

**INQUIRY INTO THE APPOINTMENTS OF JOSH MURRAY TO THE POSITION OF SECRETARY OF
TRANSPORT FOR NSW AND EMMA WATTS AS NSW CROSS-BORDER ASSISTANT COMMISSIONER
HEARING – FRIDAY 1 SEPTEMBER 2023**

QUESTIONS ON NOTICE

Answers are to be returned to the Committee secretariat by Friday 29 September 2023

Mr Steve Orr, Acting Secretary of the Department Regional NSW

and

Dr Julie-Anne Tooth, Chief People Officer, Department of Regional NSW

Page 38

The Hon. BRONNIE TAYLOR: Hello, Mr Orr and Dr Tooth. It's my turn now. How are you? Thank you very much for coming. I would like to ask about a brief or information that was requested on the employment of Ms Watts. Was that requested from the department?

STEVE ORR: Yes. This sort of transacts the time when Ms Fox was in the secretary role and I was in the acting role. Information was requested of the department about the process of recruitment, and that information was provided.

The Hon. BRONNIE TAYLOR: Who requested that information, Mr Orr?

STEVE ORR: I don't know who specifically requested the information.

The Hon. BRONNIE TAYLOR: Can you please take that on notice for the Committee?

STEVE ORR: I'll take it on notice.

Answer

The information was requested by a Policy Advisor in the Office of the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales.

Page 39

The Hon. BRONNIE TAYLOR: Are you aware of requests being made for information about individual employees and emails going back years on their employment?

STEVE ORR: I think it was triggered by the fact that there were matters raised in the media with respect to the appointment process. My understanding was that the Minister's office wanted to get a better understanding of what that process was.

The Hon. BRONNIE TAYLOR: Are you saying that was before or after the media article? If you would like to take that on notice, that's fine.

STEVE ORR: I can provide the information in terms of when those requests were made, but they were made during the week of 3 August.

The Hon. BRONNIE TAYLOR: I would like to know when the request was made for information about the employment of Ms Watts, please. I'm happy for you to take that on notice.

STEVE ORR: I will take that on notice.

Answer

Requests for information from the Minister's Office to the Department were made on 3 and 4 August 2023, after the media article was published on 3 August 2023.

Page 40

The Hon. WES FANG: In relation to the position itself, within the department, the secretary, in effect, is the overseer of all aspects within the department, but the Minister and their office have the ability to request that information flow between the two. Is it the case that the Minister's office was the one that requested those briefs around Ms Watts?

STEVE ORR: That's my understanding.

The Hon. WES FANG: That was the initial brief as well as subsequent briefs. Is that right?

STEVE ORR: That's my understanding, keeping in mind, Mr Fang, that I wasn't in this role at that particular point. But that's my understanding.

The Hon. WES FANG: Was the first request before the twenty-third of—

STEVE ORR: I'll come back to the Committee with the details, if that's all right, Chair.

Answer

Information was requested by the Office of the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales

The first request for information was made on 3 August 2023.

Page 41

STEVE ORR: Yes. So this is the issue which I raised before, Ms Boyd. Again, this is not a matter about Ms Watts, but she commenced in the role on 29 January is our understanding, but the brief and all the paperwork was not signed off until later in February.

The CHAIR: When was that signed off? Are you able to—

STEVE ORR: It was the 27th.

The CHAIR: Of February?

STEVE ORR: Correct.

The CHAIR: And between 29 January and 27 February, so a four-week period, did you say before she wasn't paid for that?

STEVE ORR: My understanding, and again we can take it on notice, is that payment to Ms Watts did not occur until such time as the brief had been signed. So what it appears like is that she commenced in the role but the actual payment of her wage did not occur until such time as the brief had been signed.

Answer

Payroll records indicate that Ms Watts was first paid on 6 March 2020 and that she was paid for the period from 29 January 2020 to 6 March 2020 in that pay cycle.

Page 41

The Hon. Dr SARAH KAINÉ: To be able to work, having—as has been alluded to today—worked in the public sector myself, you're required to have access to systems, emails and information. Are we to presume that Ms Watts was given access to those systems prior to the brief actually approving her in that role?

STEVE ORR: I'd need to take that on notice.

Answer

Records indicate that Ms Watts was provided with access to ICT systems on 6 March 2020.

Page 42

The Hon. Dr SARAH KAINÉ: If you could take that on notice, that would be good. Are there implications? It does seem highly unusual. The public service has a lot of rules, and most are for very good reason. Are there other implications for having someone ostensibly working who's not in the employ of the public service? I'm thinking about liabilities that would come up because of that circumstance.

STEVE ORR: I think probably the other bit which I'd add in is that what I don't know and what we don't understand is whether there was any agreements reached between the secretary and the coordinator-general at the time to enable that to happen. The paperwork tells a certain story but it's unclear to us whether there was anything else which was reached by way of agreement between the two. But you're right, it is unusual, and the matters which you raised before I'll take on notice.

The Hon. MARK BUTTIGIEG: Does it mean, in effect, that there was no employment relationship genuinely created because the approval hadn't been signed off? Is that what it effectively means in a legal sense?

STEVE ORR: I'll probably need to take that one on notice in terms of what the legal implications actually would be in relation to the employment relationship.

Answer

Ms Watts was employed as a Public Service senior executive following her written contract being signed by the Secretary on 27 February 2020 and the offer being accepted by her on 28 February 2020.

As it is not known whether there was any agreement between Ms Watts and the Secretary as to her working arrangement prior to the execution of the contract, it is not possible to provide an answer on the status of Ms Watts when she was performing work for the Department from 29 January 2020 to 27 February 2020. Given the above and the various rules governing public servants, the implications of the possible scenarios are unclear, and it would be inappropriate to speculate.

Page 42

JULIE-ANNE TOOTH: The role was Director, Strategy and Reform, which was an equivalent band 1 role in the department.

The Hon. MARK BUTTIGIEG: Is that the same band that Ms Watts is on now?

STEVE ORR: Correct.

The Hon. Dr SARAH KAINE: Where was that based? Do we know where that was going to be based?

JULIE-ANNE TOOTH: I'll have to take that on notice.

Answer

The role was advertised as based in Queanbeyan.

Page 43

The Hon. Dr SARAH KAINÉ: I do appreciate that you're going off documents rather than being involved. Did you come across any emails, any other justification? Because it's one thing to do the retrospective brief at the end of February and explain that that's when they started, but someone had to have decided and put in place some kind of process for Ms Watts to start on 29 January. Have you come across any of those?

STEVE ORR: We haven't done that search.

The Hon. Dr SARAH KAINÉ: Could I ask that on notice you might see if there is any documentation or emails that relate to that?

STEVE ORR: Sure.

The CHAIR: Sorry, also on notice if you could provide the brief that you're referring to?

STEVE ORR: Sure.

Answer

We have been unable to identify who authorised the start date of 29 January 2020 or the basis for that authorisation.

A copy of the brief has been provided.

Attachment

Attachment 1 – QoN p43 - Temporary Appointment Approval Brief_Redacted

Page 43

The Hon. Dr SARAH KAINÉ: Thank you, Chair. I wanted to also ask about the suitability assessment, the initial one. Ms Boyd also spoke to us about the differences between your full gold standard—I think she called it—process of merit selection and the suitability assessment, and that suitability assessments are approved in particular circumstances. Are you aware of the particular circumstances that meant that it was decided that this role wasn't advertised externally and, apparently, it was only Ms Watts who was approached about this role? Are you aware of why that was the decision taken?

STEVE ORR: No, I'm not.

The Hon. Dr SARAH KAINÉ: Are you able to, again, take it on notice and see if there is any documentation? I understand that someone would've had to approve that. Dr Tooth, you might be able to answer this. Would there not have had to have been a brief justifying why there wasn't a full merit process?

JULIE-ANNE TOOTH: The decision to undertake a suitability assessment, as you've heard a lot about over the last couple of days, is often used in the case where a role is created on a temporary basis. So that may be the reason that this was created, but we'd have to take it on notice to see if there is any documentation available that articulates the reason why.

Answer

Rule 21 of the *Government Sector Employment (General) Rules 2014* provides that the decision to employ a person in temporary or term employment for a period of up to 12 months must be based on either a suitability assessment or comparative assessment.

A hiring manager does not need to justify a decision to undertake a suitability assessment for temporary or term employment and consistent with this no relevant documentation was found.

Page 43

The Hon. MARK BUTTIGIEG: With this talent pool assessment, what was the role you described?

STEVE ORR: Strategy and reform. Director, strategy and reform.

The Hon. MARK BUTTIGIEG: Because of the equivalence of the band, was that then just ticked suitable? Or is there actually a match against a position description?

STEVE ORR: Generally, there's a view about the capabilities. It's not necessarily about the role per se but are the capabilities similar. What I suspect has happened here is a view's been formed that the capabilities are similar and, therefore, because Ms Watts was on the talent pool, she could be direct appointed into the role.

The Hon. MARK BUTTIGIEG: Suspect that's what's happened, but there's no hard-and-fast rule about that's the sort of filter it has to be put through?

STEVE ORR: Again, I wasn't involved in the decision-making, but that is the expectation.

The Hon. Dr SARAH KAINE: Could I ask on notice again for a copy of both the position description and the suitability assessment that was undertaken?

STEVE ORR: On notice.

Answer

The role description for the Director Strategy & Reform is provided.

Ms Watts had been talent pooled following the recruitment process for the Director Strategy and Reform in March 2021. This process involved a comparative assessment, not a suitability assessment. There is no summary document, and in the absence of such a document we do not propose to share the underlying recruitment records as this contains highly confidential information.

Attachment

Attachment 2 - QoN pg 43 - Role Description Director Strategy & Reform

Page 44

The Hon. WES FANG: Apologies, Chair. Mr Orr, you've taken the provision of some documents on notice. Could I ask you add to that list all the briefs that have been provided by the department to the Minister's office since the election in March 2023?

The Hon. Dr SARAH KAINE: Point of order, Chair—

The Hon. WES FANG: About Emma Watts—that's what I was going to ask. I was getting there.

The Hon. Dr SARAH KAINE: Excellent.

The Hon. WES FANG: All the briefs that have been created by the department and sent to the Minister's office in relation to Emma Watts since the election—if you could provide those as well, thank you.

STEVE ORR: On notice.

Answer

Briefs sent to the Office of the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales are provided.

Attachments

Attachment 3 - QoN p 44 - Advice on Cross Border Assistant Commissioner role

Attachment 4 - QoN p 44 - Supplementary Request - Advice on Cross Border Assistant Commissioner role

Page 44

The Hon. WES FANG: Thank you—on notice. In relation to the provision of temporary employment, since 28 March have there been within the department, at that band 1 executive or executive director level, any temporary appointments or acting appointments that have occurred? Would that be pretty standard?

STEVE ORR: I am sure there have been, Mr Fang. But Dr Tooth may want to comment on that. But if you want specific numbers, we will need to take that on notice.

JULIE-ANNE TOOTH: We will take that on notice for numbers.

Answer

Both temporary employment and temporary assignments are provided for in the *Government Sector Employment Act 2013* and the *Government Sector Employment (General) Rules 2014* and are standard practice in government sector agencies.

Between 28 March 2023 and 14 September 2023 there has been one instance of temporary employment of an external candidate to a Senior Executive Band 1 role within the Department of Regional NSW. In addition, there have been 7 temporary assignments of existing employees to Senior Executive Band 1 and Band 2 roles within the Department.

There have also been approximately 160 instances of temporary acting arrangements. These are short term back filling of leave arrangements and other short-term coverage and developmental opportunities.

Page 46

The Hon. MARK BUTTIGIEG: Mr Orr, have you seen any correspondence associated with the receipt of the CV from McConnell?

STEVE ORR: No, I haven't seen the specific email.

The Hon. MARK BUTTIGIEG: What about the other one from a month later? There were two CVs that were transmitted to the department.

STEVE ORR: I can't recall, but I know that the two emails exist.

The Hon. Dr SARAH KAINE: Following on from that, I think we heard from the commissioner today that he received Ms Watts' CV from two sources. One was Mark McConnell and one was from your department. Are you able, on notice, to attempt to find who sent that CV and when?

STEVE ORR: Yes.

Answer

The second email was from Jeff McCormack, then Chief of Staff in the Office of the Minister, Water Property and Housing to Gary Barnes in the Department of Planning Industry & Environment. Mr Barnes forwarded the email and attachment to James McTavish, Cross Border Commissioner, on 23 August 2019.

ATTACHMENTS



Executive Recruitment - Creation of the Office of the Cross Border Commission

Purpose: To seek the Secretary's approval of the proposed executive and non-executive structure for the Office of the Cross Border Commission and corresponding recruitment strategy.

Analysis: Creation of executive and non-executive structure, effective from 1 July 2019 until 30 June 2020, is required to give effect to the structure that has been operating since January 2019 informally. Due to the 2019 Machinery of Government changes, and the demanding travel schedule of the Town Water Supply Coordinator, these changes have not been able to be formally completed. The role of the Cross Border Commission has increased significantly, with all bordering jurisdictions engaging with NSW on cross border issues. Additional responsibilities have also been assigned to Mr James McTavish as the NSW Town Water Supply Coordinator, and it is now appropriate to split these functions and formally create the roles.

Recommendations

1. **Approve** the proposed executive and non-executive structure for the Office of the Cross Border Commission (Attachment H).
2. **Approve** the creation of a new temporary Senior Executive (SE) Band 2 role, NSW Regional Town Water Supply Coordinator, within Office of the Cross Border Commission (Attachment C).
3. **Approve** the creation of a new temporary Senior Executive (SE) Band 1 role, NSW Cross Border Assistant Commissioner, within Office of the Cross Border Commission (Attachment D).
4. **Approve** the creation of a new temporary Clerk Grade 11/12, Executive Officer, within Office of the Cross Border Commission (Attachment E).
5. **Approve** the creation of a new organizational unit, Regional Town Water, within the Office of the Cross Border Commission (Attachment H).
6. **Approve** the creation of a one new temporary Clerk Grade 9/10, Senior Policy Office, and one new temporary Clerk Grade 7/8, Policy Officer, within Regional Town Water (Attachment E).
7. **Approve** the proposed recruitment strategy for executive and non-executive roles.
8. **Sign** attached temporary Letter of Offer and Executive Employment Contracts for Mr James McTavish and Ms Emma Watts (Attachments A & B).

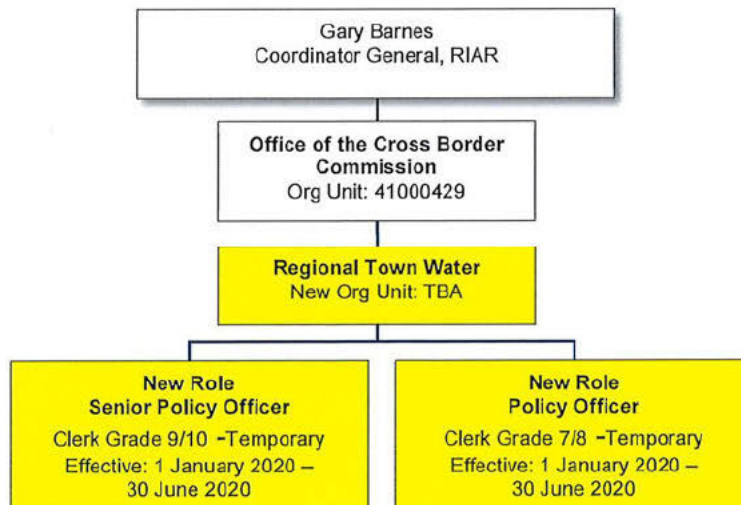
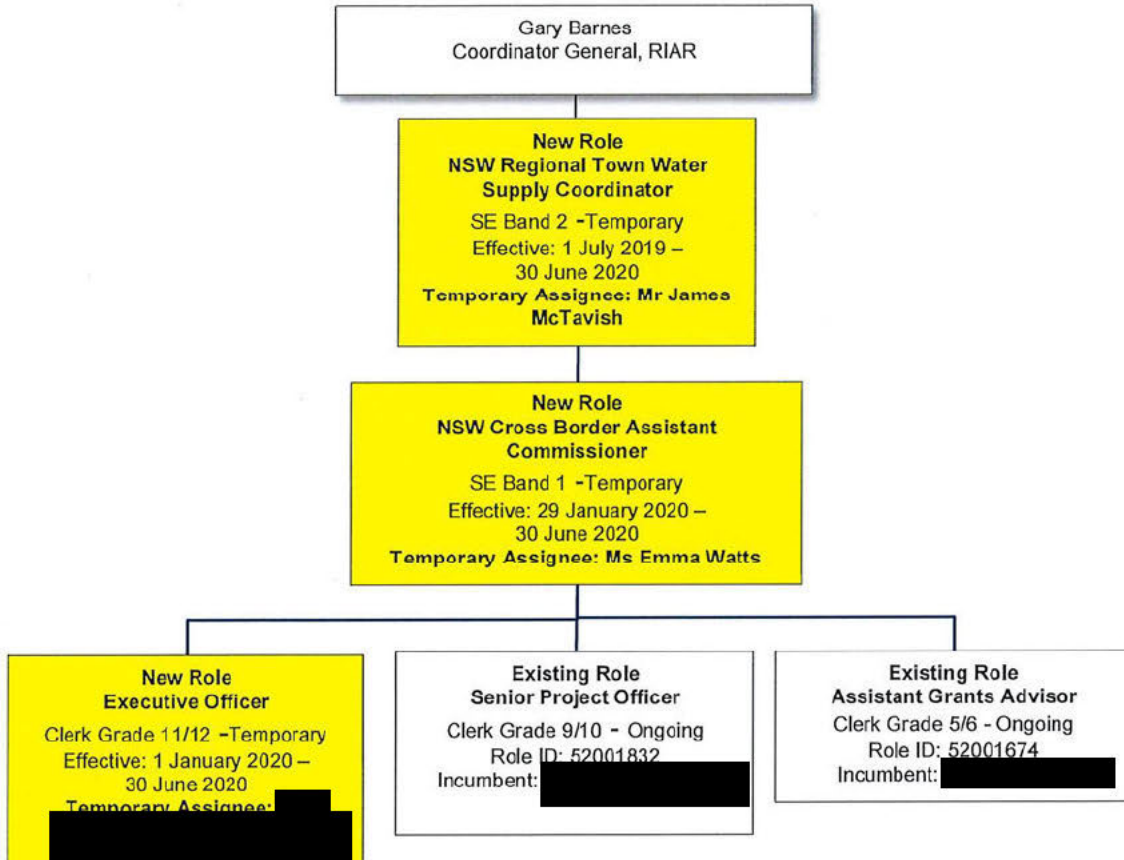
Secretary Approval

<p><i>Emma Watts</i> Name:</p> <p>Date: <i>27/2/20</i></p>	<p>Approved/Not Approved</p>
--	-------------------------------------

Key reasons

Proposed Roles – executive and non-executive structure

The following is proposed by Mr Gary Barnes, Coordinator General, Regions, Industry, Agriculture & Resources (RIAR) and Mr James McTavish, NSW Cross Border Commissioner. New roles are highlighted in yellow and a detailed summary of proposed changes are outlined in the table on the following pages.



Rational

The role of the Office of the Cross-Border Commission has increased significantly, with all bordering jurisdictions engaging with NSW on cross border issues and entering in to Memorandum of Understandings with NSW Government. The breadth of issues and level of travel requires additional resources to be dedicated to this Office. Additional responsibilities have also been assigned to Mr James McTavish as the NSW Town Water Supply Coordinator, and it is now appropriate to divide these functions and formally create two distinct roles.

Mr James McTavish will within this role have a reporting line through to both Mr Gary Barnes, Coordinator General RIAR and Mr Jim Bentley, CEO/Deputy Secretary Water:

- Responsibilities of the Office of the Cross-Border Commission will fall under Mr Gary Barnes, Coordinator-General RIAR
- Responsibilities of the NSW Regional Town Water Supply Coordinator will fall under Mr Jim Bentley, CEO/Deputy Secretary Water

The roles have been evaluated by a qualified Mercer evaluator, including a peer review, taking into account both Internal and external (across-cluster) relatives. The proposed band for the roles and the evaluation outcomes are considered appropriate based on the proposed new role description and the description of the responsibilities of the new roles supplied to the evaluator (Attachments C, D & E).

Recruitment actions have been reviewed and approved by [REDACTED] Director Talent Acquisition, please see attachments F & G for further information.

Summary of Proposed New Roles

Proposed Temporary Role Creation		Proposed Temporary Assignee	
Proposed Role Type:	New Temporary Role – full time	Proposed Effective Dates:	1 July 2019 till 30 June 2020
Proposed New Role Title:	NSW Regional Town Water Supply Coordinator	Proposed Assignee:	Mr James McTavish
Proposed Reporting Line:	CEO/Deputy Secretary, Water	Current role:	Cross Border Commissioner, SE Band 1
TRP Range	Band 2 \$275,975 min - \$310,555 max Work value points 11007	Financial Impact:	[REDACTED] per annum – see Financial Impact Statement for further details
Proposed TRP:	[REDACTED]		
Role Purpose:	This role advocates on behalf of regional communities and is the public face of the NSW Government's response to the critical water shortages facing numerous Regional NSW towns. The role meets with local government, local community leaders, utilities and industries to broker solutions to the water issues to ensure every regional town in NSW has safe, clean drinking water. This role has a high media profile and accompanies Ministers visiting drought-affected communities. The role negotiates funding to support the provision of portable water and facilitates water supply solutions.		
Sourcing Strategy:	Mr James McTavish is currently the Cross-Border Commissioner, SE Band 1. The new role has been graded as an SE Band 2, Mr McTavish has been suitability assessed at SE Band 2 level and Mr Barnes, Coordinator General, RIAR, has confirmed his suitability for the role. The role will have to be externally advertised by April 2020 for Mr James McTavish to remain in the role past 30 June 2020.		

Proposed Temporary Role Creation		Proposed Temporary Assignee	
Proposed Role Type:	New Temporary Role – full time	Proposed Effective Dates:	29 January 2020 till 30 June 2020
Proposed New Role Title:	NSW Cross Border Assistant Commissioner	Proposed Assignee:	Ms Emma Watts
Proposed Reporting Line:	NSW Regional Town Water Supply Coordinator	Current role:	Consultant, Watts & Spark
TRP Range	Band 1 \$208,518 min - \$231,572 max Work value points 756	Financial Impact:	Pro rata for six months – see Financial Impact Statement for further details
Proposed TRP:	[REDACTED]		
Role Purpose:	This role advocates cross border concerns with other states and territory jurisdictions on behalf of NSW businesses, residents and communities. The role represents NSW interests at peak government level and cross border forums. The role works closely with the NSW Regional Town Water Supply Coordinator to gain an understanding of emerging cross border issues including sustainable water supply, and to develop a framework for management of cross border issues.		
Sourcing Strategy:	Ms Emma Watts is currently a consultant, a suitability assessment has been conducted for SE Band 1 level and Mr McTavish, Cross Border Commissioner, has confirmed her suitability for the role. The role will have to be externally advertised by October 2020 for Ms Emma Watts to remain in the role past 28 January 2021.		

Proposed Temporary Role Creation		Proposed Temporary Assignee	
Proposed Role Type:	New Temporary Role – full time – job-share	Proposed Effective Dates:	1 January 2020 till 30 June 2020
Proposed New Role Title:	Executive Officer – Office of the Commissioner	Proposed Assignee:	[REDACTED]
Proposed Reporting Line:	Assistant NSW Cross Border Commissioner	Current role:	Senior Project Officer
Grade:	Clerk Grade 11/12 \$128,089 - \$148,134	Financial Impact:	Pro rata per annum full time equivalent – see Financial Impact Statement for further details
Proposed Salary:	[REDACTED]		
Role Purpose:	This role provides strategic and operational advice to the Assistant NSW Cross Border Commissioner and the NSW Regional Town Water Supply Coordinator, from both an independent viewpoint and as a result of coordinating and evaluating information from a number of sources within the Cluster.		
Sourcing Strategy:	[REDACTED] is currently a Senior Project Officer, Clerk Grade 9/10 within Office of the Cross-border Commission, a suitability assessment has been conducted for Clerk Grade 11/12 and Mr McTavish, Cross Border Commissioner, has confirmed her suitability for the role. [REDACTED] is currently working part time, two days per week, it is proposed to run an internal expression of interest (EOI) across the Department to source a job share partner for the remaining three days. The role will have to be externally advertised by October 2020 for [REDACTED] to remain in the role past 31 December 2020.		

Proposed Temporary Role Creation

Proposed Role Type:	New Temporary Role – full time	Proposed Effective Dates:	1 January 2020 till 30 June 2020
Proposed New Role Title:	Senior Policy Officer	Proposed Reporting Line:	Assistant Cross Border Commissioner
Grade:	Clerk Grade 9/10 \$110,745 - \$122,038	Financial Impact:	\$122,038 per annum, based on Grade 10 Year 2 – see Financial Impact Statement for further details
Role Purpose:	This role provides strategic policy advice and coordination, and undertakes complex research and analysis for the development, coordination, implementation and review of policies and legislative frameworks to inform decision making relating to NSW's position on regional town water supply and border community issues.		
Sourcing Strategy:	It is proposed to run an internal expression of interest (EOI) across the Department to temporarily fill this role until 30 June 2020.		

Proposed Temporary Role Creation

Proposed Role Type:	New Temporary Role – full time	Proposed Effective Dates:	1 January 2020 till 30 June 2020
Proposed New Role Title:	Policy Officer	Proposed Reporting Line:	Assistant Cross Border Commissioner
Grade:	Clerk Grade 7/8 \$97,152 - \$107,541	Financial Impact:	\$107,541 per annum, based on Grade 8 Year 2 – see Financial Impact Statement for further details
Role Purpose:	This role provides analysis, advice and project coordination o support the development and delivery of divisional strategy and policy development responsibilities.		
Sourcing Strategy:	It is proposed to run an internal expression of interest (EOI) across the Department to temporarily fill this role until 30 June 2020.		

Financial Impact

The two new temporary SE roles and the one new temporary non-executive role within Office of the Cross Border Commission are funded from the Labour Expense Cap as per 2019-20 Budget allocation for Office of the Cross Border Commission.

The existing SE Band 1 role, Cross Border Commissioner, will remain in the structure as Mr James McTavish's substantive role and will not be backfilled for the period Mr McTavish is assigned to the SE Band 2 role, this will result in savings of \$268,207 [REDACTED]

The two new temporary non-executive roles within the Regional Town Water organisational unit will be costed back to the Water Group.



Consultation

This brief has been prepared by [REDACTED] Manager Talent Acquisition, in consultation with [REDACTED] Director People Partners.

Attachments

Attachment	Title
A	Letter of Temporary Assignment and Executive Employment Contract – Mr James McTavish
B	Letter of Temporary Appointment and Executive Employment Contract – Ms Emma Watts
C	Role Description and Evaluation – NSW Regional Town Water Supply Coordinator
D	Role Description and Evaluation – NSW Cross Border Assistant Commissioner
E	Role Description – non-executive roles
F	Suitability Assessment documentation – Mr James McTavish
G	Suitability Assessment documentation – Ms Emma Watts
H	Office of the Cross Border Commission proposed structure

Departmental approval and contact

Approver	Position	Date approved
Angus Begg	Executive Director, Business Advisory, Corporate Services	Via email – 24/02/2020
Mathew Paine	Executive Director, Culture & Inclusion, People, Performance & Culture	Via email – 45/02/2020
Final Approver	Position	Date approved
Gary Barnes	Coordinator General, Regions, Industry, Agriculture & Resources	26/2/2020
Signature		
Jim Bentley	Deputy Secretary (CEO) the Water Group	26/02/2020
Signature		
Contact Name		Phone number
	Manager Talent Acquisition	
	Senior Manager, Talent Acquisition	

Role Description

Director, Strategy & Reform



Regional
NSW

Cluster	Regional NSW
Department/Agency	Department of Regional NSW
Division/Branch/Unit	Strategy, Delivery and Performance
Location	Location Negotiable
Classification/Grade/Band	Senior Executive Band 1
Senior Executive Work Level Standards	Work Contribution Stream: Service/Operational Delivery
ANZSCO Code	132111
PCAT Code	2119192
Date of Approval	March 2021
Agency Website	http://www.nsw.gov.au/regionalnsw

Agency overview

The Department of Regional NSW was formed in 2020 as a central agency for regional issues. The Department is responsible for building resilient regional economies and communities, strengthening primary industries, managing the use of regional land, overseeing the state's mineral and mining resources and ensuring government investment in regional NSW is fair and delivers positive outcomes for local communities and businesses.

Primary purpose of the role

The Director leads bold reform projects and develops innovative, evidence-based solutions to complex policy problems to make regional NSW an even better place to live, work and invest. The role is an influential leader that champions change by building partnerships across government to meet the ambition of the [20-Year Economic Vision for Regional NSW](#).

The Director leads the Strategy & Reform Unit to deliver strategic priorities for the Minister for Regional NSW and the Secretary of the Department of Regional NSW. The role is a trusted policy advisor on contemporary issues impacting regional industries and communities.

Key accountabilities

- Provide trusted and strategic support to the Minister, Secretary and Senior Executives to drive the Government's reform agenda for regional NSW.
- Establish and maintain partnerships with senior leaders across the NSW Government and other organisations to support delivery of the 20-Year Economic Vision for Regional NSW and other regional development strategies.
- Design, implement and drive bold reforms to make regional NSW an even better place to live, work and invest in collaboration with lead agencies.
- As part of the senior leadership team, develop the Branch's capability and build a culture that fosters innovative thinking and embraces collaborative approaches to working with other senior executives across the Department of Regional NSW and with other relevant agencies.
- Evaluate, synthesise and critically analyse highly complex and politically sensitive issues and concerns affecting delivery of strategic priorities for the Minister, and proactively develop sound and well-balanced solutions.

Key challenges

- Establishing collaborative high-level relationships across a broad range of agencies, negotiating and influencing to deliver strategic priorities for the Minister and the Secretary.
- Achieving outcomes in an environment where implementation can be reliant on other agencies but there is limited direct authority over these other agencies.
- Developing sound evidence-based policy positions on greenfield issues where there is minimal precedent, or where issues have high impact on multiple communities and sectors within the state.

Key relationships

Who	Why
Ministerial	
Ministers, Minister's Office, other Ministerial Offices	<ul style="list-style-type: none"> • Brief Ministers and Ministerial Offices with regard to policy position. • Steward policy and associated implementation actions through Cabinet processes.
Internal	
Executive Director/Deputy Secretary Strategy, Delivery and Performance	<ul style="list-style-type: none"> • Act as subject matter expert on policy frameworks and development, providing strategic policy advice and recommendations to support organisational decisions and initiatives.
Work team	<ul style="list-style-type: none"> • Provide leadership, guidance and day-to-day management of the team with a focus on developing skills and strategic capabilities.
External	
Cluster and Public Sector agencies	<ul style="list-style-type: none"> • Establish and maintain relationships with key stakeholders to optimise engagement, consultation, negotiation and facilitation of policy alignment, implementation and response.
Government, public sector, non-government, industry and community sectors	<ul style="list-style-type: none"> • Participate in the coordination of a whole-of-government approach between key NSW government stakeholders. Manage effective relationships and establish strategic partnerships and networks with key government stakeholders and ensure the successful delivery of whole-of-government initiatives.

Role dimensions

Decision making

The Director is expected to operate with a high level of autonomy and is accountable for the timeliness, content, quality and reliability of advice provided and work performed and has authority to determine day to day work priorities, allocating duties and decision relating to the quality of work assigned.

Reporting line

Executive Director – Strategy & Economics

Direct and indirect reports

8-10

Budget/Expenditure

N/A

Essential requirements

- Appropriate tertiary qualifications or equivalent, relevant professional experience and training.

Key knowledge and experience

- Extensive successful experience in leading the delivery of policy reforms or resolution of complex policy problems.
- Proven experience using data analysis to solve problems and develop innovative solutions.

Capabilities for the role

The [NSW public sector capability framework](#) describes the capabilities (knowledge, skills and abilities) needed to perform a role. There are four main groups of capabilities: personal attributes, relationships, results and business enablers, with a fifth people management group of capabilities for roles with managerial responsibilities. These groups, combined with capabilities drawn from occupation-specific capability sets where relevant, work together to provide an understanding of the capabilities needed for the role.

The capabilities are separated into **focus capabilities** and **complementary capabilities**.

Focus capabilities


Focus capabilities are the capabilities considered the most important for effective performance of the role. These capabilities will be assessed at recruitment.

The focus capabilities for this role are shown below with a brief explanation of what each capability covers and the indicators describing the types of behaviours expected at each level.

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
	Act with Integrity Be ethical and professional, and uphold and promote the public sector values	<ul style="list-style-type: none"> • Model the highest standards of ethical and professional behaviour and reinforce their use • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Promote a culture of integrity and professionalism within the organisation and in dealings external to government • Monitor ethical practices, standards and systems and reinforce their use • Act promptly on reported breaches of legislation, policies and guidelines 	Advanced
	Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect	<ul style="list-style-type: none"> • Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiences • Speak in a highly articulate and influential manner • State the facts and explain their implications for the organisation and key stakeholders • Promote the organisation's position with authority and credibility across government, other jurisdictions and external organisations • Anticipate and address key areas of interest for the audience and adapt style under pressure 	Highly Advanced
	Work Collaboratively Collaborate with others and value their contribution	<ul style="list-style-type: none"> • Recognise outcomes achieved through effective collaboration between teams • Build cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across government • Facilitate opportunities to engage and collaborate with stakeholders to develop joint solutions • Network extensively across government and organisations to increase collaboration • Encourage others to use appropriate collaboration approaches and tools, including digital technologies 	Advanced
	Think and Solve Problems Think, analyse and consider the broader context to develop practical solutions	<ul style="list-style-type: none"> • Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues • Work through issues, weigh up alternatives and identify the most effective solutions in collaboration with others • Take account of the wider business context 	Advanced

FOCUS CAPABILITIES






Capability group/sets	Capability name	Behavioural indicators	Level
		<p>when considering options to resolve issues</p> <ul style="list-style-type: none"> • Explore a range of possibilities and creative alternatives to contribute to system, process and business improvements • Implement systems and processes that are underpinned by high-quality research and analysis • Look for opportunities to design innovative solutions to meet user needs and service demands • Evaluate the performance and effectiveness of services, policies and programs against clear criteria 	
	<p>Manage and Develop People Engage and motivate staff, and develop capability and potential in others</p>	<ul style="list-style-type: none"> • Refine roles and responsibilities over time to achieve better business outcomes • Recognise talent, develop team capability and undertake succession planning • Coach and mentor staff and encourage professional development and continuous learning • Prioritise addressing and resolving team and individual performance issues and ensure that this approach is cascaded throughout the organisation • Implement performance development frameworks to align workforce capability with the organisation's current and future priorities and objectives 	Advanced

Complementary capabilities

Complementary capabilities are also identified from the Capability Framework and relevant occupation-specific capability sets. They are important to identifying performance required for the role and development opportunities.

Note: capabilities listed as 'not essential' for this role are not relevant for recruitment purposes however may be relevant for future career development.

COMPLEMENTARY CAPABILITIES

Capability group/sets	Capability name	Description	Level
 Personal Attributes	Display Resilience and Courage	Be open and honest, prepared to express your views, and willing to accept and commit to change	Advanced
	Manage Self	Show drive and motivation, an ability to self-reflect and a commitment to learning	Advanced
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Advanced
 Relationships	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Advanced
	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	Advanced
 Results	Deliver Results	Achieve results through the efficient use of resources and a commitment to quality outcomes	Advanced
	Plan and Prioritise	Plan to achieve priority outcomes and respond flexibly to changing circumstances	Adept
	Demonstrate Accountability	Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines	Adept
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Adept
	Technology	Understand and use available technologies to maximise efficiencies and effectiveness	Adept
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Adept
	Project Management	Understand and apply effective planning, coordination and control methods	Advanced
 People Management	Inspire Direction and Purpose	Communicate goals, priorities and vision, and recognise achievements	Adept
	Optimise Business Outcomes	Manage people and resources effectively to achieve public value	Adept
	Manage Reform and Change	Support, promote and champion change, and assist others to engage with change	Advanced

Informal Advice**Minister Moriarty**

Issue:	Recruitment of Cross Border Assistant Commissioner role
Due to Minister:	4/08/2023

Request from MO

- Can the Department please elaborate on the acting appointment in January 2020?
 - Was this temporary appointment advertised (internally or externally)?
 - Was there an EOI process (internally or externally)?
 - Who was the decision maker for this appointment and what documentation is available to support this decision?
 - Was Ms Watts already employed in the Department prior to this temporary appointment and if so, what was her role?
 - The temporary appointment appears to have been for a period of 1 year and 8 months. Is there any reason the position was not filled on a permanent basis prior to August 2021?
- Similarly, for the permanent appointment in August 2021 from the talent pool
 - Was the permanent vacancy advertised (internally or externally)?
 - Who was the decision maker for this appointment and what documentation is available to support this decision?
- Was the then Deputy Premier provided with, or did they request any information (written or verbal) on the vacancy or appointment process at any stage in the recruitment process for either the temporary or permanent appointments?

Information

Temporary creation and appointment of the NSW Cross-Border Assistant Commissioner effective January 2020

- The temporary appointment of Ms Watts took place within the Department of Planning Industry and Environment (DPIE).
- There are no records of any advertising or EOI processes. These are not essential for filling short-term or temporary roles in accordance with the GSE Rules (Part 3).
- The hiring manager was the NSW Regional Town Water Supply Coordinator, Mr James McTavish.
- Ms Watts was not an employee in the Department prior to the temporary appointment.
- Ms Watts identifies in her online application form dated 28 February 2020 that she was a referral to the Department.
- An initial search of emails by the hiring manager indicates that the CV of Ms Watts was forwarded to the Department by the Chief of Staff in the Office of the

References:
MF23/2101

Division/Branch:
C&P/People

Approving officer:

1

Deputy Premier of NSW in July 2019 and by the Chief of Staff in the Office of the Minister, Water Property and Housing in August 2019.

- The recruitment documentation that supports the decision meets the requirements for a suitability assessment in accordance with GSE Rules (Part 3). This included a CV review, interview conducted on 5 December 2019, psychometric testing dated 12 February 2020 and two reference checks completed on 7 December 2019.
- The initial creation of the temporary role and the appointment of Ms Watts, effective from 29 January until 30 June 2020, was approved by the Secretary DPIE, Mr Jim Betts on 27 February 2020.
- The temporary role and assignment of Ms Watts was extended twice.
 - Until 15 January 2021. This was approved by the Secretary DRNSW, Mr Gary Barnes on 17 June 2020.
 - Until 15 January 2022. This was approved by the Secretary DRNSW, Mr Gary Barnes on 4 December 2020.
 - GSE Rule 15 (2) allowed for extensions of temporary employment of up to two years due to the COVID-19 response.
- The position was not filled on a permanent basis prior to August 2021 as the role was initially created as a short-term temporary role and then extended due to the COVID-19 response.

Permanent appointment to the role of NSW Cross-Border Assistant Commissioner effective August 2021

- The ongoing role of NSW Cross-Border Assistant Commissioner was not advertised internally or externally.
- The conversion of the role of the NSW Cross-Border Assistant Commissioner from temporary to ongoing and the appointment of Ms Watts, effective from 18 August 2021 was approved by the Secretary DRNSW, Mr Gary Barnes on 13 December 2021.
- Ms Watts had been talent pooled following the recruitment process for a different role at Director level within DRNSW in March 2021. This role was the Director Strategy and Reform. The hiring manager was the A/Executive Director Strategy & Reform.
- The recruitment documentation for the role of Director Strategy and Reform that supports the decision to appoint Ms Watts to the role of NSW Cross-Border Assistant Commissioner meets the requirements for a comparative assessment in accordance with the GSE Rules (Part 3). This included reviewing a CV and application, a panel interview on the 30 March 2021, psychometric testing, two reference checks plus a work assessment task.
- The process of appointing candidates from talent pools under Rule 19 of the GSE Rules is designed to support mobility and reduce the time and cost of filling roles.

Request for information

- There is no indication in the recruitment documentation that the Deputy Premier's office was either involved or requested information on the appointments.

References:
MF23/2101

Division/Branch:
C&P/People

Approving officer:

2

Departmental approvals

Comments: Advice prepared by Dr Julie-Anne Tooth, Chief People Officer, [REDACTED]
Reviewed by Tim Holden, General Counsel, by email.

Position	Signature	Date
Approving officer: Jonathan Wheaton, Deputy Secretary, Regional Development & Programs	Approved	04/08/2023
Approving officer: Dr Adam Tyndall, A/ED OSEC	Approved	04/08/2023

References:
MF23/2101

Division/Branch:
C&P/People

Approving officer:

Department of Regional NSW



Informal Advice

Minister Moriarty

Issue:	Recruitment of Cross Border Assistant Commissioner role
Due to Minister:	7/08/2023

Request from MO

What was the process through which the role description for the Cross Border Assistant Commissioner was created and provided to the Public Service Commission for evaluating and grading?

Information

Temporary creation and appointment of the NSW Cross-Border Assistant Commissioner effective January 2020

- As previously advised, the temporary appointment of Ms Watts took place within the Department of Planning Industry and Environment (DPIE).
- A search of job evaluation records indicates that the role description for the NSW Cross Border Assistant Commissioner dated February 2020 was evaluated on 14 February 2020.
- The role was evaluated by the Mercer accredited job evaluation team located within DPIE.

Permanent appointment to the role of NSW Cross-Border Assistant Commissioner effective August 2021

- As previously advised, the conversion of the role of the NSW Cross-Border Assistant Commissioner from temporary to ongoing and the appointment of Ms Watts took place in the Department of Regional NSW (DRNSW) and was approved by the Secretary, Mr Gary Barnes.
- The role description for the NSW Cross Border Assistant Commissioner dated August 2021 was evaluated on 18 August 2021 by the Mercer accredited job evaluation team located within DPE (formerly DPIE).
- The evaluation and grading of roles is not undertaken by the PSC but rather by internally or externally accredited providers. These services are provided to DRNSW by the Mercer accredited job evaluation team located within DPE.

References:
MF23/2101

Division/Branch:
C&P/People

Approving officer:

1

Departmental approvals

Comments:

Position	Signature	Date
Approving officer: Jonathan Wheaton, A/Deputy Secretary, Regional Development & Programs		
Approving officer: Dr Adam Tyndall, A/ED OSEC		

References:
MFXX/XXXX

Division/Branch:
Acronym/Short name

Approving officer:
Name and telephone