can you turn to page 14?

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: You can see the soft copy is emailed to you? Do you see "To Joe Brayford" at the top?

JOSEPH BRAYFORD: That's what it says, yes.

The Hon. DANIEL MOOKHEY: Do you recall receiving this?

JOSEPH BRAYFORD: No, I don't recall.

The Hon. DANIEL MOOKHEY: We have a similar one in respect to the Treasurer, to be fair—to be very clear, not to the Deputy Premier—but it does look like it was pretty routine, at least for the STIC positions, for you to be emailed the briefing and it eventually goes to the Minister. I accept, Mr Brayford, that you may not recall it, but is it possible that you were sent a briefing note about the STIC Americas position around 11 August?

JOSEPH BRAYFORD: Maybe. I can't recall.

The Hon. DANIEL MOOKHEY: Given that we have seen the note that went to the Premier's office—that would have notified the Deputy Premier's office that Ms West was appointed. Do you have any specific recalls of a discussion with the chief of staff of the Deputy Premier about that briefing note whatsoever?

JOSEPH BRAYFORD: Sorry, who notified who?

The Hon. DANIEL MOOKHEY: We have seen the version of this briefing note that was sent to Premier Berejiklian and that was returned by Premier Berejiklian.

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: We will get into the circumstances a bit later about the Deputy Premier's office's conduct in respect to that briefing note, but I just want to be very clear here: You don't recall seeing it around 11 August—about any briefing note to do with the STIC Americas position?

JOSEPH BRAYFORD: I don't recall.

The Hon. DANIEL MOOKHEY: Okay.

The Hon. PENNY SHARPE: Just to be clear, did you ever receive briefing notes giving the sign-off of Tokyo and the others? What you've said is that you were the senior trade adviser; you were the conduit between the department and the Deputy Premier. Clearly there were other appointments before we get to the Americas STIC position. Are you saying to us that you don't recall any briefing notes other than what you have said before, which is that you helped organise a meeting with two of the successful candidates?

JOSEPH BRAYFORD: Well, my remit was a lot broader than trade. My title was senior policy adviser, industry and trade.

The Hon. PENNY SHARPE: Yes, I know they are busy jobs.

JOSEPH BRAYFORD: And I cannot recall—there are a lot of industries in New South Wales.

The Hon. PENNY SHARPE: Yes. Is it possible that those briefing notes were going straight to the chief of staff rather than coming via you?

JOSEPH BRAYFORD: I can't recall. Possible—maybe yes, maybe no. I cannot recall.

The Hon. DANIEL MOOKHEY: Just to go back, Mr Brayford, you're adamant that the first time you were asked to make inquiries of Ms Brown about conversion to ministerial positions was in August. Did I hear that correctly?

JOSEPH BRAYFORD: That's the best of my recollection.

The Hon. DANIEL MOOKHEY: And not before?

JOSEPH BRAYFORD: I can't recall before.

The Hon. DANIEL MOOKHEY: Do you recall any conversations in June or July with Ms Brown, Ms Hamblin or Minister Barilaro?

JOSEPH BRAYFORD: No, I can't recall.

The Hon. DANIEL MOOKHEY: Again, just to search your memory, is it possible that Ms Hamblin was making a request of you to seek this advice in July or in June last year?

JOSEPH BRAYFORD: I can't say—I have searched my brain and I tried to get as accurate as I could with the dates. It could have been earlier than August. I am trying from the best of my recollection and that's what I—

The Hon. DANIEL MOOKHEY: I appreciate that. Can you turn to pages 16 and 17 of your tender bundle?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Can you go straight down to the bottom there? This is an email that Ms Brown sent to you on 2 July 2021 at 10.24 a.m. Do you see where I'm up to on the page?

JOSEPH BRAYFORD: Just down at the bottom?

The Hon. DANIEL MOOKHEY: Yes.

The ACTING CHAIR: What page was it?

The Hon. DANIEL MOOKHEY: Page 16 of the tender bundle. Mr Brayford, you see here Ms Brown asks you:

Hi Joseph

Further to your question on the above:

The subject is:

Subject: Investment NSW and statutory officers

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: If you go over the page, you see seven dot points that are all to do with converting these to statutory officers, which are ministerial appointments. I can give you 30 seconds if you want to re-read it now, just to be across the detail on it. But, to be fair, I am not really going to ask you about the details contained in the email. What is clear here, though, is that Ms Brown was responding to a request for advice on conversion to investment to statutory officers as early as 2 July 2021. She is clear here that it's to your question here. Were you asking Ms Brown for advice on conversion to ministerial positions in early July?

JOSEPH BRAYFORD: To the best of my recollection I thought it was August. I could be incorrect.

The Hon. DANIEL MOOKHEY: To be fair, Mr Brayford, it seems that there were multiple conversations and I do not dispute that there were probably two in August. What I am asking is whether there were also conversations in late June or early July.

JOSEPH BRAYFORD: I really can't recall the exact dates.

The Hon. COURTNEY HOUSSOS: Mr Brayford, it was a year ago. This was a couple of days after the State going into lockdown, so perhaps if you could try to think about the fact that you were probably working from home. We had all immediately been starting to work from home. Was it straightaway that this happened or was it some time into that period?

JOSEPH BRAYFORD: I really can't recall.

The Hon. DANIEL MOOKHEY: Did you of your own volition decide to ask Ms Brown? Is that something you would do?

JOSEPH BRAYFORD: No, that's not something I would do.

The Hon. DANIEL MOOKHEY: So it's reasonable to infer that you were asked to seek this advice sometime around that time?

JOSEPH BRAYFORD: I'm not sure whether or not my recollection in August is this. All I could recall what I thought was August and I think—and that I was asked to seek that advice from Amy Brown for my chief of staff at the time.

The Hon. DANIEL MOOKHEY: Mr Brayford, I am not disagreeing with you that that was in August. To be very clear here, your description of the events in August certainly do align with the chronology that has been provided to us by other witnesses. So I am not disputing the events of August whatsoever. I agree with you and your evidence is very credible that you had two conversations in August. But I am suggesting to you that you also had a conversation in either late June or early July that caused you to make a request to Ms Brown for advice on conversion and then you received that reply as well. If you have no further recall of it, I understand, but I am just going to give you this as an opportunity to shed any further light on this.

JOSEPH BRAYFORD: Thank you. I can see her email and it looks like to me, but I cannot recall this.

The Hon. DANIEL MOOKHEY: Do you recall having conversations of any type with anybody in the Minister's office, including the Minister, about conversion in June or July?

JOSEPH BRAYFORD: Not in June and July, no. I can't recall that.

The Hon. PENNY SHARPE: Can I ask you about the involvement of your office—whether it was you directly or others in your office—in relation to the view that the Deputy Premier had taken that these positions should be ministerial positions?

JOSEPH BRAYFORD: I am not sure about my office.

The Hon. PENNY SHARPE: Sorry, Mr Brayford, just to be clear, the Deputy Premier took to Cabinet in September a Cabinet minute that sought to change these positions from public service positions to ministerial positions. Are you saying that you had nothing to do with that?

JOSEPH BRAYFORD: I can recall that. I can recall getting a text message from the Deputy Premier asking me to contact Amy Brown about preparing that Cabinet submission.

The Hon. PENNY SHARPE: That was from the Deputy Premier?

JOSEPH BRAYFORD: That was from the Deputy Premier.

The Hon. DANIEL MOOKHEY: Sorry, step by step—I will take you to the other document because it is only fair to show this to you right now. It is the one that is not marked, the small one. This is correspondence—so we can get the right chronology, if you don't mind.

The Hon. PENNY SHARPE: Yes, that's fine.

The Hon. DANIEL MOOKHEY: You can see here that this is an email from Ms Brown to Ms West, which I presume you haven't seen, Mr Brayford?

JOSEPH BRAYFORD: I've never seen it.

The Hon. DANIEL MOOKHEY: I would not expect you to have seen it. I am showing it to you because it clearly states from Ms Brown, "The Deputy Premier has now formally lodged a submission to Cabinet which would, if approved, affect the delegations." She sends this email on 18 September—you can see above—and I think, from the evidence that we have gleaned elsewhere, it is possible that that submission was lodged on 17 September. So let's go back to the start. When did you receive that text message from the Deputy Premier? Do you have a copy of the text message with you?

JOSEPH BRAYFORD: I don't, no. I handed all my devices back to DPC. It was in September.

The Hon. DANIEL MOOKHEY: Was it after 6 September?

JOSEPH BRAYFORD: I can't recall.

The Hon. DANIEL MOOKHEY: But you recall getting a text message?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: So it is possible it was between 6 and 17 September?

JOSEPH BRAYFORD: It may or may not be; I can't be certain.

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

JOSEPH BRAYFORD: He asked me to contact Amy Brown and request a Cabinet submission converting the commissioner roles to ministerial appointments.

The Hon. DANIEL MOOKHEY: Prior to him sending you that text message, had you had any discussions with Mr Barilaro about that proposal?

JOSEPH BRAYFORD: No.

The Hon. DANIEL MOOKHEY: Did you have any discussions with the chief of staff about the proposal?

JOSEPH BRAYFORD: Not that proposal, no.

The Hon. PENNY SHARPE: What other proposals?

JOSEPH BRAYFORD: I did provide her that advice previously.

The Hon. DANIEL MOOKHEY: Previous to this matter, was it routine that you would get text messages like that from the Deputy Premier?

JOSEPH BRAYFORD: No, my interaction with him was pretty infrequent.

The Hon. DANIEL MOOKHEY: Was it a surprise to get the text message?

JOSEPH BRAYFORD: Nothing really surprised me with John.

The Hon. DANIEL MOOKHEY: What do you mean by that, Mr Brayford?

JOSEPH BRAYFORD: You know, he is an interesting character.

The Hon. DANIEL MOOKHEY: What do you mean by that, Mr Brayford?

JOSEPH BRAYFORD: I don't really mean anything. I don't think I'd ever worked with someone so keen and so ambitious.

The Hon. DANIEL MOOKHEY: Ambitious in what respect?

JOSEPH BRAYFORD: If you look at what he has done regionally, it is pretty amazing.

The Hon. DANIEL MOOKHEY: So your reaction to that text message was that it was amazing?

JOSEPH BRAYFORD: No, I didn't say that.

The Hon. PENNY SHARPE: Did that text message give you a deadline to have this done by?

JOSEPH BRAYFORD: No. I believe it said "ASAP".

The Hon. PENNY SHARPE: So it is rare that you get something from the Deputy Premier directly. He texts you sometime in September. He says to you, "You need to get Amy Brown to prepare a Cabinet minute to convert these positions as soon as possible." Is that fair?

JOSEPH BRAYFORD: That's my recollection.

The Hon. DANIEL MOOKHEY: Did you call the chief of staff and go, "Hey, I've got this request from the Deputy Premier"?

JOSEPH BRAYFORD: I may have. I can't recall an explicit conversation with her. It would be the usual process that we would go through in the office, if we were preparing a Cabinet submission. It was a bit of an iterative process.

The Hon. DANIEL MOOKHEY: Did the Deputy Premier ever explain to you why it was urgent that you do it ASAP?

JOSEPH BRAYFORD: No.

The Hon. DANIEL MOOKHEY: Did you make any inquiries?

JOSEPH BRAYFORD: No. That wasn't my job.

The Hon. DANIEL MOOKHEY: Did you reply to the text?

JOSEPH BRAYFORD: I think I would have, saying yes.

The Hon. DANIEL MOOKHEY: What did you do then? Did you call Ms Brown?

JOSEPH BRAYFORD: I don't know if I called or I might have put an email together, but I contacted Ms Brown and relayed the request on to her.

The Hon. DANIEL MOOKHEY: Then what happened?

JOSEPH BRAYFORD: I can't recall the exact detail with this one. I remember that it was a bit of an iterative process. My understanding is, if you needed to make a statutory appointment, you would need a statute. So if that was the case, my understanding is that a Cabinet submission would not just say, "Turn these appointments," but it would have to introduce legislation and appointments could be made under that legislation. I can't recall exactly what happened in this instance, but my usual practice would be a bit of a process where the department puts a draft together, I check it with the Deputy Premier, if they have raised any questions at the time I would relay them on to him and then kind of a back and forth until eventually it meets his request.

The Hon. DANIEL MOOKHEY: You forwarded the request to Ms Brown and then I presume she or her agency prepared a draft, and then that was sent to you, was it?

JOSEPH BRAYFORD: I can't recall. I think it would be if I was requesting.

The Hon. DANIEL MOOKHEY: Mr Brayford, just to be clear here, you get a text message from the Deputy Premier, which you say is infrequent, to urgently prepare a Cabinet submission. You transmit the request to Ms Brown but you are telling me you can't recall whether Ms Brown sent you a draft of the submission?

JOSEPH BRAYFORD: I can't recall the exact series of events with this.

The Hon. DANIEL MOOKHEY: I am not asking for it in order; I am just asking.

JOSEPH BRAYFORD: I can't recall confidently exactly who did what.

The Hon. DANIEL MOOKHEY: I am not asking for exact, Mr Brayford. I am just asking: At some point did Ms Brown send you a draft?

JOSEPH BRAYFORD: I can't recall if it was her. Maybe one of her—

The Hon. DANIEL MOOKHEY: But someone did?

JOSEPH BRAYFORD: Someone.

The Hon. PENNY SHARPE: Did you receive a draft of the Cabinet minute? If it wasn't you, who in the office received it? Who would have received it if it wasn't you?

JOSEPH BRAYFORD: I think I did, yes.

The Hon. DANIEL MOOKHEY: You said just then that the ordinary process would be that you would provide that draft to the Deputy Premier and then after a series of conversations you would seek to finalise it in a manner which was consistent with the Deputy Premier's wishes. Was that the ordinary procedure?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Did you do so in respect of this particular issue?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Did you have a discussion with Minister Barilaro about that Cabinet submission?

JOSEPH BRAYFORD: I can't recall an explicit discussion.

The Hon. PENNY SHARPE: When you say "explicit discussion", was there any discussion?

JOSEPH BRAYFORD: I am struggling to recall. That was the usual process that I would go through when preparing a Cabinet submission at his request. I cannot recall in this instance.

The Hon. DANIEL MOOKHEY: You worked with him for three years, didn't you? At this point in time you had worked for him for 2½ years. Is that correct? You say from March 2019, and this is all taking place in September 2021, so you were working with him for two-plus years. Is that correct?

JOSEPH BRAYFORD: Yes, if that is what the timing—

The Hon. DANIEL MOOKHEY: In that 2½ years, had you ever received a text message from Minister Barilaro asking you for the preparation of an urgent Cabinet submission?

JOSEPH BRAYFORD: I think this was the only instance where he did it via a text message.

The Hon. DANIEL MOOKHEY: Did I hear you right when you said he wanted it prepared ASAP?

JOSEPH BRAYFORD: That is my recollection, yes.

The Hon. DANIEL MOOKHEY: So you would have treated it as a matter of urgency, would you not?

JOSEPH BRAYFORD: I treated any request directly from him or my chief of staff as a matter of urgency.

The Hon. DANIEL MOOKHEY: Then you therefore caused the Cabinet submission to be provided in draft form and then you brought it to the attention of the Deputy Premier, I presume?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: And did you do that by writing? Did you put it in his in-box? Did you call him? Did you text him?

JOSEPH BRAYFORD: I think, because we were all working remotely at that time, it would have been an email.

The Hon. DANIEL MOOKHEY: To Minister Barilaro?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Okay. And then did he reply?

JOSEPH BRAYFORD: I can't recall a reply.

The Hon. DANIEL MOOKHEY: Well, what further engagement did you have?

JOSEPH BRAYFORD: I can't recall exactly what engagement I had.

The Hon. DANIEL MOOKHEY: Well, did you lodge the submission in the Cabinet system?

JOSEPH BRAYFORD: I think departments lodge submissions.

The Hon. DANIEL MOOKHEY: It depends, Mr Brayford.

JOSEPH BRAYFORD: I think I only ever had departments lodge submissions.

The Hon. DANIEL MOOKHEY: Well then, did you instruct the department to lodge a submission?

The Hon. PENNY SHARPE: The submission would not have gone in, Mr Brayford, without sign-off from the Deputy Premier—

JOSEPH BRAYFORD: Yeah.

The Hon. PENNY SHARPE: —and either yourself or the chief of staff—

JOSEPH BRAYFORD: Yes.

The Hon. PENNY SHARPE: —I would have thought.

JOSEPH BRAYFORD: Yes. So he must have, like, okayed the submission because I can't recall whether that was face to face or over the phone or—

The Hon. DANIEL MOOKHEY: Okay. At any point from the draft to the lodgement, did the Deputy Premier or his office, or you, seek amendments from the department?

JOSEPH BRAYFORD: From the department? I think during the drafting there was a question raised, "Oh, well, at what point would these ministerial appointments begin?" because my understanding was there was London and Tokyo, which were already done. I think I had a conversation—like, face to face—or maybe over the phone with the Deputy Premier about that at which time he said that he would like it for the London and Tokyo ones to be converted into—

The Hon. DANIEL MOOKHEY: Retrospectively?

JOSEPH BRAYFORD: —ministerial appointments.

The Hon. DANIEL MOOKHEY: Yep.

JOSEPH BRAYFORD: And then for, I suppose, this separate process—whatever it would be—to take effect after—

The Hon. DANIEL MOOKHEY: Immediately.

JOSEPH BRAYFORD: From now on.

The Hon. DANIEL MOOKHEY: So, to be clear here, you had a phone conversation with the Deputy Premier.

JOSEPH BRAYFORD: I think it was verbal, so it was either phone or face to face. I can't quite recall.

The Hon. DANIEL MOOKHEY: Okay. But it was a direct conversation.

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: And he said that his view—well, his instruction because it was his submission—was that the change to ministerial appointments should apply from the moment the Government agreed to the Cabinet submission?

JOSEPH BRAYFORD: I don't know. I don't think there was an explicit point in time saying that it would—

The Hon. DANIEL MOOKHEY: Okay, but immediately, or for the future, for upcoming appointments. Is that the way to say it?

JOSEPH BRAYFORD: My best recollection was that it was—London and Tokyo were to be—

The Hon. PENNY SHARPE: So you had India and the Middle East and you had the EU and Israel—

JOSEPH BRAYFORD: Yeah.

The Hon. PENNY SHARPE: —and then the Americas and China. They were the four that were outstanding.

JOSEPH BRAYFORD: Okay. All right.

The Hon. DANIEL MOOKHEY: Yes. Okay.

JOSEPH BRAYFORD: Okay, that sounds about right.

The Hon. DANIEL MOOKHEY: And then did you then relay that to the department and make sure that that change was effected?

JOSEPH BRAYFORD: I can't remember relaying it to the department. I recall the submission went to Cabinet and that, I believe, Cabinet approved it.

The Hon. PENNY SHARPE: That was late September.

JOSEPH BRAYFORD: That was late September, yes, and I believe Cabinet approved it. And then it's possible I may have relayed that or it's possible that the department maybe went in the system and saw—sorry, I can't recall the specific saying—

The Hon. DANIEL MOOKHEY: Okay, sure. But to be clear here, was there any other conversation you had with the Deputy Premier about the content of the Cabinet submission?

JOSEPH BRAYFORD: There would have been conversations as part of the drafting process just to ensure that it met his requirements, but I can't recall specific conversations on specific matters.

The Hon. DANIEL MOOKHEY: And in respect to other submissions that the Deputy Premier brought to Cabinet, did you have similar discussions with him about this, or was this basically the—

JOSEPH BRAYFORD: Yeah, yeah. Yes, but yes.

The Hon. DANIEL MOOKHEY: And so it was consistent practice that he would talk to his staff about what he wanted his submission to say?

JOSEPH BRAYFORD: From my experience, it was consistent that I would—that the drafting process would be a bit of—you get a first cut. If there are questions or things that still are outstanding, we'd seek that from him to ensure that the end result met his request. There could be things which he hadn't, I suppose, considered, as part of the—

The Hon. DANIEL MOOKHEY: Okay. Can I ask you: At that point, were you aware that Ms West was chosen for the job?

JOSEPH BRAYFORD: I wasn't aware that she was in any way—I think the term had been—preferred candidate. I was aware that she'd applied for the job but I wasn't aware that there was anything other than an application.

The Hon. DANIEL MOOKHEY: Did the Deputy Premier ask you or the department to include advice about where the process was at that point up to when it comes to selecting the Americas or the China position?

JOSEPH BRAYFORD: I can't recall a conversation, no.

The Hon. DANIEL MOOKHEY: So, there's been speculation publicly that it wasn't disclosed that that's where the process was up to and that, in fact, that information was withheld.

JOSEPH BRAYFORD: Sorry? Would you—

The Hon. DANIEL MOOKHEY: There has been public speculation, which I'm going to ask you to respond to if you have any insight you can give us. There has been some public commentary that Mr Barilaro withheld from Cabinet information about where the selection process was up to for the Americas position, and that is he failed to tell Cabinet that Ms West was the preferred candidate at that point in time.

The Hon. WES FANG: It might be helpful just to indicate where that information—

The Hon. DANIEL MOOKHEY: Government members who've leaked to the *Daily Telegraph*. So, do you wish to comment, or do you have any information—

JOSEPH BRAYFORD: No.

The Hon. DANIEL MOOKHEY: —about whether it was disclosed?

JOSEPH BRAYFORD: I don't know. I don't know what was disclosed. I—

The Hon. PENNY SHARPE: Can I just ask something more directly? I mean, you've just said that you interacted with the Deputy Premier in relation to the preparation of the Cabinet minute that went to Cabinet. Was it the case that it was made clear in the Cabinet minute that—because at this time it was clear—there had been a recruitment round; that that had closed; and that there was a short-listed preferred candidate? Do you recall any of that?

JOSEPH BRAYFORD: I recall receiving instruction from the Deputy Premier that the ministerial appointments were to take place for the, I think it was, America—

The Hon. PENNY SHARPE: China.

JOSEPH BRAYFORD: —China, India and—

The Hon. PENNY SHARPE: EU.

JOSEPH BRAYFORD: EU. EU?

The Hon. PENNY SHARPE: Yep—EU, Israel.

JOSEPH BRAYFORD: EU's London.

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: It was Dubai, wasn't it—the Emirates?

The Hon. PENNY SHARPE: No.

The Hon. DANIEL MOOKHEY: They split it.

The Hon. COURTNEY HOUSSOS: Wasn't it London and Tokyo?

The Hon. PENNY SHARPE: Yes, it is. Sorry, yes—Middle East. Sorry.

The Hon. DANIEL MOOKHEY: The Middle East, yeah.

The Hon. PENNY SHARPE: Anyway, we digress. Yes?

JOSEPH BRAYFORD: I recall having a conversation with him at what point these ministerial appointments would, for want of a better term, kick in.

The Hon. PENNY SHARPE: And this was in September. The reason I am asking you this is that this is really important because the former Premier, Gladys Berejiklian, signed off on Jennifer West as the preferred candidate for the Americas position in August, so it was aware within Government. Similarly, we understand that the then Treasurer, Dom Perrottet, was briefed on this and we believe that your Minister would have been briefed on this.

The Hon. DANIEL MOOKHEY: We know he was, to be fair.

The Hon. PENNY SHARPE: Yes. He was briefed on it, whether you recall that or not. But the important part here is that in providing information on the update of what was going on and converting these positions, was information provided that said there had already been a selection round and that a preferred candidate had been identified?

JOSEPH BRAYFORD: I can't recall an explicit—

The Hon. PENNY SHARPE: Or even a non-explicit?

JOSEPH BRAYFORD: I can't recall any.

The Hon. PENNY SHARPE: A text, or an email, or a group chat or a staff meeting?

JOSEPH BRAYFORD: I can't recall.

The Hon. DANIEL MOOKHEY: Or did Ms Brown ever tell you in any of the fortnightly conversations that there was a preferred candidate in place?

JOSEPH BRAYFORD: I can't recall about a preferred candidate now, only that she'd put in an application and that's why she would be distancing herself from—for example, when the London and Tokyo candidates came up to meet the Deputy Premier, I think they were joined by Jenny West and she facilitated that introduction, but that would be happening for these because she had put in an application for one.

The Hon. COURTNEY HOUSSOS: Mr Brayford, you characterised in the beginning of your opening statement as being the conduit between the agency and the Minister's office. At the time that you were in the Minister's office, were you aware of the chief of staff having direct contact with the department?

JOSEPH BRAYFORD: I don't know. She may have, she may not have. I don't know.

The Hon. COURTNEY HOUSSOS: I am asking whether, in your experience when you were working in the office, were these issues generally coming through you?

JOSEPH BRAYFORD: I am not aware of any of the conversations that might have happened between the agency and a member of the office. You would have to ask them.

The Hon. COURTNEY HOUSSOS: In your weekly or fortnightly catch-ups with Investment NSW, was there anyone else from your office in those meetings?

JOSEPH BRAYFORD: Sometimes we would bring the media adviser who, I suppose, had responsibility for the trade and investment parts. She would come along, but not usually in those standing meetings, no.

The Hon. PENNY SHARPE: Can I just take you back to after Cabinet decided that these would be converted to ministerial positions. There have been two different ways that the department sought to action that. One was, obviously, within the decision-making visibility of the Cabinet system there was the decision that was made. Did you speak to Amy Brown specifically about unwinding the position, given that Jenny West was in active contract negotiations at that point in time?

JOSEPH BRAYFORD: I can't recall a conversation with Amy about that.

The Hon. PENNY SHARPE: Ms Brown did say to us that she did have a conversation with you in relation to this. You are saying you do not recall that?

JOSEPH BRAYFORD: I don't recall one, no.

The Hon. PENNY SHARPE: I know it is chaotic. I mean, the Deputy Premier resigned about three days afterwards. But you are saying that you had no conversations with Amy—you don't recall—

JOSEPH BRAYFORD: I can't recall.

The Hon. PENNY SHARPE: You don't recall any conversations, texts, emails with Amy Brown?

JOSEPH BRAYFORD: I can't recall a conversation of that.

The Hon. DANIEL MOOKHEY: I am not sure that I have provided this in your tender bundle, but it relates to this so I will read the relevant section. This is from the transcript of Ms Brown's evidence. By the way, did you see that?

JOSEPH BRAYFORD: No.

The Hon. DANIEL MOOKHEY: The Cabinet agrees to adopt Minister Barilaro's submission on 27 September. My colleague Mr Graham asked Ms Brown:

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—

We asked Ms Brown, "Who did you meet with?" and she said you. She said that she had a meeting with you from 27 September to 3 October to discuss the practicalities of implementing the decision of government. Do you recall that meeting?

JOSEPH BRAYFORD: I recall, yes. I do recall a meeting on 1 October. I believe I had a meeting—it wasn't about relaying the Cabinet decision; it was just kind of to understand what happens next now that they would have made that decision.

The Hon. DANIEL MOOKHEY: She described it as a high-level conversation.

JOSEPH BRAYFORD: Yes, that would characterise it.

The Hon. DANIEL MOOKHEY: Did you give Ms Brown a time line as to when you expected Investment NSW to have legislation prepared?

JOSEPH BRAYFORD: No, I can't recall the time line.

The Hon. DANIEL MOOKHEY: Was anything else discussed at that meeting?

JOSEPH BRAYFORD: I can't recall anything else.

The Hon. PENNY SHARPE: So, you remember the meeting on 1 October. What did you talk about? Don't think about it in terms of specific events; just tell us what happened at the meeting.

JOSEPH BRAYFORD: I think at the meeting—gosh, I would be really speculating as to what might have been discussed.

The Hon. PENNY SHARPE: What do you recall?

The Hon. WES FANG: For context, the 1 October was the day—

JOSEPH BRAYFORD: Yes, it was the day that Berejiklian resigned.

The Hon. DANIEL MOOKHEY: We remember.

The Hon. PENNY SHARPE: Yes, we know.

JOSEPH BRAYFORD: Yes, that's the only thing I can remember from that day. I had this meeting and then Premier Berejiklian resigned in the early afternoon, I think, and that kind of blew everything else out of the water in my memory, at least.

The Hon. DANIEL MOOKHEY: Can I just turn now to the events of early August of that year? Were you asked by either the chief of staff or the Deputy Premier's office around 2 August to seek an urgent briefing on the status of the Americas position?

JOSEPH BRAYFORD: I don't recall such a request. I may have but I don't recall a request.

The Hon. DANIEL MOOKHEY: Do you recall talking to Ms Brown about getting a briefing prepared quickly?

JOSEPH BRAYFORD: I don't recall that at all.

The Hon. DANIEL MOOKHEY: Do search your memory. Would anyone else have asked or would it have been you?

JOSEPH BRAYFORD: I don't know about anyone else, but I can't recall doing such.

The Hon. DANIEL MOOKHEY: Not at all about seeking an urgent briefing note?

JOSEPH BRAYFORD: It's possible but I just can't recall yes or no.

The Hon. DANIEL MOOKHEY: Can you turn to page 21 of your tender bundle, please? You can see here, just down the bottom in the highlighted section, that the executive assistant to Ms Brown is emailing others and says:

Amy has advised she would like to send the Americas report to the DPO today—

Deputy Premier's office—

could we please prioritise this report so I can have the panellists approve today.

Do you see that?

JOSEPH BRAYFORD: Yes.

The Hon. DANIEL MOOKHEY: Does that shed any further light as to whether or not you received an urgent request or you made an urgent request?

JOSEPH BRAYFORD: No, I can't recall this.

The Hon. DANIEL MOOKHEY: Alright. Can you turn to page 26 in the bundle? You see here on the same day, we're told that the panel needs to sign off and that there's a discussion with the Deputy Premier's—do you see that? It says:

Im assuming this will occur post Dep Prem discussion?

Do you know what discussion that was referring to?

JOSEPH BRAYFORD: I have no idea.

The Hon. DANIEL MOOKHEY: Are you sure?

JOSEPH BRAYFORD: To the best of my recollection I can't recall—I don't know what they were talking about.

The Hon. DANIEL MOOKHEY: Alright. The first email I took you to, on page 21, was an email that the executive assistant sent at 10.55 a.m. The second email I just took you to, which you do not recall, was sent at 12.13 p.m. Can you turn to page 28, please? Actually, we will start on 29 because it is the bottom of the email chain.

JOSEPH BRAYFORD: Sorry, 29?

The Hon. DANIEL MOOKHEY: Well, it's 28-29. There's no other way of putting it; it's at the bottom. You see here again, down the bottom, this is now a 12.43 email again from the EA to the CEO Ms Brown to a

person at the DPIE who is the executive assistant to the secretary of the DPIE at the time, Mr Betts. That is who that person is. If you turn the page you can see:

Hope you are well and had a nice weekend.

Attached is the STIC Americas Selection Panel Report which required approval/signing — could you please arrange for Jim to approve/sign.

Amy would like to arrange for the DPO to have a copy today if possible

Do you see that?

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: Were you asking Ms Brown at the time for a copy that day?

JOSEPH BRAYFORD: I don't recall asking for one, no.

The Hon. DANIEL MOOKHEY: Okay. Go back to page 28, and up the email chain to the 2.25 email.

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: You can see here that the EA to the CEO of Investment NSW is emailing the CEO of DPIE, Mr Betts, who was on the selection panel, to get him to sign the document. You can see that she sends a follow-up email less than two hours later:

Hi Leanne,

Just wanted to confirm when we might receive an approved/signed copy of the panel selection report.

We need to include this with our brief to the DPO and across ASAP.

Do you have any recall of receiving that or putting any pressure on them to get you a brief ASAP?

JOSEPH BRAYFORD: I can't recall.

The Hon. DANIEL MOOKHEY: You can see that seven minutes later, right at the top, the signed version of the selection panel's report, signed by Mr Betts, is returned to the Investment NSW CEO office. Were you sent the signed selection panel report that day?

JOSEPH BRAYFORD: I can't recall receiving one.

The Hon. DANIEL MOOKHEY: Okay. When we put these questions to Ms Brown about why it was so urgent to get Minister Barilaro a briefing on 2 August—I will read to you about the process here. Ms Brown says that she had a conversation with Secretary Betts about signing the selection reports and that Mr Betts warned her that there was, to be clear, a chance of Ministers meddling with due process. That was the concern that Mr Betts raised with Ms Brown. Secretary Betts then recommends that Ms Brown insists that every selection panel member sign the report, which is why that chain of correspondence was taking place with that secretary. We asked Ms Brown:

Did he warn you that there was a chance that Ministers would mess with due process?

Ms Brown said:

We had a conversation about the fact that because the other two appointments went to Cabinet, there was a lot of confusion, and I was concerned that certain Ministers or their offices may feel that they have to veto rights over my appointment.

I asked:

Who were you concerned would have veto rights over your appointment?

Ms Brown said:

I was concerned that the Deputy Premier's office would feel that they had veto rights.

Did Ms Brown ever express concerns to you about whether the Deputy Premier's office would have veto rights over the appointment?

JOSEPH BRAYFORD: I can't remember a conversation like that.

The Hon. DANIEL MOOKHEY: Does that mean it could have happened and you can't recall it, or it definitely did not happen?

JOSEPH BRAYFORD: Maybe. I cannot recall.

The Hon. DANIEL MOOKHEY: So there is a possibility that she did have a conversation with you.

JOSEPH BRAYFORD: And possibly not.

The Hon. DANIEL MOOKHEY: Yes, but there is a possibility that she did, in which she expressed a concern that the Deputy Premier or his office would feel like they had veto rights.

JOSEPH BRAYFORD: I cannot recall such a conversation.

The Hon. DANIEL MOOKHEY: Going forward, I asked her:

Why was it so urgent to send it to the Deputy Premier's office?

AMY BROWN: I wanted to provide briefs for noting briefs to the four Ministers who I referred to before, and I wanted the selection reports to be signed before I did that.

She then went on to say:

AMY BROWN: I had already verbally offered—well, no, at this point I hadn't verbally offered the candidate, but I wanted to get going on the appointment. So "ASAP" was—

I then interrupted her quite rudely—

The Hon. DANIEL MOOKHEY: But you don't mention the other offices in this email: "We need to include this with our brief to the DPO and across". It's not "DPO and Treasury", "DPO and Premier", "DPO and Ayres". It's DPO.

AMY BROWN: He was the portfolio Minister, so—

The Hon. DANIEL MOOKHEY: But was he asking for this brief urgently?

AMY BROWN: His office was.

Ms Brown is telling us that the office was asking urgently for the briefing. Was that request coming from you?

JOSEPH BRAYFORD: I can't recall such a request.

The Hon. DANIEL MOOKHEY: How many other people worked in the DPO?

JOSEPH BRAYFORD: Possibly 20, I would say.

The Hon. DANIEL MOOKHEY: Was there anybody else who was engaged in the trade adviser role?

JOSEPH BRAYFORD: You would have to ask them. I don't know what they did.

The Hon. DANIEL MOOKHEY: What do you mean by you "don't know what they did"?

JOSEPH BRAYFORD: I only know the conversations I've had.

The Hon. DANIEL MOOKHEY: Did anybody else have any responsibility for the Trade portfolio aspects of the Deputy Premier's responsibilities other than you?

JOSEPH BRAYFORD: I suppose you could consider that the chief of staff had that and maybe you could say the deputy chief of staff.

The Hon. DANIEL MOOKHEY: Who was the deputy chief of staff?

JOSEPH BRAYFORD: Jeff McCormack, but I would only be speculating to say that they might have had conversations. You would have to check with them.

The Hon. DANIEL MOOKHEY: Mr Brayford, it was either you, the chief of staff or the deputy chief of staff who apparently was asking Ms Brown urgently. That is the impression you are leaving with us.

JOSEPH BRAYFORD: I am not saying that. I shouldn't be speculating on this, but I'm only aware of the conversations I have had. I was suggesting possible others, but I don't know the full extent of them.

The Hon. PENNY SHARPE: We have been having a conversation for a while now about who in the office was involved in signing off on briefs and the work that you did. We haven't really talked about the deputy chief of staff. Is it possible that he also had a direct line to Investment NSW or was seeing some of these briefs that you don't recall seeing?

JOSEPH BRAYFORD: I have no idea if he did or if he didn't. It wasn't part of our usual process but, again, I wasn't aware of his responsibilities.

The Hon. PENNY SHARPE: Did you have regular staff meetings where you were discussing the work plan that was happening in relation to the Minister's office?

JOSEPH BRAYFORD: Which work plan?

The Hon. PENNY SHARPE: Within the Minister's office, as you said, there is Investment, Trade, Regional NSW—Ministers are busy people. It's quite usual for there to be regular staff meetings where people report in in relation to those matters and people take an interest in terms of doing that. We have a long time frame about the toing and froing of these positions. Were these positions discussed in that forum or in a regular forum in that way?

JOSEPH BRAYFORD: There possibly could have been a conversation. I think we used to have a standing Friday morning meeting.

The Hon. PENNY SHARPE: Yes, and during COVID I am assuming you had regular Teams meetings?

JOSEPH BRAYFORD: Yes.

The Hon. PENNY SHARPE: Did the deputy chief of staff take any interest or any carriage in relation to these matters that you are aware of?

JOSEPH BRAYFORD: I can't recall so. No, I can't recall any specific moment where that happened.

The Hon. DANIEL MOOKHEY: Mr Brayford, we have no documents or any evidence from any other witness in front of us that could cause us to conclude that it was anyone else other than you who was having these conversations. Not one document mentions the chief of staff or the deputy chief of staff. Not one document mentions them in respect of the events that took place in August, the events that took place in July or the events that took place in September. Now, to be very fair to you, I want to put it to you very clearly that it was you who was having these conversations.

JOSEPH BRAYFORD: Which conversations?

The Hon. DANIEL MOOKHEY: The conversations about obtaining the briefing note urgently. That was a conversation you had.

JOSEPH BRAYFORD: I can't recall that.

The Hon. DANIEL MOOKHEY: I want to put it to you clearly, and give you the chance to deny it or not, that you were also the person who was having conversations with Ms Brown that relayed the Deputy Premier's instructions about the Cabinet submission.

JOSEPH BRAYFORD: I recall the Cabinet submission, yes.

The Hon. DANIEL MOOKHEY: I also want to be clear here and I want to put it to you that you got the briefing note that advised on 11 August that Ms West was selected for the role.

JOSEPH BRAYFORD: I can't recall seeing that briefing note.

The Hon. DANIEL MOOKHEY: Fair enough. In respect of the Cabinet submission, did you have any discussions with any other Ministers' offices about that Cabinet submission?

JOSEPH BRAYFORD: I can't recall a conversation with any other Minister's office about that.

The Hon. DANIEL MOOKHEY: Any interaction whatsoever?

JOSEPH BRAYFORD: It is possible, but I can't recall a conversation with any other Minister's office about that.

The Hon. PENNY SHARPE: For someone who had carriage of the Cabinet minute that was going forward, is it not the usual case that Cabinet minutes are circulated to relevant Ministers? In this case it would have been the Premier, the Deputy Premier, the Treasurer and the investment Minister, which is Minister Ayres, and there is usually feedback sought from those, but you didn't see any toing and froing around the Cabinet minute and input in relation to that?

JOSEPH BRAYFORD: I recall having a conversation with the Deputy Premier and he said to me that he would talk to the other Ministers.

The Hon. PENNY SHARPE: Which other Ministers did he mean?

JOSEPH BRAYFORD: He didn't explicitly state them.

The Hon. PENNY SHARPE: Who did you think he meant?

JOSEPH BRAYFORD: I would only be speculating as to who.

The Hon. PENNY SHARPE: Would it be likely to have been the other Ministers who were the sign-off—the noting Ministers in relation to these positions? So, again, the Premier, the Treasurer and the investment Minister.

JOSEPH BRAYFORD: It possibly could be, but you would have to ask him about who he had that conversation with.

The Hon. DANIEL MOOKHEY: Did he ever report to you the outcome of those conversations?

JOSEPH BRAYFORD: I don't recall ever receiving any sort of feedback from him on that bit, no.

The Hon. DANIEL MOOKHEY: Did any member of the Government at all contact you with concerns about the Cabinet submission?

JOSEPH BRAYFORD: I can't recall anyone coming and raising any concerns.

The Hon. DANIEL MOOKHEY: Mr Brayford, you keep using the term "I can't recall". You are leaving open the possibility for us to conclude that it did happen and you just don't have a memory of it. I am going to push you again to be very clear here: Do you have any recollection of anyone having a conversation with you about this from the Government?

JOSEPH BRAYFORD: The Cabinet?

The Hon. DANIEL MOOKHEY: Raising concerns with the Cabinet submission prior to the Cabinet meeting.

JOSEPH BRAYFORD: No, I recall interactions with the Deputy Premier and I think Amy Brown during the drafting process. As far as I can recall, those are the only two people I spoke to.

The Hon. DANIEL MOOKHEY: Did the Premier's office, which is responsible for preparing the Cabinet agenda—did anybody from the Premier's office at that time suggest to you that they had any concerns with it?

JOSEPH BRAYFORD: I can't recall them, no.

The Hon. DANIEL MOOKHEY: Did Minister Barilaro insist that the matter be treated as a matter of urgency by Cabinet?

JOSEPH BRAYFORD: I have no idea.

The Hon. DANIEL MOOKHEY: The ordinary practice of Cabinet is that even if you do lodge a submission, it is not that you get it immediately on the agenda. Somehow the submission is lodged around 17 September or thereabouts and then it was debated 10 days later, which is pretty fast.

JOSEPH BRAYFORD: Yes. The usual practice was a few weeks of—

The Hon. DANIEL MOOKHEY: Coordinating.

JOSEPH BRAYFORD: —circulating or something, yes.

The Hon. DANIEL MOOKHEY: So that process didn't take place?

JOSEPH BRAYFORD: No, I think he indicated to me a specific Cabinet meeting that it was going to go to and then I just would have prepared according to that.

The Hon. DANIEL MOOKHEY: Part of the reason why you received an ASAP request was because he intended to bring it to the 27/7 Cabinet meeting—correct?

JOSEPH BRAYFORD: I don't know. I just received the request. I don't know why he—

The Hon. DANIEL MOOKHEY: And then how did you go about, or how did the Deputy Premier's office go about, suspending the ordinary process that would have allowed for other Ministers to provide feedback prior to the Cabinet decision?

JOSEPH BRAYFORD: I don't know. When I spoke to the—well, I don't know if this is—

The Hon. WES FANG: Chair, can I just raise a procedural point at this time? I indicated that the Government would forgo its rotation of questions in order to provide Mr Brayford with an earlier finish time. I note that we originally requested him for 90 minutes and, allowing for the introductory statements et cetera, it would be around, I would say, five minutes or so ago that the Government would have had its time originally.

The Hon. DANIEL MOOKHEY: Point of order: Firstly, we started six minutes late. We started at 1.06 p.m. and I'm not sure that that's what we resolved.

The Hon. WES FANG: I made it clear—

The Hon. PENNY SHARPE: Also, I thought the agreement that we had made was not that we would shorten time but that you would get 15 minutes at the end.

The Hon. WES FANG: I did indicate in earlier correspondence that was circulated among all members that the Government would cede some of its time.

The Hon. DANIEL MOOKHEY: Well, we haven't resolved that.

The Hon. PENNY SHARPE: Well, I've been under a misunderstanding, if that's the case, because—

The Hon. DANIEL MOOKHEY: But we haven't resolved that.

The Hon. PENNY SHARPE: —I thought that what we resolved this morning—

The Hon. WES FANG: For good will—

The Hon. DANIEL MOOKHEY: If we need to suspend the hearing and go into a deliberative to sort this out, let's just do that.

The Hon. WES FANG: No. In the case of understanding and good will, I think another couple of minutes?

The ACTING CHAIR: We passed a motion this morning, or I did ask the question of you and I didn't get an answer.

The Hon. WES FANG: I did indicate that I'd seek to reduce the time.

The Hon. DANIEL MOOKHEY: To the point of order: The Committee has resolved to do 90 minutes of questioning and leave 15 minutes for the Government at the end, which we should stick to. In my view, then, on that basis we've got until 1.36 p.m. If the Government wishes to waive its 15 minutes at the end, that's a matter for the Government.

The ACTING CHAIR: Well, I am happy with that, unless you want to take it to a deliberative.

The Hon. WES FANG: Look, I think—what time are you seeking to question until?

The Hon. PENNY SHARPE: Until 2.36 p.m.

The Hon. DANIEL MOOKHEY: Then we're done; otherwise, we'll just seek to call our witness back, just to be very clear.

Ms SUE HIGGINSON: How are you going, Mr Brayford?

JOSEPH BRAYFORD: It's been hard. I think it's hard because I didn't receive an invitation to this.

The Hon. WES FANG: I think that, you know, in fairness, I indicated when I circulated earlier—

The Hon. PENNY SHARPE: There's no motion that has been passed.

The ACTING CHAIR: We had a resolution to that effect and this affected the start.

The Hon. DANIEL MOOKHEY: Look, I'm going to suggest we go into a deliberative because we're taking up the time.

The Hon. WES FANG: I am happy—

The Hon. DANIEL MOOKHEY: So if the Deputy President wishes to push the matter—

The Hon. WES FANG: Look, I was just asking to come to the conclusion, given that—

The Hon. DANIEL MOOKHEY: Look, we intend to hopefully be done by 1.36 p.m.

The Hon. PENNY SHARPE: No, 2.36 p.m.

The Hon. DANIEL MOOKHEY: Sorry, 2.36 p.m. and, if we can get it done before that, we will.

The Hon. PENNY SHARPE: It's not long.

The Hon. WES FANG: See, the Government had 15 minutes at the end before that, so 90 minutes minus 15.

The Hon. PENNY SHARPE: No. We're saying 90 minutes plus 15.

The Hon. TAYLOR MARTIN: Oh, come on!

The Hon. WES FANG: That was never the time that was called. It was never for that.

The Hon. DANIEL MOOKHEY: I don't think we have too much more, to be clear. There is a very good chance we'll be done in accordance with the time you're suggesting, Mr Fang. In terms of where we're up to, Mr Brayford, you were explaining to us how it is possible that the Deputy Premier managed to have this matter listed as a matter of urgency. Did you have any conversation with the Premier's office about that?

JOSEPH BRAYFORD: I don't recall a conversation. All I recall was the Deputy Premier saying that he will deal with getting it on the agenda.

The Hon. DANIEL MOOKHEY: So the Deputy Premier told you he'd take responsibility for that?

JOSEPH BRAYFORD: That's my recollection, yes.

The Hon. DANIEL MOOKHEY: And that happened in one of the conversations you would have had with him at this point in time.

JOSEPH BRAYFORD: Yes. Yes, it would have happened in one of them.

The Hon. DANIEL MOOKHEY: Okay. And then that's actually what did in fact happen. Correct? It then got listed very fast after submissions.

JOSEPH BRAYFORD: I think so, yes. Yes.

The Hon. DANIEL MOOKHEY: Okay. And at any point did the Deputy Premier indicate to you a reason as to why he thought this should have urgency by Cabinet?

JOSEPH BRAYFORD: No, he didn't.

The Hon. DANIEL MOOKHEY: At this point, did the Deputy Premier ever flag with you that he was resigning, or contemplating resignation?

JOSEPH BRAYFORD: No. No, he never did.

The Hon. DANIEL MOOKHEY: I presume that's because that's not necessarily a conversation any Minister would have with staff members.

JOSEPH BRAYFORD: You'd have to ask them. I don't know what—

The Hon. DANIEL MOOKHEY: It wasn't the nature of your relationship where he would have sought your advice as to whether—

JOSEPH BRAYFORD: No. We had just a professional relationship, so I wasn't given any forewarning of his resignation.

The Hon. DANIEL MOOKHEY: Okay. Because it turns out that the twenty-seventh was his last Cabinet meeting.

JOSEPH BRAYFORD: Okay.

The Hon. DANIEL MOOKHEY: And at any point did he make any reference to the fact that this was his last Cabinet meeting and that might be the reason why he thinks it should be considered as a matter of urgency?

JOSEPH BRAYFORD: He never suggested of any sort that his resignation would be happening.

The Hon. DANIEL MOOKHEY: To you.

JOSEPH BRAYFORD: I believe on the fourth, I think.

The Hon. DANIEL MOOKHEY: Yes. So he never suggested to you—

JOSEPH BRAYFORD: He never—never.

The Hon. DANIEL MOOKHEY: Okay. Thank you. And just to be clear here, did you speak to Minister Ayres' office at all in any discussion whatsoever of any type about the Cabinet submission?

JOSEPH BRAYFORD: I can't recall speaking to their office about that submission. I can't recall a conversation on that.

The Hon. DANIEL MOOKHEY: What about with the Treasurer?

JOSEPH BRAYFORD: I can't recall a conversation with their office, either.

The Hon. DANIEL MOOKHEY: And what about with the Premier?

JOSEPH BRAYFORD: I can't recall.

The Hon. DANIEL MOOKHEY: At this point, this was taking place in the aftermath of some controversy around the koala SEPP that led to a public dispute between the Premier and the Deputy Premier. Correct?

JOSEPH BRAYFORD: I suppose. I can't recall the date but it would have happened because then he resigned so soon after. So, yes, that happened. I can't remember what dates it was around; I feel maybe like six months earlier or something, that it was the koala SEPP.

The Hon. DANIEL MOOKHEY: I think it was during the lockdown but a bit earlier than that.

JOSEPH BRAYFORD: Maybe.

The Hon. DANIEL MOOKHEY: But at that point was it the case that there was an apprehensive relationship or an acrimonious relationship between the Premier and the Deputy Premier's office?

JOSEPH BRAYFORD: I have no idea about their relationship.

The Hon. DANIEL MOOKHEY: I'm not asking you about their relationship.

JOSEPH BRAYFORD: Oh, sorry.

The Hon. DANIEL MOOKHEY: I am asking you about the relationship between the offices.

JOSEPH BRAYFORD: No. Our relationship between the Deputy Premier's office—well, I suppose I can't talk for the whole office—but my relationship was extremely professional with every ministerial office.

The Hon. DANIEL MOOKHEY: Okay. So in your view that had no effect on the fact of the Premier's office's absence of contact with you. That had nothing to do with it. It sounds plausible to me.

JOSEPH BRAYFORD: I have never considered that.

The Hon. DANIEL MOOKHEY: Okay. Chair, can you just give me one minute. I just want to double-check that there is nothing else we need.

The ACTING CHAIR: Yes, okay.

The Hon. DANIEL MOOKHEY: Thank you. There's only one other matter that I think I need to ask you about, just to be fair to you, Mr Brayford, and to also be fair to the other witnesses. Did you have any contact with the general counsel of Investment NSW?

JOSEPH BRAYFORD: I remember one meeting with him. I believe it was the meeting on 27 September. I don't recall ever speaking to him or meeting him prior to that. I think it was the first time I'd ever met him.

The Hon. DANIEL MOOKHEY: Okay.

JOSEPH BRAYFORD: And I think that's the only time I ever met him or spoke to him.

The Hon. DANIEL MOOKHEY: Okay. Can you go to page 30 of your tender bundle? This is an email which the general counsel ends up sending, or a very close version of this, to the general counsel of the Public Service Commission in which very specific advice is sought about the conversion of the positions to ministerial appointments. You can see just from the top there the email is sent sometime or thereabouts close to 21 September 2021. Do you see that?

JOSEPH BRAYFORD: Yes. I can see 21 September.

The Hon. DANIEL MOOKHEY: Do you see the first highlighted section?

JOSEPH BRAYFORD: The one starting with "We are"?

The Hon. DANIEL MOOKHEY: Yes. Do you see:

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.

JOSEPH BRAYFORD: Uh-huh.

The Hon. DANIEL MOOKHEY: Did you make that request to Ms Brown?

JOSEPH BRAYFORD: I'm not sure what request they're referring to but I suppose if you look at the timing there was a request that I received to seek information from Ms Brown, which could be what's being suggested here.

The Hon. DANIEL MOOKHEY: Yes. We've established that there was certainly some form of a conversation that preceded some form of a question that you were asked in late June or July. We established that there were two conversations—

JOSEPH BRAYFORD: Sorry, June?

The Hon. DANIEL MOOKHEY: Sorry, late June or July, which was the email—

JOSEPH BRAYFORD: I thought it was August.

The Hon. DANIEL MOOKHEY: Sorry. We went through that before, Mr Brayford, earlier about the email that I think is on page 10 of your tender bundle.

JOSEPH BRAYFORD: Ten—sorry.

The Hon. DANIEL MOOKHEY: But we also then established that there were two conversations in August. We know from the chronology that there was a Cabinet submission made on the seventeenth. This is an email that takes place seemingly after the submission was lodged, but before Cabinet had debated it, and now this email shows us that someone was asking Investment NSW "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". Do you recall around that period of time making such a request?

JOSEPH BRAYFORD: I only recall what I believe are the two times in August where I was asked to request similar advice: the one which was the methods of alternative appointments, and the second time regarding legislation requirements, I think.

The Hon. DANIEL MOOKHEY: Okay. Can you turn to page 33? Sorry, I've given you the wrong reference of your tender bundle. We did ask Ms Brown—

The Hon. WES FANG: Is this the last question?

The Hon. DANIEL MOOKHEY: It is the last line of questioning.

The Hon. WES FANG: The reason I ask that is because it was agreed that we would have 90 minutes with the witness all up. Allowing for six minutes after time—

The Hon. TAYLOR MARTIN: That's 21.

The Hon. WES FANG: Yes. That's now. The 15 minutes reserved for the Government is now.

The Hon. DANIEL MOOKHEY: Chair, it's a matter for you. Look, it's not much. I will be done in roughly two minutes, I suspect, if that avoids the fight that we would otherwise have.

The Hon. WES FANG: I want to be fair to the witness as well.

The Hon. DANIEL MOOKHEY: Yes, so do I. To be fair to the witness, he is doing well.

The Hon. WES FANG: I agree.

The ACTING CHAIR: It would be fairer to the witness to get it over and done with now rather than bringing him back.

The Hon. WES FANG: I agree, but I—

The ACTING CHAIR: We could very well end up bringing him back.

The Hon. WES FANG: I had put in writing that I think that would be fairly—

The ACTING CHAIR: Mr Mookhey, proceed with the line of questioning as quickly as you can. Otherwise, if we finish up then we may have to bring him back.

The Hon. DANIEL MOOKHEY: I will. To be clear, we have had direct evidence from Ms Brown about this. To be fair to Mr Brayford, I want to give him a chance to respond because it is very specific. In respect to that particular email, we asked Ms Brown whether or not she made the request of the general counsel. She said:

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.

She goes on to say Deputy Premier Barilaro got in touch with your general counsel directly, or his office got in touch with him directly.

JOSEPH BRAYFORD: Sorry, I can't see where you are reading from.

The Hon. DANIEL MOOKHEY: Sorry, I am not reading. I am just reading to you from a transcript. Apologies; I just cannot find the reference in your tender bundle. I am happy to read it to you again and then I can provide you with a written copy of it.

The Hon. WES FANG: I can confirm that I am happy with what he is saying.

The Hon. DANIEL MOOKHEY: I asked:

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 skip to the core point, I asked:

Do you recall the name of the person who asked you from the Deputy Premier's office?

Ms Brown goes on to say:

I feel nervous about naming them, given the introduction.

Ms Sharpe said:

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.

So she clarified that. She said that Mr Joseph Brayford asked her directly. I will provide you with the full page of the transcript.

JOSEPH BRAYFORD: Yes, I would appreciate that.

The Hon. DANIEL MOOKHEY: I am happy. It was just an incidental omission. It is probably in the bundle but I cannot see the page reference. Please feel free to read that part. I will give you the page before. It is the page with the sticker on it.

JOSEPH BRAYFORD: Okay, the line with the sticker?

The Hon. DANIEL MOOKHEY: Yes. If you want to read that page you will probably find the full context for yourself.

JOSEPH BRAYFORD: Okay, here you are saying, "Did you"—okay.

The Hon. DANIEL MOOKHEY: Ms Brown has said that it was you who contacted the general counsel and sought this advice. Do you have any recall?

JOSEPH BRAYFORD: No, my recollection was the only time I ever met or spoke to this or emailed this general counsel was in the meeting I referred to earlier, which I think is 1 October. That's the only time.

The Hon. DANIEL MOOKHEY: The answer is no?

JOSEPH BRAYFORD: I can't recall. I thought the only I had met or spoke to the general counsel—

The Hon. DANIEL MOOKHEY: To be fair, Mr Brayford, the general counsel agrees it wasn't you, to be clear here.

JOSEPH BRAYFORD: Right.

The Hon. DANIEL MOOKHEY: Just so you are aware of that, he told us this morning that it wasn't you. But I have to put it to you as well to get your account of it.

JOSEPH BRAYFORD: Right, okay. Yes, I cannot recall. The only recollection of my interaction with that general counsel was in the meeting on 1 October, which sticks in my mind because it was when the Premier resigned, and I believe that was the only time I ever met him or spoke to him. It was like a virtual call thing. I don't recall ever interacting with him prior to that.

The Hon. DANIEL MOOKHEY: The only other question or, I guess, just a final point I would like to get your response on is the general counsel tells us that he gets a meeting request circa 15, 16 September with a member of Minister Barilaro's staff to join a Teams call. Was that you?

JOSEPH BRAYFORD: I can't recall that. I thought the only time that I've ever met or spoke to him was that meeting on 1 October.

The Hon. WES FANG: To be clear, it says "she".

The Hon. TAYLOR MARTIN: That's right, it is "she".

The Hon. DANIEL MOOKHEY: To be fair again to Mr Brayford, the general counsel also told us it wasn't you. Do you know who it was?

JOSEPH BRAYFORD: I have no idea.

The Hon. DANIEL MOOKHEY: Were you aware at the time that a separate meeting was taking place with the general counsel?

JOSEPH BRAYFORD: I have no knowledge.

The Hon. DANIEL MOOKHEY: Did you cause that meeting to be created and delegated to someone else?

JOSEPH BRAYFORD: I don't think so—not that I am aware.

The Hon. DANIEL MOOKHEY: Did you provide to the general counsel questions prior to that meeting that you wanted him to address?

JOSEPH BRAYFORD: I can't recall doing such.

The Hon. DANIEL MOOKHEY: Were you aware that your office had?

JOSEPH BRAYFORD: I wasn't aware.

The Hon. WES FANG: I have really only got one question. In relation to the line of questioning Mr Mookhey took you to about the requirement to provide the office with a briefing and the CEO of Investment seeking signatures et cetera on the panel sheet, it would seem to me as though the Opposition feels that there was a sense of urgency from that request. Would it be fair to say that in providing requests of Investment NSW to Amy Brown et cetera, that perhaps those requests were mistaken sometimes for urgent requests or that there was a willingness to appear on Investment NSW's part to be on top of it so that might have actually provided clarity as to why she was seeking to do things quickly?

JOSEPH BRAYFORD: Yes. I cannot speak for her, but having been on both ends of this and in a previous role receiving such requests, if you received any request from any Minister it was your number one priority to deal with that immediately.

The Hon. WES FANG: What was, in fact, just a vanilla, everyday regular request to Investment NSW may well have been actioned quickly, not because there was urgency but because it was from a Minister?

JOSEPH BRAYFORD: Yes.

The Hon. WES FANG: You spoke a little bit earlier about what it was like to work for the Deputy Premier. You used the word—help me out here.

Ms SUE HIGGINSON: Ambitious?

The Hon. WES FANG: Ambitious. Thank you, Ms Higginson.

Ms SUE HIGGINSON: "Keen" and "ambitious" and "look at what he was doing in the regions".

The Hon. WES FANG: Yes.

JOSEPH BRAYFORD: I was impressed by it.

The Hon. WES FANG: Look, Ms Higginson could probably give chapter and verse as to all of the achievements of the Deputy Premier in his time in that role, but that is not what we are here to discuss.

The ACTING CHAIR: Probably not—"I don't recall".

Ms SUE HIGGINSON: Koala springs to mind.

The Hon. WES FANG: I guess what I am asking you about that is that he was a big personality. Was he a jovial bloke? In the office was he fun to work with? Did he crack a lot of jokes?

The Hon. DANIEL MOOKHEY: Point of order—

The Hon. WES FANG: It actually is very relevant.

The ACTING CHAIR: From a person who was protesting not long ago about wanting to finish questioning entirely, now he is basting the witness.

The Hon. DANIEL MOOKHEY: I have no doubt the Deputy President has a point that he is trying to make. If the Deputy President could be kind enough to frame the question in a way that is at least relevant to the terms of reference, it might be helpful to us all.

The Hon. WES FANG: I'll just pull out "any other matter". It is relevant.

The ACTING CHAIR: I think that covers it: "Any other matter".

The Hon. WES FANG: Yes, it does.

The ACTING CHAIR: That is the sort of questioning you get from the Government.

The Hon. DANIEL MOOKHEY: "Was he a nice guy?"

Ms SUE HIGGINSON: "Did you love him?"

The Hon. WES FANG: No, seriously.

JOSEPH BRAYFORD: I had a very professional relationship with him. I certainly wouldn't put myself in—I was never in some sort of inner circle that he had. I think that's quite evident by the fact that I found out about his resignation on the day that he resigned.

The Hon. WES FANG: I found about the resignation on the day he resigned.

JOSEPH BRAYFORD: We are in that together. I certainly don't mean to misrepresent when I say "ambitious" that that in any way alludes to his own personal ambition for himself. What I mean is in his responsibilities as Minister from when he was the skills Minister, the Minister for Regional NSW, the industry Minister and I think he might have been some other Minister.

The Hon. WES FANG: But you would have heard him joke about things like, you know, he wanted to be the ambassador to the Holy See.

JOSEPH BRAYFORD: He could have joked about, "I want to be the ambassador to the moon."

The Hon. WES FANG: He was renowned for talking about those sorts of things and things that might have happened afterwards.

JOSEPH BRAYFORD: Yes.

The ACTING CHAIR: We might draw questioning to an end, Mr Fang.

The Hon. WES FANG: It is relevant, I think.

The Hon. TAYLOR MARTIN: It is quite relevant to the discussion from this morning.

The ACTING CHAIR: This doesn't even fit within "any other matter".

The Hon. WES FANG: Well, it actually is, and you know exactly what it is relevant to.

The ACTING CHAIR: No, I don't. Would someone like to call a point of order so we can put an end to this torture?

The Hon. TAYLOR MARTIN: Robert, in all seriousness, it is entirely relevant and you know why it is relevant.

The Hon. DANIEL MOOKHEY: Point of order: I have no doubt that the Deputy President is intending to get to a question, and I understand that this is probably a prelude to those questions, but asking the witness about whether or not the Deputy Premier reflected upon being ambassador to the moon might stretch—

The Hon. WES FANG: I actually said to the Holy See.

The Hon. DANIEL MOOKHEY: Or to the Holy See. That might stretch the bounds. Perhaps the Deputy President might be able to frame the question in a manner which would allow the witness to provide a direct response.

Ms SUE HIGGINSON: You've got one minute.

The Hon. WES FANG: The former Deputy Premier was renowned—

The ACTING CHAIR: Not very much.

The Hon. WES FANG: —for talking about things which perhaps were not of a likely manner or happened to be—

The Hon. PENNY SHARPE: How much he hated koalas.

Ms SUE HIGGINSON: Koalas, yes.

The ACTING CHAIR: More interested in eating them, actually.

JOSEPH BRAYFORD: I'm just finding it difficult to follow now.

The Hon. WES FANG: Yes, as am I, given the amount of interjections. Perhaps instead of me asking the question, you might elucidate on some of those insights that he might have provided to the office.

The Hon. DANIEL MOOKHEY: Point of order: What exactly is the witness meant to be elucidating?

The ACTING CHAIR: I uphold the point of order. Thank you very much for coming today, Mr Brayford.

The Hon. WES FANG: You want to shut down this line of questioning. It's amazing. You are shutting it down.

The ACTING CHAIR: This is an entirely useless elucidation of nothing.

The Hon. WES FANG: I was doing the long lead but okay, fine, shut it down.

The ACTING CHAIR: We have gone well past the time that we agreed we would go to with you.

The Hon. DANIEL MOOKHEY: We appreciate your evidence, Mr Brayford.

JOSEPH BRAYFORD: I thank the Committee as well for understanding why I asked for this to be in camera. I really appreciate that.

The ACTING CHAIR: I note that you took a number of questions on notice. The Committee secretariat will be in contact with you within 21 days to get those answers in writing.

(The witness withdrew.)

(Evidence in camera concluded.)

Fiona Denton

From: Amy Brown
Sent: Saturday, 18 September 2021 12:57
To: Alexandra Engel; Chris Carr; Kristy Manton; Lisa Braid
Subject: FW: Confidential - JW

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

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

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

Hi Jenny

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

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

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

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

Kind regards

Amy

Amy Brown | Chief Executive Officer
Investment NSW

52 Martin Place, Sydney NSW 2000

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

Hi Jenny

Many thanks for setting this out so clearly.

I'm comfortable with the package you've outlined below, including an additional PII - CIC living allowance, and utilisation of Deloitte for taxation advice.

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

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

Kind regards

Amy

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

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

Amy,

Thanks for sending through the note on my appointment to the STIC role for the America's – I am so excited about the opportunity and know I can make a huge difference for you in the role. I really appreciate your faith and the panels faith in me to take the role and look forward to driving strong outcomes for you in Trade and Investment.

Overall package

The below would be in line with other STIC roles

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

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

My Ask1) Additional allowance for New York PII - CIC [REDACTED] per year

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

In addition to this Sensitive [REDACTED]

Sensitive [REDACTED]

- Average Rent for a 2 Bedroom Apartment in NY City is between US\$3,000 – US\$5,000 per month
- Sensitive [REDACTED]
- [REDACTED]
- Total additional excluding rent = Sensitive [REDACTED]

I was wanting to request an additional PII - CIC [REDACTED] on top of the above per year to assist with rental / Sensitive [REDACTED] so I don't have to dip into my savings and be out of pocket with the role.

Austrade's New York costs

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

The Austrade GMIs Offshore (STIC equivalent for us)

- Band 2 roles so approx. PII - CIC [REDACTED] salary
- Extras include PII - CIC [REDACTED]
- Total Package is PII - CIC [REDACTED]

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

They also pay PII - [REDACTED] for family health insurance (with Cigna) - Austrade pays the premium for staff and their recognised dependants.

2) Taxation Advice

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

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

Kathy Saveski
Partner - Deloitte Tax Services Pty Ltd
Tel/Direct: [REDACTED]
Mobile: Sensitive [REDACTED]

I hope the above makes sense.

My only ask is an additional PII - CIC per annum whilst I am there so I don't have to dip into my savings given how expensive NY is.

Thanks Jenny

Jenny West | Deputy Secretary Trade & International
Investment NSW
Level 35, 52 Martin Place, Sydney NSW 2000

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