

**REPORT ON PROCEEDINGS BEFORE**

**PUBLIC ACCOUNTABILITY COMMITTEE**

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

**CORRECTED**

**At Jubilee Room, Parliament House, Sydney on Wednesday 3 August 2022**

**The Committee met at 10:30.**

**PRESENT**

Ms Cate Faehrmann (Chair)

The Hon. Wes Fang

The Hon. Scott Farlow

The Hon. John Graham

The Hon. Courtney Houssos

The Hon. Daniel Mookhey

The Hon. Peter Poulos

The Hon. Penny Sharpe



**The CHAIR:** Welcome to the fourth hearing of the Public Accountability Committee's inquiry into the appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas. The inquiry is examining the circumstances leading up to the appointment, including the processes of probity and integrity measures that were undertaken. I 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 and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures, and their connections to the lands and waters of New South Wales. I also acknowledge and pay respect to any Aboriginal and Torres Strait Islander people joining us today.

Before we commence, I would like to make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I, therefore, urge witnesses to be careful about comments they may make to the media or to others after they complete their evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today and want more time to respond, they can take a question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Finally, everyone should turn their mobile phones to silent for the duration of the hearing.

**Ms AMY BROWN**, Secretary, Department of Enterprise, Investment and Trade, and Chief Executive Officer, Investment NSW, on former oath

**The CHAIR:** Today we will be hearing from one witness, Ms Amy Brown, Secretary of the Department of Enterprise, Investment and Trade and also the chief executive officer of Investment NSW. I thank Ms Brown for again making the time to give evidence to this inquiry. Ms Brown, would you like to start by making a short statement?

**AMY BROWN:** I will make a statement, please, Chair. It is not particularly long. Thank you for inviting me to appear for the second time as a witness in this inquiry. This hearing is an opportunity to clarify some of the evidence I gave on 29 June and answer any questions you may have since further documents have been provided. Regarding my previous evidence, I would like to emphasise that I share the Committee's disappointment that the in-camera evidence I gave was disclosed to the media. That evidence was sensitive, and my intention was to protect the professional reputation of the individuals discussed. The unauthorised disclosure was a serious breach of trust and has caused me much distress. I agree that it risked compromising the integrity of the committee system and the public interest.

On issues of substance, I want to reiterate my previous evidence that by the end of the first recruitment process, no suitable candidate had been found. The first process was launched on 2 April 2021. Short-listed candidates were interviewed on 21 July 2021. By 4 August 2021 each member of the interview panel had signed a report recommending one candidate as suitable for the role of STIC Americas and talent-pooling another. While Ms West was the successful candidate at that stage, there are still some steps that need to occur before a recruitment process is complete; those have been detailed in other evidence.

Between 11 August 2021, when the Premier and three Ministers received briefs reflecting the outcome of the interview process, and 1 October 2021—when I, as hiring manager, determined that the full recruitment process was closed—a number of factors had changed. That resulted in both Ms West and the other candidate being determined by me alone to be no longer suitable. Those factors include: One, the 27 September 2021 decision of Government to change the basis of appointment of STICs from public servants to ministerial appointments meant that I needed to close the recruitment process currently underway and still subject to contract.

Two, with respect to Ms West, from mid-September I began to be made aware of serious performance issues that would likely result in a need to have her performance managed. On that basis, it would be unwise to appoint her to an overseas role, as I would need to be confident that these issues would not continue. Three, while it was the selection panel's clear intention to talent-pool a candidate other than Ms West to keep the option open should he be appropriate for another overseas trade employee role in the New South Wales Government in the future, because the process was ceased he was never formally put on a public sector talent pool. Regardless, I had nevertheless determined that he wasn't suitable for this role. As such, by the end of the first recruitment process no suitable candidate had been found, and on 3 October I emailed NGS Global informing them that the recruitment process should be closed.

Finally, much of the reporting has been around the engagement I had with Minister Ayres on the second recruitment process, which ultimately led to the appointment of Mr Barilaro. As is customary with high-profile, external-facing, Band 3 senior executive roles, informal opinions of the responsible Minister are often sought. For the senior trade and investment commissioners, from 27 September 2021 onwards I thought it prudent to have a degree of confidence that appointees would be capable of transitioning into a ministerial appointment regime if the change was eventually implemented. Any conversations I had with Minister Ayres were therefore, to a degree, influential on my decision. But, in my view, it did not amount to undue influence because at all times I felt that the decision was ultimately mine to make. Thank you.

**The CHAIR:** Thank you very much. We will proceed to questions from the Opposition, starting with Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Thank you, Chair. Secretary Brown, thank you for your appearance.

**AMY BROWN:** You're welcome.

**The Hon. DANIEL MOOKHEY:** Can I also just convey—I understand that you've appeared again for a second time at very short notice, and we do appreciate that.

**AMY BROWN:** Thank you.

**The Hon. DANIEL MOOKHEY:** Equally, I know a lot of people in your department have been working very hard to produce documents for the purposes of this inquiry. We just want to take the opportunity to thank them too, if you don't mind.

**AMY BROWN:** We appreciate that.

**The Hon. DANIEL MOOKHEY:** Thank you. Secretary Brown, first question: Do you mind pushing your microphone forward?

**AMY BROWN:** Yes, it does sound a bit—is that better?

**The Hon. DANIEL MOOKHEY:** Yes, a little bit. Secretary Brown, in the earlier hearing we had the opportunity to speak pretty extensively about the first process.

**AMY BROWN:** Sure.

**The Hon. DANIEL MOOKHEY:** There are obviously matters we will need to return to, but I think we should probably just start from the second process, if you don't mind.

**AMY BROWN:** Okay.

**The Hon. DANIEL MOOKHEY:** I just want to ask you at the first instance: Do you recall having a conversation on the morning of Tuesday 12 October 2021 with Minister Ayres?

**AMY BROWN:** Yes, I do.

**The Hon. DANIEL MOOKHEY:** What was the purpose of that discussion?

**AMY BROWN:** For context, on 5 October 2021 Minister Ayres became the portfolio Minister with respect to trade and investment matters, and 12 October 2021 was our first more in-depth catch-up on what that would mean, particularly in light of the rollout of the international network and the processes that were currently underway to put senior trade and investment commissioners in post. In particular, Cabinet had made a decision on 27 September to convert the public service recruitment processes into ministerial appointments. So this was my first check-in with him on what his thinking on that would be, particularly in light of the fact that we had announced the Trade Statement that set ambitious targets for trade, in particular, in New South Wales. I knew that it was important to him to see the international rollout proceed without delay.

**The Hon. DANIEL MOOKHEY:** Okay. Just to shed a bit of light on that conversation, was that an in-person conversation?

**AMY BROWN:** Yes, it was.

**The Hon. DANIEL MOOKHEY:** Was it a meeting?

**AMY BROWN:** Yes. We had catch-ups fairly frequently.

**The Hon. DANIEL MOOKHEY:** And so, presumably, was this a meeting in the department? Or was it in his office?

**AMY BROWN:** We tended to meet in his office, usually in his boardroom—occasionally in his office, but less so.

**The Hon. JOHN GRAHAM:** Can you recall where this meeting occurred, though, on 12 October 2021?

**AMY BROWN:** I can't. I'm sorry.

**The Hon. JOHN GRAHAM:** Thank you.

**The Hon. DANIEL MOOKHEY:** Do you happen to recall who else was at the meeting?

**AMY BROWN:** I think it was just a one-to-one catch-up, from memory.

**The Hon. DANIEL MOOKHEY:** Okay. And this is taking place approximately a week after he becomes the trade Minister, correct?

**AMY BROWN:** Approximately, yes.

**The Hon. DANIEL MOOKHEY:** Yes, and it is really to start operationalising the matters in this portfolio that are relevant to the appointment of STIC positions. Is that an accurate way of describing it?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Do you recall discussing the India and Singapore positions?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Do you recall what the Minister said to you about those positions?

**AMY BROWN:** The Minister hadn't met with the preferred candidates for STIC India and the Middle East or STIC ASEAN, but he said that, by all accounts, they were respected businesspeople and it sounded like I had run a good process that yielded excellent candidates. Bearing in mind that, at this point, these positions were to be converted into ministerial appointments, the interpretation that I took from the conversation is that those were two individuals who he would see capable of essentially being grandfathered or transitioned into the new regime, which was to be approved by Ministers.

**The Hon. DANIEL MOOKHEY:** So it's fair to say he was supportive of the India and Singapore positions to be filled by the preferred applicants as public servants as planned?

**AMY BROWN:** Yes, using the GSE mechanism to put them in place. That's correct.

**The Hon. DANIEL MOOKHEY:** Can I table a document to be provided to the witness, if that's possible? I think a copy will be made available to the Government. If it's the case, we would be very content to tender the other bundle now, which is in the folder that I've provided to the Committee secretariat, and provide that to the witness. I believe the secretariat has prepared copies for the Government and the Chair. Secretary, can we return to the meeting? We've established India and Singapore. At this point in the process, India and Singapore have not yet been filled, nor have China or America. Is that correct?

**AMY BROWN:** Sorry, could you repeat that? India and Singapore are not yet—

**The Hon. DANIEL MOOKHEY:** Filled, as of 12 October.

**AMY BROWN:** Filled—yes, that's right.

**The Hon. DANIEL MOOKHEY:** Nor is the Americas position or the Greater China position. Is that accurate?

**AMY BROWN:** Correct, yes.

**The Hon. DANIEL MOOKHEY:** Was there a discussion had at that meeting about the Americas position?

**AMY BROWN:** Yes, there was.

**The Hon. DANIEL MOOKHEY:** Can you take us through that discussion? What did the Minister say?

**AMY BROWN:** Certainly. My recollection is that once we had discussed India-Middle East and ASEAN, I said okay about the Americas. There are a few factors that I wanted him to be aware of before we decided how to proceed. Number one is that we weren't able to employ not only a STIC but anyone in the Americas for the foreseeable future until we had resolved the tax issue that I talked about in my last evidence. So we weren't able to put a contract on the table for anyone just yet. I didn't go into any particular detail about some of the performance issues that I was starting to become aware of with regard to Ms West. That was more conversations I was having with her team, as at that point they were directly reporting to me because she was on extended leave. I may have mentioned in passing that I did have a few concerns, but I said, "In light of the fact that we can't offer anyone the job for some time, is it your view that we should keep that recruitment process closed and reopen it at another time in the future?"

**The Hon. DANIEL MOOKHEY:** That's what you said, Secretary?

**AMY BROWN:** I suggested that, yes.

**The Hon. DANIEL MOOKHEY:** What did the Minister say?

**AMY BROWN:** He agreed.

**The Hon. DANIEL MOOKHEY:** I have just provided you with an email, which is dated 12 October 2021 at one o'clock. I presume the conversation you had with the Minister was that morning. So that's before one o'clock?

**AMY BROWN:** That sounds right, yes.

**The Hon. DANIEL MOOKHEY:** Presumably, you've then relayed the conversations to your—

**AMY BROWN:** Chief of staff.

**The Hon. DANIEL MOOKHEY:** I won't mention the name; I'll just refer to her by title.

**AMY BROWN:** Thank you.

**The Hon. DANIEL MOOKHEY:** I think at this point she then communicates this to your general counsel, as well as the managing director of trade. Is that fair?

**AMY BROWN:** At that point they were executive director of trade and international.

**The Hon. DANIEL MOOKHEY:** To be clear, it says, "The Minister would like the NY post be left vacant for now".

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** The way in which this is related makes it clear that it seems as though that was the Minister's decision.

**AMY BROWN:** It was my decision. But, given that on 27 September the Government had made a decision to convert these into ministerial appointments, at that point the Minister's preferences were very much taken on board because these were on the pathway to being ministerial positions. So, in that sense, it was my decision but it very much took into account the views of the Minister.

**The Hon. JOHN GRAHAM:** The views of the Minister and the preference of the Minister. That would be fair to say?

**AMY BROWN:** That's accurate.

**The Hon. DANIEL MOOKHEY:** Do you mind if I ask you to elaborate on when you say "the views of the Minister"? Were those views presented to you strongly?

**AMY BROWN:** I wouldn't necessarily characterise them as "strongly". It was as part of a conversation between two individuals.

**The Hon. DANIEL MOOKHEY:** What I'm trying to understand here is that I accept there were issues to do with the establishment of the New York position, namely to do with the tax status, I think. I think at that point you were still in the process of incorporating companies under US law, were you not?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** But it was already clear that there was a clear pathway to have those two issues resolved before the end of the year. That's correct?

**AMY BROWN:** We weren't sure of the precise timing of when they'd be resolved, but they were resolved by mid-December. So you're correct that they were resolvable.

**The Hon. DANIEL MOOKHEY:** Certainly, similar issues at the time—logistical and administrative arrangements—applied to the India and Singapore positions. Correct?

**AMY BROWN:** Less so. The tax issues weren't pervasive in those jurisdictions.

**The Hon. DANIEL MOOKHEY:** I accept that India and Singapore were ahead of the process. But there were still outstanding issues in respect to the administrative arrangements surrounding the India and Singapore positions, were there not?

**AMY BROWN:** Nothing that prevented us from putting a contract on the table and negotiating those contracts.

**The Hon. DANIEL MOOKHEY:** If you read down to the fourth point, it says, "China is good to go as it's been with the extension of"—I don't know who that is but I presume that's the incumbent person.

**AMY BROWN:** The person who is already in country.

**The Hon. DANIEL MOOKHEY:** But that wasn't the person who ends up being the STIC commissioner.

**AMY BROWN:** That's right. They were the interim STIC, so to speak, because they were already in country and it made sense to keep them as head of the office.

**The Hon. DANIEL MOOKHEY:** It's just another example of the Americas position being put on a slightly separate path. Is that fair to say?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And it's fair to say that took place after the Minister expressed a very clear preference to you?

**AMY BROWN:** Preference that we did not fill the New York role?

**The Hon. DANIEL MOOKHEY:** Yes.

**AMY BROWN:** I think it was a pragmatic piece of advice from me that we couldn't fill the role for some time. His response was "Well, then it makes sense to keep it vacant."

**The Hon. JOHN GRAHAM:** Can you recall any other words the Minister used in expressing that preference, thinking back to that meeting?

**AMY BROWN:** I think we both concluded that, given everything that had happened, it would be sensible to go back to market when we were ready to put a contract on the table and when we could take stock of where things were at.

**The Hon. JOHN GRAHAM:** You're describing the conclusion. I'm asking can you recall any of the words the Minister used in expressing his preference?

**AMY BROWN:** Only that it would be sensible to keep it vacant.

**The Hon. DANIEL MOOKHEY:** Presumably you put some weight on the Minister's view?

**AMY BROWN:** Yes, I did.

**The Hon. DANIEL MOOKHEY:** And that's because he's your Minister?

**AMY BROWN:** Two reasons: He's the Minister and government had made a decision to, at some time, convert them to ministerial appointments. I didn't want to put anyone in place who was likely to be unwound when they were made ministerial appointments because that would be a waste of taxpayer dollars, and a big inconvenience to that person and us.

**The Hon. DANIEL MOOKHEY:** Secretary Brown, the issue that I'm struggling to reconcile, if you are able to shed some light on, is in your earlier evidence that you gave to us last time I think you made the point that perhaps at the meeting which took place on the fifth there was a discussion with the Minister in which the Minister left the clear impression that converting to ministerial positions was not a priority but there were other issues. What I'm trying to understand is in the first meeting you have with the Minister after he becomes Minister, which is around the fifth, he's saying to you, "Look, we've got other things to do, and, therefore, maybe we're not going to rush the conversions of the positions to ministerial positions. Therefore, get working on the legislation, but it's not a priority."

**AMY BROWN:** Yes, I understand the question.

**The Hon. DANIEL MOOKHEY:** If that's said on the fifth, how is it the case on the twelfth that the Minister is using that rationale of "it's likely to be converted" as a reason for delay?

**AMY BROWN:** I would need to check my other evidence, and I'll do so if it becomes material. I didn't have this conversation with the Minister on the day he came in as the incoming portfolio Minister. I believe the first proper conversation we had about it was on the twelfth. Just to go to your question, though, it wasn't necessarily that we had other priorities so we should not get on with drafting the legislation, it's that rolling out the international network was such a priority we didn't want to delay, and so where we had two good candidates that he had confidence in it made sense to put them in because even when, at some point, they were converted to ministerial appointments, then their appointment would likely be transitioned in.

**The Hon. DANIEL MOOKHEY:** Do you have your transcript in front of you?

**AMY BROWN:** I do.

**The Hon. DANIEL MOOKHEY:** I think it's on page 20 in which you are shedding some light. I think you also mention it, equally, elsewhere in your evidence. But I think the first time we have this discussion is there. I am not going to ask you to follow up, it's just to draw your attention to that's the fact—that we discussed this there. You see on page 20, I ask you:

... 5 October onwards ... did you inform Minister Ayres that Minister Barilaro had requested that you withdraw the verbal offer that was made?

And then, over the page there is some discussion about—this is on page 27—the fact that there are other administrative requirements getting in the way. But to very clear here, on 12 October, which is within a week, it's fair to say that the Minister was paying close interest in the evolution of these particular positions, including the Americas position?

**AMY BROWN:** That is a fair characterisation.



**The Hon. DANIEL MOOKHEY:** And this is all taking place after a Cabinet submission is treated in some form on 27 September?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** At this point, it's because rolling out the global New South Wales network is a priority for the Minister?

**AMY BROWN:** Precisely, yes.

**The Hon. DANIEL MOOKHEY:** But this isn't, sort of, top-line detail. This is quite specific information you're providing here.

**AMY BROWN:** That's fair.

**The Hon. DANIEL MOOKHEY:** In the very first meeting that you're having with the Minister you're talking about pretty intricate matters of US law, are you not?

**AMY BROWN:** I wouldn't have provided him with all the detail on the tax structuring. But I had candidates waiting in the wings, so to speak, who were needing to make big decisions about resigning from other jobs, getting ready to move families, so I really needed to be—act decisively as soon as I had a new Minister for the portfolio, so to speak, which is why I wanted his view very quickly.

**The Hon. DANIEL MOOKHEY:** And he was happy to give you that view?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Fair enough. Did that essentially establish the pattern of the relationship you then had with the Minister about the Americas position, in which you would go into some detail about what was going on?

**AMY BROWN:** I think, at a broad level, that's a fair characterisation.

**The Hon. DANIEL MOOKHEY:** Is it the case that that pattern effectively continued onwards throughout the entire tenure of Minister Ayres as Minister?

**AMY BROWN:** It's hard for me to speak to every interaction over such a long period, but for me I would characterise it as saying there were various intersection points between me as secretary and the Minister on matters of appointment of the Senior Trade and Investment Commissioners.

**The Hon. DANIEL MOOKHEY:** Specifically Senior Trade and Investment Commissioner to the Americas?

**AMY BROWN:** Amongst others, but, yes.

**The Hon. PENNY SHARPE:** What would you characterise as those key intersection points?

**AMY BROWN:** I keep going back to this, but it really is important because it's what was driving my thinking and that is that there was a decision of the Government to make the ministerial appointments. I never saw a written decision to reverse that.

**The Hon. DANIEL MOOKHEY:** Sorry, you never saw a written decision to reverse that?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** So, to this day—sorry to interrupt you, Secretary, but—

**AMY BROWN:** It's an important point.

**The Hon. DANIEL MOOKHEY:** —you're sitting here now and it is still the case, to the best of your knowledge, the Americas position and the other positions are to be converted to ministerial appointments?

**AMY BROWN:** It's a matter for the Government. I, as secretary, have never had visibility of a written decision or a formal decision to reverse the decision that occurred on 27 September. So, in my mind, at a point when the responsible Minister and his colleagues choose to implement the 27 September decision they would be converted into statutory appointments or some form of ministerial appointment.

**The Hon. PENNY SHARPE:** Just to be clear, Cabinet had made a decision to make them ministerial appointments. You were proceeding on that basis, yet Minister Ayres has gone out of his way to keep them as public service appointments throughout this process?

**AMY BROWN:** Yes.

**The Hon. PENNY SHARPE:** And there's been no clarity for you as the secretary about how this was to occur?

**AMY BROWN:** If you're talking about clarity as a kind of formal instruction—

**The Hon. PENNY SHARPE:** Yes.

**AMY BROWN:** —then I would agree with that statement.

**The Hon. PENNY SHARPE:** If you were to move to fill the STIC Americas position tomorrow, do you believe that it would be a ministerial appointment?

**AMY BROWN:** That, technically, is not the case because legislation hasn't been drafted or passed, which is why we were in this very strange area where, technically, we were using the Government Sector Employment Act but one day they could become ministerial appointments.

**The Hon. PENNY SHARPE:** But, curiously, you've got—I mean, really what is happening here is that Minister Ayres is ignoring a Cabinet decision to set out a process for the appointment of the STIC Americas?

**AMY BROWN:** That's a matter for him.

**The Hon. DANIEL MOOKHEY:** Secretary, doesn't this put you and your department in a really difficult position?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Just reading through many of the documents, it's clearly the case that the department is struggling to reconcile what Cabinet has decided with what the Minister is telling you. Is that fair?

**AMY BROWN:** Yes. I mean, it was even a struggle for me to get straight in my head as to the level of—I mean, because I was clear that at that moment in time they were Government Sector Employment Act appointments because there had never been an instrument to change them, I knew that I was the decision-maker. But there are two layers to that. There's the fact that they could transition at some point. It's difficult to articulate, but that creates an uncertainty, despite the fact that I'm the decision-maker. You don't want to then make a decision that will then be reversed in, you know, five minutes or a long time and cost taxpayers money, but it also confused my organisation because we're a big organisation and so these messages had to cascade accurately through the organisation—very hard to do. I mean, the Investment part of my organisation is 400 people or thereabouts, and so for these messages to cascade accurately is really challenging. So that's why there was a lot of confusion, which you've probably seen in various emails from my staff.

**The CHAIR:** Ms Brown, the second recruitment process then started. Who was on the second selection panel?

**AMY BROWN:** The second selection panel was I was the panel lead and—I beg your pardon. I was still the panel lead. My panel members were Kylie Bell, who at that time was Acting Managing Director, Trade and International; Kathrina Lo, who is the New South Wales Public Service Commissioner; Warwick Smith, who is the independent expert; and the additional member—or scribe, depending on how you would like to characterise it—is Marianne Broadbent, who is the Managing Partner at NGS Global.

**The CHAIR:** I understand you had interviews on 15 March 2022 for the second round, in which Mr Barilaro was interviewed. Is that correct?

**AMY BROWN:** Correct.

**The CHAIR:** With assessing candidates against the New South Wales public sector capability framework, talk us through how that happens.

**AMY BROWN:** Okay. NGS Global essentially conducts an initial screening process or almost first round interviews, suggests a short list to the panel, we settle on a short list. We then interview candidates. I think we will probably get to the point, fairly rapidly, that one of the candidates who I had interviewed in the first round was not reinterviewed as part of this process and yet appeared on the panel report, and I have comments to make about that. But we interviewed the three candidates that were before us that day, one via Teams and two in person. We then had two candidates who had quite different offerings but we were finding it difficult to make a determination as to which candidate was preferred.

**The CHAIR:** One of those was Mr Barilaro, I am assuming.

**AMY BROWN:** That is correct. So we said, "Okay"—and this is not unusual for recruitment processes because a lot of things happen after that such as reference checks, psychometric testing, informal checks, considerations about the cultural fit within the organisation and so on. But on that day we left that room a little bit undecided. Formal reference checks came in—

**The CHAIR:** They were undertaken by NGS recruitment.

**AMY BROWN:** That is correct. Further, kind of, deliberations, I suppose—in this case, unfortunately, a lot of them were a bit bilateral because of difficulties of timetabling. Again, perhaps an oversight on my error that we didn't bring it back and have it as one discussion. One of the candidates had a meeting with Minister Ayres that I attended. All of that was factored in. That resulted in the panel report that is before you.

**The CHAIR:** That was the candidate who had the interview with Mr Ayres—the second female candidate?

**AMY BROWN:** That's right.

**The CHAIR:** Do all the interviewers compile against the public sector capability framework? They list against the qualities. So you, as the lead, would put what you think. Every other interviewer would put what they think—is that right—against the public sector accountability framework? They have a form that they fill in as they're interviewing?

**AMY BROWN:** That is not quite how things unfolded.

**The CHAIR:** That should be the process, though, is that right? For a senior public service appointment—

**AMY BROWN:** That tends to be the experience for less senior roles, where it is more kind of "tick a box" in terms of whether the answers meet certain criteria, whether they're using certain key words, almost, or giving examples that are on point. With the roles that are this senior—and they're more representative in nature, so it takes into account a lot more things, such as personality and ability to achieve what we are seeking to achieve internationally—it's probably less scoring by each panel and more a discussion as to whether they can do the job. And then the job of the external recruitment company is to accurately reflect that in a panel report.

**The CHAIR:** You are saying that with the panel report, the individual interviewers did not mark against the capability framework as they were interviewing each candidate?

**AMY BROWN:** Not that I'm aware.

**The CHAIR:** Okay. So NGS recruitment prepares the selection panel report and comes back to you with—

**AMY BROWN:** The draft.

**The CHAIR:** —how each candidate met those capability frameworks?

**AMY BROWN:** Yes. That's right. So the first time we saw ratings and the like was when the report got circulated.

**The CHAIR:** Do you discuss the capability frameworks together? I assume that after each interview there is time to sit and discuss the candidate and assess them, verbally at least, against the capability framework?

**AMY BROWN:** They are not assessed in any formulaic way against the capability framework. I understand the exact question that you're asking. The question is more generic around did they understand New South Wales's trade and investment priorities? Did they understand how to drive foreign direct investment back into Australia? Do they have experience of networks in the US? Do they know New South Wales? Those type of things. It is more of a "could they do the job" discussion, and what evidence did they provide that they could do the job based on past experience, rather than a "rate each person against each criteria".

**The CHAIR:** But the public sector employment rules do dictate that you have to make decisions relating to a role in the public service—they need to be based on an assessment of the capabilities, experience and knowledge of the person concerned. How did you undertake that if you were just asking what you've said were general questions about how well they knew New South Wales and whether they had overseas experience?

**AMY BROWN:** I didn't mean to trivialise the questions. They were more detailed than that, but—

**The CHAIR:** I'm sure they were.

**AMY BROWN:** Yes. In answer to your question, section 10A of the government sector employment regulations is a little different. It is not along the lines of the strict capability-based, merit-based selection process as you would for other government sector employment roles. Overseas Trade employees are selected 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. It does give a little more flexibility as to—rather than a structured capability-based assessment, although we did choose to go that way to a certain extent, which I think is why you're raising these points. But, from a GSE regulations compliance perspective, we are free to have more of a generalised discussion and assessment process.

**The CHAIR:** You have interviewed on 15 March. When was the selection panel report sent back to you by NGS recruitment?

**AMY BROWN:** Certainly. There was a selection report sent to me in error—well, it was sent to me intentionally—

**The CHAIR:** It's a lot of errors since—

**AMY BROWN:** —on 25 March. But, in my view, it did not reflect the content of the discussions accurately, and the ratings that NGS had included in the report did not actually reflect the capability of the candidates in light of the overseas Trade employee role.

**The CHAIR:** Has that happened before, where NGS recruitment come back after such a thorough recruitment process and get it so wrong?

**AMY BROWN:** There are a number of errors with respect to this recruitment process that were conducted by NGS Global, yes.

**The CHAIR:** Does that happen more frequently than this particular situation, where NGS recruitment get it so wrong?

**AMY BROWN:** Well, normally I have my People and Culture team a lot more involved in the recruitment, and I would say that they are actually more accurate than what's happened here. So, no, I haven't seen this before.

**The CHAIR:** Okay. So this is the first time that you have received something from a global recruitment firm, or a recruitment firm that is making their assessment of what they consider to be the summary of the interviewers' perception about a candidate—it's the first time that they have come back to you and it has been so different to what you remembered of the interview.

**AMY BROWN:** In my experience, yes.

**The CHAIR:** The selection panel report was sent back to you on the twenty-fifth—just to you?

**AMY BROWN:** They included Ms Bell as well, who was part of the panel, because she was almost like my deputy with respect to this.

**The CHAIR:** When you are saying it was sent to you in error, what do you mean?

**AMY BROWN:** I think sent to me in error is—I never requested that they send me the report. We left the room and—sorry, we left the room when we were doing the recruitment panel, and we said, "We're not quite sure which candidate would be better suited to the role. Let's go away, have some more deliberations. I will do some informal checks. We will wait until the formal referee reports come in, and then we will proceed." I never asked them to send me a report. To me, it came out of nowhere.

**The CHAIR:** What did you do then, when you received this draft—this report sent in error? The selection panel—which, by the way, did rate another candidate higher than John Barilaro in that capability framework, didn't it?

**AMY BROWN:** That is true.

**The CHAIR:** How much more did it rate this other candidate better than John Barilaro?

**AMY BROWN:** My recollection is that that candidate was noted as being exceeding on all—I want to say four—criteria.

**The CHAIR:** And Mr Barilaro?

**AMY BROWN:** I don't have a copy of that one with me. I think it has been handed over. But he was not rated as exceeding on all four capabilities.

**The Hon. DANIEL MOOKHEY:** I might be able to help the witness. If you go to your tender bundle, you might see it on page 294. Sorry, no. I can't read my own handwriting. Forgive me. It is definitely around that decade.

**The CHAIR:** I think we've got "meets two and exceeds two", whereas the preferred candidate exceeded four.

**The Hon. DANIEL MOOKHEY:** Sorry, I'll find it for you—279.

**AMY BROWN:** I'll double-check. Yes, that's right.

**The CHAIR:** In fact, a couple of the other candidates—the third candidate, in fact—met two and exceeded two as well. The first candidate was a standout as assessed against the capability frameworks that this very experienced global recruitment firm got back to you about. Did you consult with your other interview panel members about the draft report sent in error by NGS recruitment?

**AMY BROWN:** No. I replied to NGS recruitment and said, "I've had a further conversation that might change things, so please disregard this report." Something along those lines—you probably have the email.

**The CHAIR:** When you got back to them, saying, "I've had a further conversation that might change things", what were you referring to?

**AMY BROWN:** In addition to discussions I was having with Kylie Bell, for example, to whom these roles reported, I arranged for the equal-first—at that point—ranked candidate, the female, to meet with Minister Ayres.

**The Hon. DANIEL MOOKHEY:** I think the correspondence you're referring to, Secretary, is on page 281. What you say in reply is, "Thanks for preparing a draft selection report. I've sourced a couple of informal referees for the candidates, which I will share with the group, as they're likely to change things." Is that what you're referring to?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** The obvious question is who were the informal referees?

**AMY BROWN:** I was certainly referring to Minister Ayres. Kylie Bell, who is more connected into this space because she was a trade and investment commissioner herself, had been having—she did a bit of a ring around people who have worked—

**The Hon. DANIEL MOOKHEY:** Sorry. Did you just say Minister Ayres was an informal referee for John Barilaro? Is that fair? Or was it for the other candidate?

**AMY BROWN:** Sorry. I'll just take a step back. The informal referees were sense-checking that we were doing with people who had worked in the trade and investment space, who could comment on the candidate, her knowledge of New South Wales and whether or not she'd worked extensively with governments, and the answer to that was no. But I also arranged for the candidate to meet with Minister Ayres because, as per our discussion earlier, I wanted to be sure that she would be able to be transitioned into a ministerial appointment regime.

**The CHAIR:** Let's just go back to receiving the selection panel report. You've said it was sent in error. You've gone back to them with the email here, saying you've sourced a couple of informal referees for the candidates, but you said you've got back to NGS Recruitment with a report, saying, "This isn't needed. This is wrong." What did you communicate to NGS about that first selection panel report?

**AMY BROWN:** Just that it was wrong and we're going to have to redo it.

**The CHAIR:** "It's wrong, and we're going to have to redo it." What else did you say? What does "wrong" mean?

**AMY BROWN:** I don't believe that at the end of the discussion as a panel—perhaps test this with the other panellists—the female candidate had (a) exceeded on all criteria and (b) was that far ahead of Mr Barilaro. As we left the room, we actually said the words, "They're neck and neck. We can't quite determine who would be more suited. Let's do some informal checking and come back."

**The CHAIR:** This is quite extraordinary, really. You've gone back. You said you led the selection panel but that doesn't mean you are making the decisions for the selection panel. That's correct, isn't it? It is a decision that you all come to together.

**AMY BROWN:** Together we make a recommendation as to suitability, and then I, as hiring manager, decide who to put into the job.

**The CHAIR:** Is it usual, when you get the selection panel from a recruitment agency, to send it to the other selection panel members when you receive it? Is that a standard practice?

**AMY BROWN:** Only if it's accurate. If they send it just to me and I look at it and say this—

**The CHAIR:** How many times have you received a selection panel report, in your public service career, that has been inaccurate and you've had to send it back without sending it to panel members?

**AMY BROWN:** To an external recruitment company?

**The CHAIR:** I don't really care if it's external or internal at this point. Has it happened before?

**AMY BROWN:** I don't think it's happened before.

**The CHAIR:** Ms Brown, do you think you had a conflict of interest during this recruitment process?

**AMY BROWN:** In what sense?

**The CHAIR:** That you may have wanted to prefer Mr Barilaro in the recruitment process.

**AMY BROWN:** I think it's fair to say I didn't want to prefer Mr Barilaro in the recruitment process.

**The CHAIR:** You didn't want to?

**AMY BROWN:** No.

**The CHAIR:** But you are giving evidence today that, for the first time in your political career, you've sent back a selection panel report—

**The Hon. SCOTT FARLOW:** Point of order: It's not a political career. She's a public servant.

**AMY BROWN:** In my public service career.

**The CHAIR:** Sorry. I withdraw those words. For the first time in your public service career, you have sent back a selection report for such a senior position. You've sent it back, saying there are errors in it.

**AMY BROWN:** Genuinely—I'm under oath—it was so inaccurate. I did not feel that the panel discussion reflected that the female candidate exceeded on all criteria. We actually expressed a bit of—the general sentiment was she would have a steep learning curve because she hadn't lived in New South Wales for 10 years and she hadn't worked with government before.

**The CHAIR:** Why didn't you go to your other selection panel members and say, "Don't you agree with this?"—just to cover yourself, if anything—"This is grossly—does not represent what we experienced with the two candidates? Do you agree"?

**AMY BROWN:** Other than Kylie Bell, who was included on the email and who I work closely with—we obviously discussed the fact that this selection report came out of nowhere and to us seemed inaccurate—I did not have that conversation with the other two panel members.

**The CHAIR:** So they never knew that there was this original selection panel report that had a different assessment against Mr Barilaro in terms of the qualities that he met against the public sector framework.

**AMY BROWN:** They did not know at that time, no.

**The CHAIR:** When did they find out?

**AMY BROWN:** Probably as a result of this inquiry.

**The CHAIR:** Have they contacted you about that?

**AMY BROWN:** No.

**The CHAIR:** Have they expressed any concern about it?

**AMY BROWN:** No. We haven't been speaking about the evidence that we're giving.

**The CHAIR:** The second selection panel report—what date did you receive that, again?

**AMY BROWN:** On 28 May.

**The CHAIR:** How did you communicate to—what did you do to NGS Recruitment to confirm that they were now ready to provide a different, revised selection panel report that favoured Mr Barilaro?

**AMY BROWN:** I spoke to NGS and said, "Can you please send us an updated report?"

**The CHAIR:** When was that?

**AMY BROWN:** I will need to check, but it was on or about 23 May. Hold on. I might need to check, but it was not too much earlier than when the revised report came through.

**The CHAIR:** Yes. That was sent, I think, on 28 May, around 4 o'clock in the afternoon, if I recall, on a Saturday.

**AMY BROWN:** Yes, that week.

**The CHAIR:** They were clearly working under the pump for some reason.

**AMY BROWN:** A lot of people work weekends these days, including all of us.

**The CHAIR:** What exactly did you communicate to NGS Recruitment about—what was your communication in relation to the second selection panel report?

**AMY BROWN:** I would've conveyed a couple of things. Firstly, that the female candidate had met with Minister Ayres and that I felt that the meeting was disappointing and that that person would not have the confidence of the Minister and perhaps the confidence herself to represent us internationally and be able to hit the ground running when it came to representing New South Wales's trade and investment interests. I also said that, after reflecting on the formal reference checks that had come through for Mr Barilaro that were very strong and discussions that I'd had bilaterally with members of the panel, we felt that Mr John Barilaro would do a better job.

**The Hon. SCOTT FARLOW:** Just in terms of covering off on that issue just briefly, with respect to when you received that report and you saw from your perspective that it was very inaccurate, compared to what you had thought had taken place during that panel report, what feedback did you provide to NGS Global? Did you provide any feedback to them at all, in the case that that was incorrect, apart from that discussion you had?

**AMY BROWN:** Yes. Kylie Bell was managing the majority of the interactions with NGS Global. Because I was establishing a new department and I was the secretary, it was more appropriate for her to run point on that. They obviously received my email to say, "This is not reflecting what we expect it to," and then Ms Bell spoke to them a number of times to sharpen up the report in terms of its accuracy.

**The Hon. SCOTT FARLOW:** When you say "them", who in particular at NGS Global did she leave this with?

**AMY BROWN:** Marianne Broadbent.

**The Hon. SCOTT FARLOW:** You made the comment that you'd usually have the People and Culture team more involved in such processes.

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** Why wasn't that the case here?

**AMY BROWN:** This process was established by Ms West when she was deputy secretary of trade and international, both at Treasury and then into Investment NSW. She engaged NGS Global and prepared the role descriptions for all of the senior trade and investment commissioner roles. She was on the panel for the first two. She saw the short list for this one.

**The Hon. SCOTT FARLOW:** That's new evidence. So that included the Americas position as well?

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** Okay, so Ms West was the one who created that role description.

**AMY BROWN:** The role description, yes. And she was a late applicant, so she actually saw the short list initially and forwarded it on. Ms West was essentially running the recruitment process, as was her job, and she essentially wanted it to be run very tightly within the organisation. I had no reason to question that, in good faith, if that's how she would like to run her process. But then when she became an applicant, it had to be run even tighter because her team couldn't even be involved—and they're the experts.

**The Hon. SCOTT FARLOW:** Okay, so that's why People and Culture were not involved in the process.

**AMY BROWN:** People and Culture or the trade and international team. In my defence, I think the fact that it was so tight meant there weren't enough eyes on this. It really was up to me personally—challenging for a secretary to be across every detail, though of course I should have been—and my office to be able to pick up every administrative error. It was a challenge.

**The Hon. SCOTT FARLOW:** You talked about how, in a sense, you were always effectively expecting this to become a ministerial appointment and so had that in the back of your mind. But for it to become a ministerial

appointment, there would have had to be—and I think you alluded to it—some instrument in order to make that happen.

**AMY BROWN:** Correct.

**The Hon. SCOTT FARLOW:** Were you at any time aware of any legislation or changes that were being brought in to make it a ministerial appointment?

**AMY BROWN:** No. I believe Mr Carr gave evidence that we conducted the analysis as to the extent of work that would need to occur to convert them to ministerial appointments, specifically by statute, and it became very clear that it would essentially delay the program by six to 12 months.

**The Hon. SCOTT FARLOW:** Effectively, throughout this process and considering the discussions you'd had and the time line that was provided to you with the Minister, there was never any realistic potential for it to become a ministerial appointment during that time line, was there?

**AMY BROWN:** Not unless the program was halted and our attention was redirected toward the drafting and passage of legislation.

**The Hon. SCOTT FARLOW:** So even though that Cabinet determination was made, it was very clear that these positions would be following the general government sector employment practices.

**AMY BROWN:** For the foreseeable future. And even if legislation was passed, we would have had to revisit all sorts of things like visas, foreign relations within the various jurisdictions, agreements with the Commonwealth. It changes the nature of these roles a lot if they are ministerial appointments, although every State does it differently, so quite possibly there's no right answer.

**The Hon. WES FANG:** I just want to clarify: You've said that Ms West was involved in the recruitment process for the six positions, including the Americas.

**AMY BROWN:** Yes.

**The Hon. WES FANG:** At what point did she get to with her involvement before she declared that she was perhaps interested in the role?

**AMY BROWN:** That's a very good question. As I said, Ms West was running the recruitment process for all of the appointments, including the Americas but also ASEAN and India and the Middle East, which were happening concurrently and had some applicants that were common to both. She only—the applications for the role closed on 26 April and she applied for the role late, on 12 May.

**The Hon. SCOTT FARLOW:** So after applications are closed?

**AMY BROWN:** After applications are closed. She didn't recuse herself from the other processes, which I would have expected her to perhaps have that judgement, given how senior she is and how close she is. It took until 23 June for me to email her and say, "Actually, I think you shouldn't be involved in any of these recruitment processes."

**The Hon. WES FANG:** Given that she applied late, why was her application accepted?

**AMY BROWN:** I have the discretion to accept a late application, so she phoned me and requested whether or not she could throw her hat in the ring, to use her words. Of course I would support a colleague in their desire to go for a role that they really wanted.

**The Hon. SCOTT FARLOW:** Did she do that after she'd seen the applications that were in place?

**AMY BROWN:** Yes.

**The Hon. PETER POULOS:** So did she have a head start compared to other applicants?

**AMY BROWN:** It depends how—I think that's a subjective analysis. But given she'd run the other recruitment processes, had written the role description, had engaged NGS Global and had seen all the other applicants, you could probably characterise it that way.

**The Hon. PETER POULOS:** And she was afforded the opportunity to still submit an application after it had closed.

**AMY BROWN:** Yes.

**The Hon. WES FANG:** In that respect, any suggestion that perhaps there was a bias by you or anybody at Investment NSW against Ms West is perhaps countered by the fact that she submitted a late application for the role. You had every opportunity there to say that she should not be accepted into the recruitment process, but you



did not block her being accepted into that application process at a late stage, even though she had been involved heavily.

**AMY BROWN:** Yes, it was my desire to support her.

**The Hon. SCOTT FARLOW:** Isn't that a conflict of interest in itself, somewhat?

**AMY BROWN:** On her part?

**The Hon. SCOTT FARLOW:** On her part and potentially on your part as well, in saying it was your desire to support her.

**AMY BROWN:** Because the process was established while she was a deputy secretary at NSW Treasury—the role descriptions, engaging NGS Global, how the recruitment processes were run—and, indeed, agent general for London and STIC for North Asia both occurred under a Treasury process, I suppose I didn't quite have visibility as to how tight she was managing the process and how involved she was in it personally. I would say that senior executives, particularly at a band 3 level, should be able to identify their own conflicts and recuse themselves where necessary. But when I was then considering some of the performance issues down the track, this was one thing that was alerted to me, yes.

**The Hon. PETER POULOS:** So is it fair to say that Jenny West was heavily and personally invested in this process?

**AMY BROWN:** She was leading the process, so that would mean she was invested.

**The Hon. PETER POULOS:** So when it didn't actually fall favourably to her—her responses when it began to unravel and her recruitment of lawyers and such—the relationship began to unravel.

**AMY BROWN:** Yes, it did.

**The Hon. PETER POULOS:** So the relationship was tense between Jenny West and the team around you?

**AMY BROWN:** We were only communicating through lawyers at that point, as was her instruction, so it was distant and fraught.

**The Hon. PETER POULOS:** In her testimony, she subsequently made an observation that the Americas role would be a present for someone, and she attributed the comments to you. Did you make those comments to Jenny West?

**AMY BROWN:** So this is referring to the file note that she made after a conversation that we had.

**The Hon. PETER POULOS:** It's page 5 of her testimony.

**AMY BROWN:** It's alright; I recall.

**The Hon. WES FANG:** I think we all do.

**The Hon. DANIEL MOOKHEY:** Hard to forget.

**AMY BROWN:** Hard to forget. I phoned Ms West and, again, it's difficult to articulate relationships with different colleagues. I would have characterised Ms West and I as friends, actually. We were an intra-band report, which created a bit more of a peer-to-peer sense, which is probably why I was micromanaging her. We were in lockdown, as you remember—lived within five kilometres of each other, so we did catch up in person. And so that phone call was after I had met with the incoming portfolio Minister and had a conversation around how these are to be ministerial appointments. So I think it's fair to say that me and my close colleagues were quite disillusioned by the conversion to ministerial appointments. We'd done so much hard work to get the international network rolled out. It was kind of undoing our work, and perhaps we saw it as not quite having faith in our decision-making.

So, when I phoned Ms West, it was probably more with my "friend" hat on, so to speak. And I said to her, "Look this really hasn't gone our way. It's nothing against you personally." I would not have used the word "present"—it is not a phrase I would have used. And, in fact, I question the accuracy of her file noting, and I also have a particular taste in my mouth around the fact that she file-notes people after personal conversations and sends it to lawyers that I didn't know she'd engaged. But, regardless of all of that, I would have expressed a level of disillusionment around the fact that these positions were now to be handed out by politicians.

**The Hon. PETER POULOS:** But this is a heavy duty observation on her part. She said, basically referring to you, "It will be a present for someone." Did you make those comments?

**AMY BROWN:** That's not accurate.

**The Hon. SCOTT FARLOW:** Ms Brown, in picking up the conversation that you had with Ms West—and as you characterised yourself you wanted her to get the job—you did see her as a friend and when you were calling her in this instance you were calling her as a friend to effectively have that conversation where you're the gentle sympathetic ear, so to speak? It's you and her against the world, so to speak.

**AMY BROWN:** I was consoling her, yeah.

**The Hon. SCOTT FARLOW:** When you were talking to her were you issuing the views of what the Minister had presented to you or were you effectively calling her as a friend and blaming somebody else for the circumstance she was in?

**AMY BROWN:** I was trying to make her feel better.

**The Hon. PENNY SHARPE:** You also told her that she didn't have a job.

**AMY BROWN:** Not in that—do you mean I was telling her that she was not going to get the position at STIC Americas?

**The Hon. PENNY SHARPE:** No, at that point you also told her that her position had been deleted.

**The Hon. WES FANG:** Ms Sharpe, I am just going to clarify a few more points from my perspective.

**The Hon. PENNY SHARPE:** Sure.

**The CHAIR:** Despite what the clock shows there are 2½ minutes left of Government time if you want it.

**The Hon. WES FANG:** Ms Brown, in relation to Ms West's file note we heard from Mr Carr that he didn't believe that the file notes were accurate and that some of the language that was used in those file notes was also inaccurate. Would that be your recollection as well that the file note was perhaps not an accurate representation of the conversation that was had?

**AMY BROWN:** Particularly the phrase "present for someone". I don't believe that was accurate.

**The Hon. WES FANG:** In the circumstance where somebody is making file notes of personal conversations is it usual that they would make file notes of negative aspects of the conversation or only the positive aspects which may help a future case that they may or may not take?

**AMY BROWN:** I think it's strange that anyone is file noting a personal conversation. However, it wouldn't be surprising to me that people write down what they want to hear.

**The Hon. WES FANG:** I think the final thing that I want to touch on, given the disclosure that Ms West applied after applications had closed for the STIC Americas position, did she apply for any of the other positions as well or was it only STIC Americas?

**AMY BROWN:** She only applied for the first round of STIC Americas.

**The Hon. WES FANG:** In that application and throughout the process did she make—I will say relevant—declarations of her involvement in the development of the descriptions, et cetera, and also the recruitment process that was surrounding that role?

**AMY BROWN:** She didn't make those declarations in the context of being an applicant for a job or in the context of being an employee of Investment NSW to her line manager, which was me. Either of those would have made sense.

**The Hon. PETER POULOS:** Ms Brown, just a quick question, if I may. In a verbal exchange where Jenny West attributes the comment "present for someone" you've denied that?

**AMY BROWN:** Yes.

**The Hon. PETER POULOS:** In relation to a handwritten reflection to the general counsel Chris Carr an observation was made that he was horrified and in his response he said, "That was not a word that I would've used." Does it appear that between your responses and Mr Carr's that perhaps Jenny West's reflections have been inaccurate as Mr Carr has stated?

**AMY BROWN:** There's a theme.

**(Short adjournment)**

**The CHAIR:** Welcome back. We will go straight to questions from the Opposition.

**The Hon. DANIEL MOOKHEY:** We might let the secretary sit down. I'm pretty tough, but I think the secretary is entitled to a seat. Secretary, let me know when you're ready to go.

**AMY BROWN:** Thank you. Okay.

**The Hon. DANIEL MOOKHEY:** Secretary, at our previous hearing we were discussing a conversation that you had with Minister Ayres where he provided you prior notice about John Barilaro's intention to apply. Do you recall that dialogue we had at the last hearing?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Have you by any chance had the opportunity to establish precisely when that conversation took place?

**AMY BROWN:** Unfortunately, I couldn't find a record to make it obvious when we were having that conversation. It was in that kind of strange January period—basically during January, I think.

**The Hon. JOHN GRAHAM:** Can you be any more specific? Just be as specific as you can be.

**AMY BROWN:** Okay, that's fair. Mr Barilaro applied on 19 January. I think it would have been within 10 days prior to that—maybe even a week prior to that.

**The Hon. JOHN GRAHAM:** Thank you.

**The Hon. DANIEL MOOKHEY:** So somewhere between 9 January and 19 January. But since we have had that opportunity to talk the Minister has made public that he had two conversations, it seems, or exchanges with John Barilaro in December. The first was when apparently—according to what has been stated publicly to be clear—John Barilaro and the Minister were texting about this in December at first instance in which John Barilaro expressed an interest in the role. Were you aware of that text message exchange?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** When did you become aware of it?

**AMY BROWN:** I can't pinpoint the date unfortunately, but Minister Ayres said to me—I thought he said—"I've received a phone call from Mr Barilaro and he's interested in applying for the STIC New York role."

**The Hon. DANIEL MOOKHEY:** Was that the January conversation or was that a separate conversation with Minister Ayres?

**AMY BROWN:** I thought it was the January conversation, but it was a strange time of year.

**The Hon. DANIEL MOOKHEY:** Secretary, I do forgive this and I understand but is it the case that that was the tip off on the ninth or was it the case that there was a separate call? Do you recall getting effectively the advanced notice sometime between the ninth and the nineteenth separately?

**AMY BROWN:** I remember getting a really early head's up. It was almost kind of in a jovial way as, "You'll never guess who I just got a phone call from—Mr John Barilaro. He's interested in the role." And that was probably it, but we did have a further conversation about it.

**The Hon. DANIEL MOOKHEY:** In the January period?

**AMY BROWN:** In the January period, yes that time of year.

**The Hon. PENNY SHARPE:** Minister Ayres said that he texted the advertisement to Mr Barilaro before it was advertised, I think, the day before.

**The Hon. JOHN GRAHAM:** Around 17 December, yes.

**The Hon. DANIEL MOOKHEY:** Just before we get to that point, you said that it was jovial or is it best to say that the Minister was in a jovial mood when he expressed this to you?

**AMY BROWN:** I used the word "jovial" because it was more a passing comment. We didn't sit down and have a—

**The Hon. DANIEL MOOKHEY:** And that was earlier?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And it's possible that that was sometime in December?

**AMY BROWN:** It could have been.

**The Hon. DANIEL MOOKHEY:** Thank you, secretary, for clearing that up. As my colleague just alluded, we have since learnt, I think yesterday, that Minister Ayres then texted or forwarded a link to John Barilaro of the public advertisement.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Which I am inferring would have happened sometime around 17 December when it went public. Did the Minister tell you that he had done that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** When did he tell you?

**AMY BROWN:** Again, I can't be sure how close it was to when he actually did it, but he said, "John Barilaro is interested in applying. I forwarded him the job ad like I would anyone else."

**The Hon. DANIEL MOOKHEY:** Okay, and that wasn't the conversation in which he was expressing in a jovial manner surprise at Mr Barilaro?

**AMY BROWN:** Yes. I don't think it was the same conversation, no.

**The Hon. DANIEL MOOKHEY:** Was this a phone conversation or in person?

**AMY BROWN:** It was in person.

**The Hon. DANIEL MOOKHEY:** It was at a meeting, was it?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** When he told you that he had forwarded it on to him, did you say anything in reply?

**AMY BROWN:** Not at that point, no. That wasn't a particularly detailed conversation.

**The Hon. DANIEL MOOKHEY:** At another point, did you?

**AMY BROWN:** Instead of it being a passing comment on the way to and from a meeting—we walk to a lot of meetings—which was more the case initially, we actually were sitting down and discussing our ambitions for the trade investment network, and then we had a conversation about Mr Barilaro's application or the fact that he was applying.

**The Hon. DANIEL MOOKHEY:** Can you take us through that conversation?

**AMY BROWN:** I gave him a heads-up that Mr Barilaro had indeed applied. He said, "Given he has been the trade Minister, I would suspect he would have relevant experience to represent New South Wales governments' interests internationally on matters of trade."

**The Hon. DANIEL MOOKHEY:** Just to be clear here, Secretary, you did make reference to this conversation in your previous evidence. I think you told us at that time that that was circa 20 to 21 January, which would have been two days afterwards. Correct?

**AMY BROWN:** That sounds right.

**The Hon. DANIEL MOOKHEY:** This was an in-person meeting?

**AMY BROWN:** I think so.

**The Hon. DANIEL MOOKHEY:** Just you and the Minister?

**AMY BROWN:** Yes, I think so.

**The Hon. DANIEL MOOKHEY:** At this point you tell him that John Barilaro has applied. Did the Minister volunteer the positive attributes of John Barilaro's candidacy to you unsolicited?

**AMY BROWN:** It was more of a back-and-forth conversation, and he said, "I think he could be quite good."

**The Hon. DANIEL MOOKHEY:** He said this to you within a day of the applications closing or thereabouts?

**AMY BROWN:** I would suspect so.

**The Hon. DANIEL MOOKHEY:** Did he say anything positive about any other candidate, or was any other candidate discussed at that meeting?

**AMY BROWN:** No, because I don't think he knew which other candidates had applied. He hadn't seen a short list or a long list or anything like that. It was me saying, "You know how you told me that John Barilaro might apply? He did."

**The Hon. DANIEL MOOKHEY:** Then the Minister says—what did he say again, sorry?

**AMY BROWN:** The sentiment of it was "John Barilaro would have some positive attributes that are relevant to the role."

**The Hon. DANIEL MOOKHEY:** And this was occurring at a time when, for want of a better term, whether it's a ministerial appointment or whether it's a public service appointment is still in purgatory—it's not clear. Is that fair?

**AMY BROWN:** It could be one way of describing it.

**The Hon. DANIEL MOOKHEY:** Fair. My words, Secretary, not yours. But this is happening a day after the applications have closed, and Minister Ayres is already issuing praise of Minister Barilaro. At this point, is it fair to say you still do not know whether these are going to be ministerial appointments or whether or not they're going to be your decision?

**AMY BROWN:** I think given that—and, again, this was what Minister Ayres relayed to me. He had had a discussion at a strategy committee of Cabinet, which, as I said, do not produce formal decisions for me to read. He had had a discussion around the fact that—the urgency of rolling out the network; we had some great momentum we didn't want to interrupt; we would be proceeding down the government sector employment road for now, or for the foreseeable future.

**The Hon. DANIEL MOOKHEY:** But, Secretary, surely you're having this conversation with the Minister at a time when you yourself are uncertain about who exactly is likely to be the decision-maker. That's fair, correct?

**AMY BROWN:** I knew I was the decision-maker at that moment in time, but a time could come when I was no longer the decision-maker and I didn't want to give someone a job that they would then be un-given.

**The Hon. DANIEL MOOKHEY:** In the event that the change was to take place, you would cease to be the decision-maker and Minister Ayres would become the decision-maker, in partnership with Cabinet. Correct?

**AMY BROWN:** If he was still the portfolio Minister, that would stand to reason, yes.

**The Hon. DANIEL MOOKHEY:** Which is, I guess, my way of asking the obvious question to you: Surely the Minister praising John Barilaro to you a day after the applications have closed would have carried tremendous weight with you?

**AMY BROWN:** It carried some weight.

**The Hon. DANIEL MOOKHEY:** In any sense, given that the Minister didn't volunteer any opinion about anybody else, that would have put you in a very difficult position, wouldn't it? I mean, already well before a "short" short list is prepared, let alone a short list—or let alone a long list, to be fair—is prepared, the Minister is indicating to you that there's one particular candidate who happens to have the right criteria for the job.

**AMY BROWN:** That's fair.

**The Hon. JOHN GRAHAM:** More importantly, it would have put your agency, in some ways, in a very difficult position. Is that fair?

**AMY BROWN:** It's tough being a public servant at the best of times.

**The Hon. DANIEL MOOKHEY:** To be clear here, should the process then have continued onwards and John Barilaro's name didn't make the short list, is it reasonable to infer that perhaps you would have had to explain that to the Minister?

**AMY BROWN:** I never tested the theory.

**The Hon. DANIEL MOOKHEY:** But it's the case it's reasonable that that is something that would have arisen?

**AMY BROWN:** I think he would have respected my decision, but it's hypothetical.

**The Hon. DANIEL MOOKHEY:** But it may have catalysed a conflict. Correct?

**AMY BROWN:** "Conflict" is a strong word. We didn't really have much conflict in our secretary-Minister relationship, but—

**The Hon. PENNY SHARPE:** It was never your view that John Barilaro was not getting on the short list.

**AMY BROWN:** That's fair.

**The Hon. DANIEL MOOKHEY:** Part of the reason why he was put onto the short list—well, certainly a factor in the decision to include him in the short list was the view of Minister Ayres expressed to you in that meeting on the twentieth. Is that fair?

**AMY BROWN:** Two things: Yes, it was the view of Minister Ayres that he would be a strong candidate, but he was the trade Minister to be representing our interests when it came to trade, so I actually agreed with the proposition that he was a strong candidate.

**The Hon. DANIEL MOOKHEY:** Sure, but you weren't in any such position where you already had pre-indication as to a ministerial view in respect to any other candidate. That's fair?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Thank you. Can we now turn to the process around the short-listing, if that's okay, Secretary?

**AMY BROWN:** Certainly.

**The Hon. DANIEL MOOKHEY:** I'm not going to go through the NGS process, because I think we can get straight in. I think perhaps we can start on page 35 of your tender bundle, if you don't mind. To be very clear here, it's the case, is it not, that by 7 February 2022 you have a short list. Correct?

**AMY BROWN:** Sorry, what date did you just say?

**The Hon. DANIEL MOOKHEY:** By 7 February 2022, there is a short list. Correct?

**AMY BROWN:** "We have shortlisted"—yes.

**The Hon. DANIEL MOOKHEY:** At this point in time, on 7 February, are you not in London with Minister Ayres on a trade trip?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** When did you leave for that trip, by the way?

**AMY BROWN:** On 6 February.

**The Hon. DANIEL MOOKHEY:** Did you fly on the sixth or did you land on the sixth?

**AMY BROWN:** Now you're testing me with time zones, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Forgive me.

**AMY BROWN:** We certainly left Sydney on the sixth, which I suspect means we landed in the UK on the sixth.

**The Hon. DANIEL MOOKHEY:** Yes, you go back in time; that is the nature of the beast. Let's be clear here: On 7 February, is it the case that a senior adviser in Minister Ayres' office makes an inquiry to Ms Bell, who at this point I think is a very senior person involved in this process? Does this adviser ask:

Can I please get an update on how the recruitment for the Americas and China STICs are progressing.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You can see that that is in the email on page 35 at the bottom.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Can you go up, please, to the part at the top? Is it the case that Ms Bell replies:

We have shortlisted—3 candidates each for NY and Shanghai and are now blocking diaries for the panel interviews—it will be Amy, MCT—

is "MCT" Michael Coutts-Trotter?

**AMY BROWN:** That is correct.

**The Hon. DANIEL MOOKHEY:**

... potentially myself and Warwick Smith as our external. He has sat on all four earlier panels and is also on the Minister's Investment Committee. I think Amy was going to share the shortlists with the Minister while they are on the road together in London and she may have shared this with him directly in an email?

Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Was it your intention to share the short list with the Minister on this trip?

**AMY BROWN:** It was my intention to share the short list with the Minister. We happened to be on a trip, so that's why I shared it.

**The Hon. DANIEL MOOKHEY:** Fair. Not much turns on this, but did you actually share it with him directly in an email?

**AMY BROWN:** Not that I can recall.

**The Hon. DANIEL MOOKHEY:** Can you turn to the next page. This is Tuesday 8 February. This is a direct communication from you to Ms Bell, which takes place at 3.38. I'm not sure whether that is London time or Sydney time; it's probably Sydney time, actually, because your system will probably record it as Sydney time.

**AMY BROWN:** Good point.

**The Hon. DANIEL MOOKHEY:** You say this:

Hi Kylie

Min Ayres and I have run through the 'long' shortlist and our recommended 'short' shortlist for NYC.

He'd like to add Sensitiv to the short shortlist please.

Secretary, I'm going to try my luck. Are you going to tell me who that name is?

**AMY BROWN:** No, because the identity of applicants is confidential.

**The Hon. DANIEL MOOKHEY:** Fair enough. I'm not going to push you.

**The Hon. SCOTT FARLOW:** But to confirm, it's not John Barilaro?

**AMY BROWN:** I can confirm it's not John Barilaro.

**The Hon. DANIEL MOOKHEY:** Fair enough.

**The Hon. PENNY SHARPE:** But you can confirm that he did actually ask you to put someone on the short list?

**AMY BROWN:** Yes. Hold on. Sorry, I don't want to get tripped up. I believe I showed him on my phone. I said, "This is who we are considering interviewing," or, "This is who has made the short list." Next to it was the long list, and he said, "What about that person?" And I said, "Yes, I think they're really good," because I had some exposure to them in a prior role, "but the circumstances under which they left their last job was a little bit controversial, so I assume that's not where we want to be." And he said, "I don't see why not." If it wasn't for the controversy around them leaving their previous appointment, I would've put them on. I had assumed that would deter us from interviewing them, but he disagreed.

**The Hon. PENNY SHARPE:** But the only reason that person got on the short list is because Stuart Ayres indicated that he wanted them on it?

**AMY BROWN:** I checked in with him, and he gave me some wise counsel that it shouldn't be a problem. Just because someone—

**The Hon. DANIEL MOOKHEY:** Secretary, to be very clear here, he said yesterday that he didn't. You did. You added them to the short short list, not him. He said that last week too.

**AMY BROWN:** I added them.

**The Hon. DANIEL MOOKHEY:** Yes. It's undisputable. In *The Daily Telegraph* and yesterday he said quite clearly, "I didn't put them on the short list; Ms Brown did."

**AMY BROWN:** Yes, via that email that we're reading now.

**The Hon. DANIEL MOOKHEY:** As a matter of substance, that's not true, is it?

**AMY BROWN:** I put them on the short list—

**The Hon. DANIEL MOOKHEY:** Technically you did.

**AMY BROWN:** —after checking in with him for his opinion on whether it would be a problem or not.

**The Hon. DANIEL MOOKHEY:** Literally, you emailed to express the view. That's all you did in adding his name to the short list. You transmitted the message back to Ms Bell, correct?

**AMY BROWN:** No. I'm a senior official with the New South Wales Government for a reason—that is that I'm capable of owning my decisions. It was my decision to put that person on the short list, but I wanted his opinion because there was a controversial circumstance under which they left their previous job.

**The Hon. JOHN GRAHAM:** And it was the Minister's opinion, not your opinion, that ended up—

**AMY BROWN:** It was the Minister's opinion that I shouldn't worry about that, this person should stand on their credentials and that I was being a bit overcautious or oversensitive.

**The Hon. PETER POULOS:** Did he direct you to put it—

**AMY BROWN:** He did not direct me; he just pointed out that I was being overcautious.

**The Hon. DANIEL MOOKHEY:** To be fair, there's no suggestion that he directed you. Direction is a legal term, when it comes to Ministers and secretaries. No-one has suggested that there was any issue of direction under a letter, which would have to be the case, so that's not the right way to phrase the question. It's fair to say that Minister Ayres was the reason your own hesitation was overcome. Is that fair?

**AMY BROWN:** Minister Ayres' view that I was being overly cautious and perhaps should relax my cautiousness because this person had great credentials, that was the reason that I put them on the short list.

**The Hon. DANIEL MOOKHEY:** Can we just go forward in time? We may have to come back to various steps. I just want to go forward in time to the point where—let me just ask you this. After 7 February and your decision that Mr Barilaro was the best person for the job, how often did you discuss this with Minister Ayres?

**AMY BROWN:** How often did I discuss Mr Barilaro's candidacy?

**The Hon. DANIEL MOOKHEY:** Yes, in that period.

**AMY BROWN:** Multiple times.

**The Hon. DANIEL MOOKHEY:** How many times?

**AMY BROWN:** Sorry, from what date?

**The Hon. DANIEL MOOKHEY:** We're talking here from, effectively—I think, Secretary, in your previous evidence, you established it in your own mind that John Barilaro became the best candidate circa April.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Let's go from there—from February to April. To be very clear, I think what we've established previously is that you decided sometime in April that he is the best person for the job.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Formal negotiations commence around 24 May.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** An actual contract—he signs on 9 June. I think you sign around the sixteenth or twentieth. I'm not sure. Let's just go through each of the phases.

**AMY BROWN:** That's a good idea.

**The Hon. DANIEL MOOKHEY:** Between the short list draft and the interview process, which is—actually, between the short list and the interview process, which is between 7 February and 15 March, did you discuss it with Minister Ayres?

**AMY BROWN:** Between the short listing and the interview, I didn't discuss Mr Barilaro's candidacy with Minister Ayres.



**The Hon. DANIEL MOOKHEY:** From the fifteenth onwards to April, which is the next thing, which is after the interviews to the point where you decide that John Barilaro is the best person for the job, did you discuss it with Minister Ayres at any time in that period?

**AMY BROWN:** Yes. When I caught up with Minister Ayres sometime not long after 15 March, when we had conducted the interviews, I actually said to the Minister, "There are two candidates who both performed really well at the interview. They have very different offerings in terms of their characteristics and experience and ability to do the job." Remember, at this time we had a preference for a female because we had no female STICs at this point. I said, "There's a strong female—a businesswoman. Impressive. Not a lot of experience with government. I'd be a little bit nervous about her ability to interact and have the confidence of Ministers. Could you please meet her?"

**The Hon. DANIEL MOOKHEY:** But then you also had a specific discussion about Mr Barilaro as well?

**AMY BROWN:** No. At that point I just asked him to meet Ms Cole. But he knew that Ms Cole and Mr Barilaro were the two top candidates.

**The Hon. DANIEL MOOKHEY:** And—

**The CHAIR:** Do you just—

**The Hon. DANIEL MOOKHEY:** I can keep going through the time space, Chair, but it's not my time.

**The CHAIR:** Do you just have another couple of questions in terms of this line of questioning?

**The Hon. DANIEL MOOKHEY:** Yes, I do.

**The CHAIR:** Just another couple, because I don't want to interrupt it.

**The Hon. DANIEL MOOKHEY:** Between that process, which, to be fair, Secretary Brown, you've described now on a few occasions to us—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** In that April period onwards, did you have any discussions with Minister Ayres about the appointment of John Barilaro?

**AMY BROWN:** The discussion we actually had was around Ms Cole not really having the confidence of the Minister in the meeting. I attended the meeting, so I can attest that I wasn't particularly—I just didn't think she was quite right for the role. That then became obvious that Mr Barilaro would be the frontrunning candidate, so I made Minister Ayres aware of that. Once that conclusion was reached, I checked in multiple times with Minister Ayres around whether or not—basically, we had a successful candidate out of the interview process, he was still subject to contract, the person had a prior history with the New South Wales Government and I needed to check that there were no aspects of that that would preclude him from taking up the position.

**The Hon. DANIEL MOOKHEY:** Is it the case that you basically expressed that there may be some sensitivity with the Government appointing John Barilaro?

**AMY BROWN:** I was nervous about it.

**The Hon. DANIEL MOOKHEY:** Why were you nervous?

**AMY BROWN:** Because he had some history with the New South Wales Government that may make it difficult for him to take up the role without media and public controversy.

**The Hon. DANIEL MOOKHEY:** It turns out you may have been right to be nervous.

**AMY BROWN:** I think so.

**The Hon. DANIEL MOOKHEY:** This is my last question on this before I pass to you, Chair. Did Minister Ayres do anything to allay your nervousness and, if so, can you take us through that?

**AMY BROWN:** It's hard without the time line. I relayed to Minister Ayres that Mr Barilaro was the frontrunning candidate. He didn't tell me he was going to be having conversations with his colleagues necessarily, but I left it with him to take it away. I didn't quite know whether he was going to check in with colleagues or discuss it at the strategy committee of Cabinet that we referred to earlier, so I was waiting to hear back whether or not there was anything that would dissuade me from making the decision.

**The CHAIR:** Just to be clear, Mr Ayres was aware when he interviewed Ms Cole that the other person vying for the job—the second person—was Mr Barilaro?

**AMY BROWN:** Yes.

**The Hon. WES FANG:** Can I just—sorry, before you do that. The Chair just indicated that he interviewed Ms Cole. It wasn't an interview, was it? It was more of a meeting, just to—

**AMY BROWN:** It was an informal meet and greet, because it is sometimes good to see how people interact with a Minister. It's not the first time I've done that.

**The CHAIR:** Thank you. Ms Brown, the last time you presented before this inquiry, some of what you said in camera has now been reported widely in the media. You've said that you share our concerns about the fact that has happened. One of the things that has been reported in the media has been what you were saying about—it has been reported in *The Australian* about Ms West's CV. You said you took a closer look at that CV.

**AMY BROWN:** You will recall that when I was in camera, I didn't get very far into that point before I was interrupted by one of the Committee members. That essentially ended the discussion on that point. I will note that it was very unpleasant.

**The CHAIR:** That's fine. It's now been portrayed everywhere.

**AMY BROWN:** My point is that I didn't really get to explain the context to that, or perhaps qualify that I was actually more talking about the way that she conveyed her personal capacity and experience.

**The CHAIR:** But, at a certain point, you did make the decision to, I think in your words, take a closer look at Ms West's CV.

**AMY BROWN:** I actually took a closer look—again, I don't want to go too far into this because it's making adverse reflections about a private citizen, and we've had discussions about that. I will need to seek advice if we are to talk about it for much more than a high-level explanation.

**The CHAIR:** That's okay. We won't be.

**AMY BROWN:** Okay. I didn't investigate Ms West or anything like that. Once her team started directly reporting to me, and once the relationship between her and the organisation became fraught, I did have some conversations internally, particularly with our HR team—or people and culture team—around some things that had been reported to them or observed over a longer period of time from October 2020.

**The CHAIR:** In terms of recruiting people and the second recruitment process, I would assume that there is a process by which people's CVs are checked by either yourself, panel members or the recruitment company.

**AMY BROWN:** That's the recruitment company's job.

**The CHAIR:** Did you look into Mr Barilaro's claims on his CV at all?

**AMY BROWN:** I want to be super clear about this: When Ms West was a candidate for the role of STIC Americas, I did not conduct any additional scrutiny on her CV, as I would any other candidate, which is, basically, to leave it to the recruitment company so that I can take it on face value. That was the case. I did that with Ms West; I did that with Mr Barilaro; I did that with every candidate. The question marks around her exaggeration of her professional experience came later when I was discussing internally some HR issues that had arisen with respect to her. I wasn't giving extra scrutiny as to her CV at the time she was a candidate.

**The CHAIR:** It's been reported about Mr Barilaro's CV in relation to some of what he had down as a board director of Smarter Regions CRC, which never got off the ground. Were you aware of that at the time you were interviewing him?

**AMY BROWN:** No. I only read the report in the media.

**The CHAIR:** Are you surprised, then, that a recruitment company did not find out that that CRC never got off the ground? Did you expect that they would normally inquire into people's claims on their CV?

**AMY BROWN:** I think, as a secretary running a recruitment process, when we're paying a third-party recruiter it's reasonable for me to be able to take people's CVs on face value once they've been through the round one screening.

**The CHAIR:** How much did the second recruitment process cost?

**AMY BROWN:** I can tell you right now. The second process, 2021—I think I've only got it—

**The CHAIR:** For the first?

**AMY BROWN:** Here we go, sorry. I've got it: \$42,900, inclusive of GST.

**The CHAIR:** So \$42,000 for the second round. Does that include advertising and everything or is that the recruitment cost?

**AMY BROWN:** I believe advertising is separate. That was \$10,536.

**The CHAIR:** So about \$55,000, roughly, for the second recruitment process and a similar figure, roughly, for the first?

**AMY BROWN:** The first was higher because it was undertaking the process from scratch, if you will. That was \$60,650, paid to NGS. The advertising was a little bit harder because it was a joint advertisement for the three roles, but that was \$58,319.

**The CHAIR:** So we're climbing up to about \$180,000 or something for the two recruitment processes.

**AMY BROWN:** Yes.

**The CHAIR:** Going back to the second selection panel report, did you instruct NGS Global to change the capabilities when you sent it back? Did you send it back with instructions as to what you wanted to see?

**AMY BROWN:** I did not.

**The CHAIR:** What were your instructions to them?

**AMY BROWN:** Kylie Bell ran most of the conversations with the recruitment company. But, having said that, I never instructed them on any specific capability ratings for any specific candidate. With any of that sort of detail, no, they were not instructed by me.

**The CHAIR:** Were they instructed by Kylie Bell? Did you instruct Kylie Bell to instruct the recruitment agency?

**AMY BROWN:** I did not.

**The CHAIR:** Does each member of the interview panel make notes against each person they're interviewing?

**AMY BROWN:** Yes.

**The CHAIR:** How does their feedback get back to the recruitment company?

**AMY BROWN:** There are two ways of doing it. Either you can give your notes to the person who's essentially scribing the process and say, "I would like these fed in," or you can wait until the draft report is shared and use your own notes as a crosschecking mechanism, so to speak. I'm not sure which each panel member did. I tend to do crosschecking because I find inserting my scribbles is not particularly helpful in the first instance.

**The CHAIR:** Did you have anybody advising you with regard to probity for this recruitment process?

**AMY BROWN:** Very good question. Only insofar as, obviously, the external recruitment firm, who were in charge of a lot of those background checks and things like that. It was one of the drivers for why I had the Public Service Commissioner on the panel, because she's particularly attuned to probity. Then I, as secretary, have certain obligations when it comes to probity as well. But we didn't have a probity adviser.

**The CHAIR:** Was it in any way considered or discussed, the need to have an independent probity adviser to help you navigate the ethical issues around this?

**AMY BROWN:** We didn't.

**The CHAIR:** You didn't think that, potentially, having an independent probity adviser would be a good idea after your discussions with both Mr Barilaro and Mr Ayres about this position?

**AMY BROWN:** No. Mr Barilaro applied as a private citizen, so he was to be treated the same as everyone else, if you will. We were just treating him in his private capacity applying for a job. But I didn't seek additional probity-style advice with respect to the fact that I was crosschecking certain elements with Minister Ayres.

**The CHAIR:** But he's not just a private citizen when applying for this job. In terms of thinking about whether you needed independent probity advice, clearly he wasn't just a private citizen in terms of his connections with you and Minister Ayres.

**AMY BROWN:** It's interesting because the ministerial code of conduct exempts the relevant person from seeking specific ethics advice where they're applying for a job in the public service. So that sets a tone that it's not a heightened scenario. But, no, I didn't seek any additional advice on top of that with respect to probity.

**The CHAIR:** Was there a process outlined to resolve differences between people on the selection panel, for example? Did you have a clearly defined process in that regard?

**AMY BROWN:** I wouldn't characterise it that the members of the assessment panel had differing views.

**The CHAIR:** No, if there were.

**AMY BROWN:** If there were?

**The CHAIR:** Surely there is a process that you go through if you have two people or three people agreeing fervently that somebody should get it and the other two agreeing that somebody else should get it. What's the process?

**AMY BROWN:** Well then, it's not the assessment panel's considered view, because half the panel is disagreeing. So I think in that circumstance you would need some form of a circuit breaker. I haven't turned my mind to what we would have done in that scenario because it's hypothetical and whether or not we would have involved a chief people officer or chief operating officer to facilitate a discussion or whether we would need to—I mean, I have had it before where we weren't quite certain, so we retested the market or required an additional interview that wasn't originally envisaged. There are lots of things you can do to resolve uncertainties in a recruitment process. But with respect to the panel members and their views, I don't think there was a dispute to be resolved.

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

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

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

**AMY BROWN:** Yes, all of them.

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

**AMY BROWN:** Yes.

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

**AMY BROWN:** Yes.

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

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

**The CHAIR:** Okay. With the final selection report, just to be clear, the second one that came with—did that include the first candidate who was preferred—and I think we've already named her as Ms Cole? Did that include her? Where was she relegated to? Was she relegated to the talent pool in the second round?

**AMY BROWN:** I believe—let me double check. I believe she was simply the second-ranked candidate.

**The CHAIR:** Just to be clear on this again, when you—

**AMY BROWN:** Hold on, sorry, this is not printed very well. Can I just get that checked, because I can see something here that might mean she was recommended for the talent pool. I'll just get it checked, if that's okay?

**The CHAIR:** Yes.

**The Hon. SCOTT FARLOW:** Do you want to just consult behind you quickly?

**The CHAIR:** As long as there is a quick answer.

**AMY BROWN:** We'll come back to you ASAP.

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

**AMY BROWN:** Correct.

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

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

**The CHAIR:** You sent that to them without letting them know that there was an original draft and that this one is different from that original draft?

**AMY BROWN:** Correct.

**The CHAIR:** Just going back to the government sector employment rules, what governs when a position isn't based on merit? I think you said that this was employment under a different section? Is it section—

**AMY BROWN:** Section 10A of the regs, and that means that it's exempt from the capability-based assessments.

**The CHAIR:** So all STICs were exempt from section 10A?

**AMY BROWN:** Under section 10A, all STICs are exempt from merit-based and capability-based recruitment processes.

**The CHAIR:** But you undertook it anyway—

**AMY BROWN:** That's right.

**The CHAIR:** —the assessment against the capabilities?

**AMY BROWN:** Yes.

**The CHAIR:** That's really laid out very clearly, how every applicant was assessed against that. So these other measures that you're talking about that weren't merit based, how were they detailed and what notes were taken and what questions were asked about that?

**AMY BROWN:** Yes, that's a good question. So to be clear, section 10A means that someone can be selected based on their appropriateness for the role. So it's a different test or threshold than meets the relevant capability-based criteria of a traditional GSE, which again takes it into a bit more of the realms of flexible and discretionary. So that's kind of what essentially perhaps drove the lack of rigidity around marking against capability assessment, some of the paperwork and reporting—which is still not good, but that's what exempted us from having to do it that way. NGS, on 15 June, sent the panel report to all panel members.

Essentially, though, the main thing that happened outside of the process itself was informal conversations, including checking with people in the market, because these are very senior roles and the people are very well known, and a meeting with Minister Ayres for one of the candidates. That was fed back informally, so that panel members could take it into consideration. So when I said one candidate in particular met the Minister and I didn't have confidence that that person could then brief the Minister and, you know, be their representative overseas and lead a trade delegation with them—co-lead—that was fed in verbally from me and taken into account as part of the overall decision.

**The CHAIR:** Do you think during that meeting that Ms Cole had with Mr Ayres that he gave her enough space, if you like? Do you think that in that meeting he was generous with her in terms of accepting her, talking with her as a potential applicant? How do you think that went, from his perspective?

**AMY BROWN:** The only qualification I make is it was via Teams, because she was in Portugal—but you do need to know how to brief a Minister via Teams. Look, I've briefed many, many, many Ministers over my decade in government and you don't often have a lot of time with Ministers. You've got to make it short and snappy. I think she—you know, the conversation probably went for 12 minutes or so, so I don't think he was not generous with his time. It was a bit of a "Tell us about yourself and how do you see trade and investment ambitions for New South Wales and what would you do to make it happen?" I think she was given a good opportunity to pitch herself in.

**The CHAIR:** Twelve minutes?

**AMY BROWN:** Thereabouts. I wasn't timing it, but that was just the number I thought was about right.

**The CHAIR:** Thank you. Government?

**The Hon. JOHN GRAHAM:** Sorry, Chair, aren't we splitting the time between the Opposition and then—

**The CHAIR:** Yes, so we ended the session. Opposition, you're right, yes. Mr Mookhey?

**The Hon. DANIEL MOOKHEY:** Secretary, where we were up to was the nervousness you had in April and the process that you went into with the Minister to allay your nervousness. We'll come back to that bit. But I just think in the interest of time we probably need to follow the schedule here.

**AMY BROWN:** Okay.

**The Hon. DANIEL MOOKHEY:** Can I understand the process—the technical process for negotiation, was it led by Ms Bell with Mr Barilaro?

**AMY BROWN:** Contract negotiations?

**The Hon. DANIEL MOOKHEY:** Yes?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You were, of course, the decision-maker, correct?

**AMY BROWN:** That is correct.

**The Hon. DANIEL MOOKHEY:** You were the employer, were you not?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And you were the person who ended up signing the contract, correct?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** Were you the person who told John Barilaro he had the job?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** Was it Ms Bell?

**AMY BROWN:** I asked Ms Bell to commence contract negotiations with Mr Barilaro and I'm unsure of how that conversation went, whether she was—

**The Hon. DANIEL MOOKHEY:** So who told John Barilaro he had the job?

**AMY BROWN:** I don't know.

**The Hon. DANIEL MOOKHEY:** Sorry?

**AMY BROWN:** I don't know.

**The Hon. DANIEL MOOKHEY:** You don't know?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** Hang on, you're the employer, correct?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** It wasn't Ms Bell. Who told John Barilaro he actually had the job?

**AMY BROWN:** Ms Bell commenced contract negotiations with Mr Barilaro. I'm not sure—and I think you have the opportunity to ask her—whether that conversation started with "Congratulations, you have the job" or whether she just went straight into the contract negotiations.

**The Hon. DANIEL MOOKHEY:** Okay. Did Mr Minister Ayres have any conversations with John Barilaro at this point in time?

**AMY BROWN:** Not that he told me.

**The Hon. DANIEL MOOKHEY:** Did Minister Ayres tell John Barilaro he had the job?

**AMY BROWN:** I do not know.

**The Hon. DANIEL MOOKHEY:** So no-one knows who told John Barilaro he had the job?

**AMY BROWN:** I don't know.

**The Hon. DANIEL MOOKHEY:** If you didn't know—I'm struggling, Secretary, because someone must have told him it was his, correct?

**AMY BROWN:** Yes, correct.

**The Hon. DANIEL MOOKHEY:** Presumably, this would have happened before he signed the contract?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** So we know that the negotiations have effectively, I think, wrapped up around the 28-ish of May and then there is a final relocation letter being sorted out?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** But there is no dispute that around 9 June he is signing the contract?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** So at that point did you call John Barilaro?

**AMY BROWN:** No. On 23 May Ms Bell contacted Mr Barilaro to commence contract negotiations, and I am unsure of the content of that discussion.

**The Hon. DANIEL MOOKHEY:** Did you authorise Ms Bell to tell John Barilaro he had the job?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** So it's possible that Ms Bell told him?

**AMY BROWN:** Possible.

**The Hon. DANIEL MOOKHEY:** Is it possible anybody else would have told him?

**AMY BROWN:** Also possible.

**The Hon. DANIEL MOOKHEY:** Okay—

**The Hon. JOHN GRAHAM:** This must have been the subject of some discussion though. You don't know, but do you believe that Ms Bell did tell John Barilaro he had the job?

**AMY BROWN:** It was just reported to me that she'd commenced contract negotiations. I think it's a matter for her to say whether or not she told him he had the job or not.

**The Hon. PENNY SHARPE:** Ms Brown, we're going to go to a lunch break fairly soon. During the lunch break, would you be able to ask Ms Bell whether she was the person who actually told Mr Barilaro that he had the position?

**AMY BROWN:** I will take advice and endeavour to do so.

**The Hon. DANIEL MOOKHEY:** To be fair, there is an email from Ms Bell to Mr Barilaro that is somewhere in a tender bundle—which I'm now inclined to have to find—in which she says, "We can go forward."

**The Hon. WES FANG:** You don't have an index?

**The Hon. DANIEL MOOKHEY:** As in, it's clear that we can go forward, is what I think she says—or words to that effect—in an email. That is actually not saying, "You've got the job." But what I'm trying to understand is: You've clearly formed a view in April that he should have the job. The negotiations are wrapped up around the end of May, but certainly by 9 June. It just strikes me as highly unusual that the actual employer doesn't tell Mr Barilaro he has the job. It is even more weird given you have established that you did text Ms West to say that an offer was coming.

**AMY BROWN:** I did, yes.

**The Hon. DANIEL MOOKHEY:** Did you then send such a text message to Mr Barilaro?

**AMY BROWN:** I had no direct relationship with Mr Barilaro, other than a couple of times I spoke to him, when he was the portfolio Minister, on one Teams call. I didn't reach out to Andrew Parker to say, "Congratulations, you have the job", or Vish Padmanabhan to say, "Congratulations, you have the job." The reason I contacted Ms West is, as I said, we were quite friendly and she was a direct report of mine. It would have been odd to see her in the kitchen and know this information and not have told her in a congratulatory sort of way. So it's not surprising to me that I didn't tell Mr Barilaro. But I think, given I asked Kylie Bell to commence contract discussions, it's worth us asking her how that conversation was.

**The Hon. JOHN GRAHAM:** We've talked about Minister Ayres' view expressed to you about John Barilaro and about Kimberley Cole as a result of that meeting. Did Minister Ayres express a view to you at any stage about Jenny West?

**AMY BROWN:** That's a good question. Only briefly. When we were talking about Mr Parker and Mr Padmanabhan being very impressive businesspeople, and he said that he would be minded to move them forward into the ministerial appointment regime, I said, "Need I ask about Ms West?" And he said, "She wouldn't be suitable for that." She wouldn't have his confidence.

**The Hon. JOHN GRAHAM:** Did he give you any more reason why Jenny West would not have his confidence?

**AMY BROWN:** No. I got a sense that generally the Ministers weren't overly impressed that I had selected a public servant for the role.

**The Hon. JOHN GRAHAM:** And, as we've agreed before, obviously the Minister's view, as with those other appointments, would have carried significant weight, given your uncertainty about the process at this point?

**AMY BROWN:** Yes. I mean, every decision is multi-factored. That was saying to me she wouldn't be capable of being grandfathered into a new regime, so I didn't want to waste taxpayer dollars and heartache for her and her family by putting her in a role that would be undone.

**The Hon. DANIEL MOOKHEY:** Secretary Brown, you just said there that the Ministers expressed a view—or perhaps weren't pleased—that you had chosen a public servant for the role. On what basis did you conclude that the Minister or the Ministers were not pleased that you had chosen a public servant for the role?

**AMY BROWN:** I will just qualify it by saying I think it is a bit unfair to characterise Minister Ayres as thinking anything less of public servants. He's actually really respectful of the public service. But I ran the recruitment process the first time with no ministerial interaction whatsoever. I didn't check in with anyone about anything. And then we reached a successful candidate. As you know, the briefs went to four Ministers, and they were signed, and I relayed the news to Ms West that she had the job. But I heard—I got the impression from the Deputy Premier's office that part of the motivation for going to Cabinet to change the whole regime was there was a little bit of disappointment or distaste around the fact that a bureaucrat had been given such a high-profile role. I don't think that was specific to Minister Ayres at all. In fact, I think it was more from Minister Barilaro at the time. But then when I checked in with Minister Ayres on or about 12 October, and I said, "Need I ask about Ms West?" with the thought going in my head, "Well, it was kind of the trigger for unwinding this whole thing", he said, "Well, now, I don't think that will work, will it?" So I knew she wouldn't be capable of being grandfathered.

**The Hon. DANIEL MOOKHEY:** And that, of course, must have played as a factor in your decision as to who should get the job the time the second—played a role. I mean, if you had chosen a person who was a public servant or ex-public servant, or person who didn't necessarily have a political profile, you may have run the risk of encountering the same objection, correct?

**AMY BROWN:** It was less political profile—because, remember, Mr Parker and Mr Padmanabhan had no political profile and yet they were very esteemed businessmen. It wasn't that you needed a political profile per se, but I would have been very resistant about putting another public servant up for suggestion, for example.

**The Hon. DANIEL MOOKHEY:** So that would have had a massive effect on you, if that was the view that the Government, perhaps you were hearing—or had formed an impression that a public servant might not be the right person for the role.

**AMY BROWN:** It was disheartening.

**The Hon. PENNY SHARPE:** Was there also the case, though, that the ads changed in between—where "political interest" was put into the second round of the ads?

**AMY BROWN:** Very good question. The role descriptions for all six roles had the word "represent political interests".

**The Hon. PENNY SHARPE:** Yes, I'm aware of that.

**AMY BROWN:** Obviously, geopolitics is an important factor in international relations, investment and so on. I'll take advice, but I'm almost certain all of the job ads used the word "political interests" except round one of the Americas. I don't know why. So then, when we came to round two of the Americas, we aligned the job ads with the other five.

**The Hon. DANIEL MOOKHEY:** The balance of the evidence you've given this morning, Ms Brown, is that you're going into detail of very specific questions and specific detailed conversations with Minister Ayres at every step of the way. But, at the same time, the Minister has been saying publicly that he has kept himself arm's length from this process throughout. Did you feel like Minister Ayres was keeping himself arm's length from this process?

**AMY BROWN:** I would say that, objectively speaking, arm's length is not a fair characterisation of how the process was run.



**The Hon. DANIEL MOOKHEY:** I appreciate the answer. But, to be very clear here, when I ask you was Minister Ayres keeping himself arm's length from this process, you're saying no.

**AMY BROWN:** In my view, he was not arm's length from the process. There were multiple intersection points throughout.

**The Hon. DANIEL MOOKHEY:** Which were the key multiple intersection points which led you to feel that he wasn't keeping himself arm's length from this process?

**AMY BROWN:** I think we've covered most of them. Again, a lot of it was actually initiated by me because I felt the need that I had to keep checking—partly because of this grey area that we were in around public service or ministerial. But, broadly speaking, I wanted to make sure he was comfortable.

**The Hon. DANIEL MOOKHEY:** And, clearly—you said the multiple intersection points, and we've gone through them. Just to be clear, the first instance is when he tells you that John Barilaro might be interested in the role?

**AMY BROWN:** Yes, although that happens quite a lot.

**The Hon. DANIEL MOOKHEY:** Sure. The second instance is when you report back to him that John Barilaro had applied for the role, and he expressed his positive comments about Mr Barilaro, correct?

**AMY BROWN:** Agreed.

**The Hon. DANIEL MOOKHEY:** The next issue is when you have a conversation with him, after the interview selection process, in which you canvass your nervousness about appointing Mr Barilaro?

**AMY BROWN:** It was actually after the interview process, when I asked him to interview Ms Cole, because there were two.

**The Hon. DANIEL MOOKHEY:** Then, in that period of April, where you effectively leave it to him to provide, for want of a better term, the broader government attitude towards the controversy that might surround Minister Barilaro's appointment? Is that fair?

**AMY BROWN:** There were conversations around that, yes.

**The Hon. DANIEL MOOKHEY:** The way you described it was "sense check".

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You were asking Minister Ayres to essentially—you were sense checking that view that Barilaro, with what would Minister Ayres' and the Government's response be if that was to create a political controversy. That's correct?

**AMY BROWN:** I was indicating that we were on a path to potentially appointing Mr Barilaro to the role as per the outcome of the panel interviews and referee checks, and I wanted to test whether there was anything he would tell me that would dissuade me from making such a decision.

**The Hon. DANIEL MOOKHEY:** And then the sixth or I guess the final sort of intersection points are actually around the appointment itself, which is the contract negotiations and the time where you actually enter the contract. I presume, at that point, you were sense checking with Mr Barilaro as well?

**AMY BROWN:** I never—

**The Hon. DANIEL MOOKHEY:** Sorry, Mr Ayres.

**AMY BROWN:** I never sense checked with Minister Ayres around contract terms or anything like that. That's for us.

**The Hon. DANIEL MOOKHEY:** Sure, but the broader "we're about to sign the contract"?

**AMY BROWN:** We're about to sign the contract, yes.

**The Hon. DANIEL MOOKHEY:** You checked in with him?

**AMY BROWN:** The reason I would've done that is there would've been an announcement to be made.

**The Hon. DANIEL MOOKHEY:** Of course. But just to be very clear here, did you check in with him before you signed the contract?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And he at that point didn't express any opposition to the view?

**AMY BROWN:** No. Ms Bell and I often, at that point, briefed Minister Ayres together on some of these matters, because she'd taken over a new role—it was expanded. So I like to bring her along with me to some of these meetings. She was the one who expressed where we were at. Yes.

**The Hon. DANIEL MOOKHEY:** Then the final intersection point was actually around the announcement, where it is quite clear—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I'm referring now to page 50 of the tender bundle. It's to the level where you're coordinating when the media release is going to go out. On the basis of those six to seven to eight major intersections, you concluded or you formed the impression that Minister Ayres was involved in the process.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** On that basis, you say he didn't keep himself arm's length.

**AMY BROWN:** That's an accurate statement.

**The Hon. JOHN GRAHAM:** Apart from those six or seven or eight interactions, are there any other interactions that caused you concern or caused you to describe it as not being arm's length with Minister Ayres?

**AMY BROWN:** I think that's the gist of it.

**The Hon. DANIEL MOOKHEY:** Were you incidentally also having conversations with Minister Ayres' staff by any chance?

**AMY BROWN:** Not particularly, no.

**The Hon. DANIEL MOOKHEY:** So these were direct conversations with the Minister.

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** Were these usually taking place in meetings or on the phone or both?

**AMY BROWN:** I had many discussions, formally and informally, with Minister Ayres. I'm his secretary. We went to lots of meetings together.

**The Hon. SCOTT FARLOW:** Just going back to the Ms West recruitment process and some of the evidence that you gave earlier, which I think was enlightening for us as well, you mentioned in a sense—I think these were your comments just before, to Mr Mookhey's questioning—that effectively you saw that Ms West's appointment was the trigger for changing it to a ministerial appointment process. Was that ever conveyed to you?

**AMY BROWN:** No-one told that to me. It was just around the fact that, once I revealed the successful candidate for STIC Americas, there was a flurry from the Deputy Premier's office to have it changed.

**The Hon. SCOTT FARLOW:** With respect to those six job roles, you said political interest was contained in all of them, apart from the STIC Americas role. I think that your earlier evidence was, in terms of that role description, that Ms West was involved in actually drafting that. Was there any explanation given to you as to why that was different to the other roles?

**AMY BROWN:** No. The political interest was still in the role description. But, to your point, for STIC Americas round one, it wasn't in the advertisement. Ms West was in charge of the process at that point. So that would've been her decision.

**The Hon. SCOTT FARLOW:** And Ms West was in charge of the advertisement for that.

**AMY BROWN:** Correct.

**The Hon. SCOTT FARLOW:** Was there any reason given? Could you see any justifiable reason why political interest was not contained in that advertisement?

**AMY BROWN:** I would never have picked up on such a discrepancy of detail.

**The Hon. SCOTT FARLOW:** But it seems a little bit strange, doesn't it, that that was missing in the Americas role but was contained in all of the other roles?

**AMY BROWN:** It's very strange, yes.

**The Hon. PETER POULOS:** And that's the role she ended up applying for.

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** After the cut-off in terms of when applications were due to be received.

**AMY BROWN:** Correct.

**The Hon. SCOTT FARLOW:** Ms Brown, I imagine you would agree that it's desirable to have a recruitment process that's fair and impartial.

**AMY BROWN:** Yes. It's very important.

**The Hon. SCOTT FARLOW:** You mentioned before that you saw, I think, in terms of the question the Opposition were asking, in terms of a probity adviser on the role, that the Public Service Commissioner effectively—

**The CHAIR:** I was asking that one.

**The Hon. SCOTT FARLOW:** Sorry. The Chair was asking—that the probity officer was important and the Public Service Commissioner effectively provided that role to your mind in the selection process.

**AMY BROWN:** I don't know. Ask her if she agrees. But, in my mind, having her there was an additional level of comfort.

**The Hon. SCOTT FARLOW:** And that Public Service Commissioner was not on that first process, was she?

**AMY BROWN:** No.

**The Hon. SCOTT FARLOW:** In regards to the first process, was there anyone else who you would've thought provided that probity role?

**AMY BROWN:** Not necessarily a probity role, but the reason I asked Secretary Betts to join the first process—he was not only incoming secretary of DPC, but he has been secretary of multiple departments over a really long period of time and is a seasoned public servant. I trust him a lot.

**The Hon. SCOTT FARLOW:** In seeking the fair and impartial process effectively—I imagine that that's part of the reason why you would've engaged NGS Global. I think to your evidence before, that particularly because of the involvement of Ms West in both setting up the process but also applying for the role, there needed to be an external party. Is that correct?

**AMY BROWN:** An external party on the interview panel, or NGS Global managing it?

**The Hon. SCOTT FARLOW:** NGS Global managing it.

**AMY BROWN:** Yes. They managed all of our recruitment processes because they were complex and it made sense to have someone else assist.

**The Hon. SCOTT FARLOW:** Was it part of Ms Broadbent's role to keep senior management advised of the recruitment progress?

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** Who did she report to in this regard? Was Jenny West one of the people that she reported to?

**AMY BROWN:** Yes. The progress reports were sent to Jenny West. I mean Ms West.

**The Hon. SCOTT FARLOW:** As we've already established, Ms West was not a candidate in April 2021 but she ended up becoming a candidate by May 2021. Is that correct?

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** Is it reasonable to assume, then, that Ms West applied for the position sometime after the April candidate report and sometime before the May candidate report from NGS?

**AMY BROWN:** NGS sent a progress report on 16 April. Ms West applied on 12 May. That was a period.

**The Hon. SCOTT FARLOW:** Did Ms West ever give you a reason as to why she didn't apply in the first instance?

**AMY BROWN:** No, she didn't, actually. She just said that she'd thought about it and decided—in her words—that she'd like to throw her hat in the ring.

**The Hon. SCOTT FARLOW:** Did she make any reflection in terms of the candidates that had come forward or that being any consideration for her?

**AMY BROWN:** No. She didn't really point out that she had visibility of that.

**The Hon. SCOTT FARLOW:** But she would've had visibility, considering that candidates report at that point. Is that correct?

**AMY BROWN:** Was sent to her. Yes.

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

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

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

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

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

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

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

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

**The Hon. WES FANG:** Ms Brown, you stated there was a flurry of activity in the Deputy Premier's office when Ms West was the preferred candidate. Did they indicate what the concerns were?

**AMY BROWN:** No. It was more that—I sent the briefing note up on 11 August. Then, within—I'm just doing the maths—less than two weeks of that, we were being asked to re-look at the basis on which STICs are appointed. The Deputy Premier's office did indicate that there was a general sentiment that people weren't impressed with the first candidate that I had selected.

**The Hon. WES FANG:** I know we've been looking at the specifics between a direction or an indication. There was no direction around Ms West being the preferred candidate—that that was the trigger.

**AMY BROWN:** Other than the decision of government specifying that I unwind processes on foot, where applicants were still subject to contract, which included Ms West, there was nobody directing me to unwind or undo the appointment of Ms West.

**The Hon. WES FANG:** So it wasn't communicated to you that this was something that the Deputy Premier wanted personally. This was just, in the time line, advice that Ms West was the preferred candidate and that the STIC selection process was potentially looking to go in another direction.

**AMY BROWN:** All around the same time, yes.

**The Hon. WES FANG:** In relation to NGS Global, was it Ms West that actually appointed them to the STICs selection roles? I'll say "roles" because obviously they were involved in all the STICs positions. Is that correct?

**AMY BROWN:** Yes.

**The Hon. WES FANG:** I'm going to be very cautious around the in-camera evidence, but there have obviously been questions communicated around Ms West's CV which have been questioned today. Did that perhaps come out of the HR issues you spoke about earlier, or was it perhaps that lawyers had been engaged and that that sort of required a deeper looking into of a number of matters?

**AMY BROWN:** Good question. It was a combination of things. As I said in my evidence in my first hearing, when Ms West found out that it was unlikely that she was going to get the role, the relationship between

her and the organisation became difficult and I started to observe some behaviours I was a little bit concerned about. And at that point there was feedback coming from multiple sources, including our stakeholders and clients.

**The Hon. WES FANG:** Is that because you had taken over her responsibilities or the responsibilities had partly fallen to you and so therefore you were getting that feedback?

**AMY BROWN:** That's it. At some point not long after, she was on extended leave, so I was a lot closer to that and had her team reporting to me directly. But then, of course, when it was looking possible that we would end up in the sphere of legal action, I just took a little bit more initiative in terms of scratching the surface on a few things.

**The Hon. WES FANG:** It would be wrong to characterise it, then, as you digging for it. It became through osmosis, by adopting the role, adopting the positions that she had held because of, I guess, the legal position that she'd taken in relation to Investment NSW, that you gained that knowledge and therefore used that knowledge to then further some investigations into the matters?

**AMY BROWN:** Yes. So I never commenced any investigations but I'm CEO of an organisation, so wanting to talk to People and Culture and take a look at incidents that had been reported to them. It's not only unusual, it would be irresponsible if I didn't. And, of course, feedback that comes in from various stakeholders, of course I have to take that on board, if there are stakeholders. And people don't express these views for no reason.

**The Hon. WES FANG:** You mentioned last time you were before the Committee that you'd only had one engagement with Mr Barilaro as the trade Minister and that was via an online meeting. Is that correct?

**AMY BROWN:** Yes, I believe I had three brief phone calls and one Teams meeting.

**The Hon. WES FANG:** Okay, so it wouldn't be accurate to describe you as being close to Mr Barilaro.

**AMY BROWN:** Not at all.

**The Hon. WES FANG:** And there would be no reason for you to provide him preferential or favourable treatment, given that you had very little engagement with him.

**AMY BROWN:** Certainly not.

**The Hon. WES FANG:** I think that means we are out of time, is that right, Chair?

**The Hon. SCOTT FARLOW:** I have a couple, if we have more time. Thank you very much, Ms Brown, for your evidence. In terms of the advice about the process and what you've told the Committee before about how there was no suitable candidate at the end of the process, of course, as has been outlined there was communication to Ms West in terms of her being noted as the candidate, so to speak.

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** But you were of the view—and you expressed that to the Committee, and I believe from reports that you expressed that to the Minister and the Premier as well—that there was no suitable candidate at the end of the process. Was Ms West, to your knowledge, ever issued with a contract?

**AMY BROWN:** No.

**The Hon. SCOTT FARLOW:** Was there any communication to her apart from your text message—which I take it, in a sense, was more as a friend than as the secretary—that she was successful in the role?

**AMY BROWN:** There was obviously the text message from me and then there was some back and forth about contract terms, because these are bespoke contracts, they're not your standard GSE off-the-shelf contract. And so that had commenced, and that's when she realised there were some tax issues that she would have to resolve, so it kind of didn't go any further at that point.

**The Hon. SCOTT FARLOW:** You said about the trigger, in a sense, of that appointment being what brought the change to a ministerial appointment, at least in your perception. Was there any view issued to you at that time to hold that appointment, with that going to Cabinet?

**AMY BROWN:** To hold the appointment—

**The Hon. SCOTT FARLOW:** Yes, so this was back in September.

**AMY BROWN:** Do you mean to cease it?

**The Hon. SCOTT FARLOW:** Not to proceed with the appointment of Ms West with respect to that decision of Government; I think it was on 26 September.

**AMY BROWN:** Prior to 27 September, they had no power to direct me not to appoint Ms West. What I did do, though, was once I alerted her to the fact that this could occur and she wanted a contract issued, I think to firm up her position more before Cabinet made its decision, I said, "I think we're going to have to wait a week to see what happens".

**The Hon. SCOTT FARLOW:** So you saw that Cabinet determination as being integral in whether that could proceed or not and whether there would be a successful candidate, so to speak, at that point?

**AMY BROWN:** Yes, I literally couldn't proceed.

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

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

**The CHAIR:** Thank you very much. We will now break for lunch and be back at 2.00 p.m.

**(Luncheon adjournment)**

**The CHAIR:** Welcome back, Ms Brown. We will go straight to questions from the Opposition.

**The Hon. JOHN GRAHAM:** I might defer to my colleague.

**The Hon. DANIEL MOOKHEY:** Welcome back, Secretary. It's good to see you.

**AMY BROWN:** Thank you, Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Secretary, we were talking before about the process of sense-checking—I think that was the term we've used in a variety of hearings I think we've explored with Minister Ayres. Did you sense-check or have any sense-checking process with any other Minister or any other elected member of the Government?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** You wouldn't be expected to, would you?

**AMY BROWN:** It would be strange.

**The Hon. DANIEL MOOKHEY:** And not common practice whatsoever?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** Did you sense-check it with anybody else in the public service?

**AMY BROWN:** The only person I phoned and said that Mr Barilaro was the preferred candidate out of a recruitment process was the Secretary of the Department of Premier and Cabinet.

**The Hon. DANIEL MOOKHEY:** I only ask because you made a bit of a reference and I realised when re-reading the transcript that perhaps we should have asked a follow-up question at the time. When you say you had a conversation with the Secretary of the Department of Premier and Cabinet, just because there was a bit of a transmission around who—I presume you were meaning the current secretary. Is that correct?

**AMY BROWN:** Yes, Mr Coutts-Trotter.

**The Hon. DANIEL MOOKHEY:** When did you have that conversation?

**AMY BROWN:** Twelfth of April.

**The Hon. DANIEL MOOKHEY:** Twelfth of April? Was that in that period where you were still making your mind up as to whether he was the right person for the job?

**AMY BROWN:** It's when I had made a decision that at that point, he was the front-running candidate and the right person for the job. But, as I described before, I had some nervousness around that appointment, and I was sense-checking.

**The Hon. DANIEL MOOKHEY:** If you had nervousness at this point you've already explored it with Minister Ayres or is this conversation with the Secretary of the DPC happening in parallel?

**AMY BROWN:** As per our discussion earlier, there were a number of check-in points with Minister Ayres prior to this phone call.

**The Hon. DANIEL MOOKHEY:** You phoned the secretary?

**AMY BROWN:** I did.

**The Hon. DANIEL MOOKHEY:** That was your choice?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Did you provide any prior notice to him as to what you were calling, or you just called him up because he was the secretary?

**AMY BROWN:** He was secretary and I'm a secretary; I just gave him a call.

**The Hon. DANIEL MOOKHEY:** This happened on the twelfth, you say.

**AMY BROWN:** Yes, I cross-checked that's when I made the phone call.

**The Hon. DANIEL MOOKHEY:** For how long was the phone call?

**AMY BROWN:** Minutes—less than five.

**The Hon. DANIEL MOOKHEY:** Was this the only time you had a conversation with Mr Coutts-Trotter?

**AMY BROWN:** No. I had mentioned in passing with Mr Coutts-Trotter that Mr Barilaro had applied for the job around the time when he did apply for the job. Mr Coutts-Trotter expressed some surprise, and then we went through the interview process. Mr Barilaro was the preferred candidate. I was nervous about it and checking in with my responsible Minister and I decided to phone Mr Coutts-Trotter and explicitly let him know that it was looking like it would go that way.

**The Hon. DANIEL MOOKHEY:** Do you recall what you said to Mr Coutts-Trotter?

**AMY BROWN:** I said something along the lines of "Mr Barilaro is the successful candidate from the recruitment process. I'm nervous about it. I wonder if you might want to check in with your Minister."

**The Hon. DANIEL MOOKHEY:** Check in with who?

**AMY BROWN:** The Premier.

**The Hon. DANIEL MOOKHEY:** Okay, and this was on the twelfth?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You called the Secretary of DPC and said you were nervous about it. Before we get to the request you made for him to check with the Premier, what did the Secretary of DPC say back?

**AMY BROWN:** Nothing of substance—more of "Oh, I see." Sorry, it's hard to convey the tone.

**The Hon. DANIEL MOOKHEY:** Did he agree to undertake to check with the Premier?

**AMY BROWN:** He just said, "Leave it with me." He didn't say what he was going to do necessarily.

**The Hon. DANIEL MOOKHEY:** Okay. After that conversation on the twelfth, did you have any additional conversations with the Secretary of DPC?

**AMY BROWN:** I think I have one-to-ones with the Secretary of DPC, as is customary, because he's head of the public service. I suspect at my next one-to-one—but I can't put my finger on the date and since then Minister Ayres has given evidence that he did speak himself. He said in question time that he spoke with Premier Perrottet on 30 April. At about that time I said to Mr Coutts-Trotter, "Is there anything I need to know that would dissuade me from going that way?" in terms of appointing Mr Barilaro.

**The Hon. DANIEL MOOKHEY:** This would have been at one of your one-on-one meetings with Mr Coutts-Trotter?

**AMY BROWN:** I beg your pardon.

**The Hon. DANIEL MOOKHEY:** This would have been at one of your one-on-ones?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And this was towards the end of April. Is that the case?

**AMY BROWN:** I would suspect so because I have them fortnightly, so 12 April—somewhere.

**The Hon. DANIEL MOOKHEY:** Sure, probably at the next meeting you had. Is that fair?

**AMY BROWN:** Yes, that's right. It was very front of my mind.

**The Hon. DANIEL MOOKHEY:** Why was it front of your mind?

**AMY BROWN:** Because it was during April. We had a lot going on as a department trying to establish ourselves. It was a very stressful time for me and for particularly my direct reports. I was also concerned about appointing Mr Barilaro to the role of STIC Americas.

**The Hon. DANIEL MOOKHEY:** As one of the first decisions of the department?

**AMY BROWN:** Yeah.

**The Hon. DANIEL MOOKHEY:** Clearly.

**AMY BROWN:** Yeah.

**The Hon. DANIEL MOOKHEY:** Sorry, I may have momentarily forgotten but you said "Is there anything I need to know?" or words to that effect.

**AMY BROWN:** Yes. I said, "Is there anything that you wish to tell me that would dissuade me from making that decision?"

**The Hon. DANIEL MOOKHEY:** What did Mr Coutts-Trotter say to that?

**AMY BROWN:** I think he shrugged and said no.

**The Hon. DANIEL MOOKHEY:** Did you make any inquiries of him as to whether or not he did actually have that conversation with the Premier?

**AMY BROWN:** No, I didn't ask for the detail behind the feedback.

**The Hon. DANIEL MOOKHEY:** But basically, Secretary Brown, is it a fair summation of events that you were nervous about the appointment because you anticipated that it could lead to some public controversy?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** As a result of that nervousness, separate from the process you were undertaking with Minister Ayres, you also initiated contact with the Secretary of DPC?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You expressed that nervousness to him?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You asked him to make an inquiry with the Premier?

**AMY BROWN:** I suggested that he may wish to.

**The Hon. DANIEL MOOKHEY:** And he said some words to the effect of "Leave it with me"?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And then at your next meeting it was at the forefront of your mind to effectively get a reply to that request?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You sought that reply?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And the reply was "Nothing to worry about" or words to that effect.

**AMY BROWN:** It was less than that. It was different from "Nothing to worry about". It was more "I'm not going to tell you anything to stop it going ahead." Like, a bit as though he was resigned to it. Do you know?

**The Hon. DANIEL MOOKHEY:** Okay.

**The Hon. JOHN GRAHAM:** At any other point were you given an indication of the Premier's view about this matter—

**AMY BROWN:** No—



**The Hon. JOHN GRAHAM:** —by the secretary or by others?

**AMY BROWN:** The only discussion that I was given very passing feedback on that would have involved the Premier is the discussion at the strategy committee of Cabinet.

**The Hon. DANIEL MOOKHEY:** What were you told?

**AMY BROWN:** Minister Ayres said something along the lines of "I mentioned it to my colleagues at StratCo", which is what they refer to that committee as, "and so they're aware"—something like that.

**The Hon. DANIEL MOOKHEY:** Secretary, I don't want to digress too much, which I have a habit of doing.

**The Hon. WES FANG:** We know.

**The Hon. DANIEL MOOKHEY:** Indeed. What is StratCo?

**AMY BROWN:** It's a sub-committee of Cabinet—I don't know if I'm allowed to talk about this.

**The Hon. DANIEL MOOKHEY:** I ask because it's not in the Cabinet Practice Manual. In fact, I have no idea what it is so whether it's Cabinet or not is a really good question.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Do you know what it is?

**AMY BROWN:** Not really. I think it's a meeting between some of the more senior members of the Government.

**The Hon. DANIEL MOOKHEY:** Have you ever appeared at a meeting of StratCo?

**AMY BROWN:** No, it doesn't seem to be a formal meeting that has public servants appearing to make submissions or advice or anything like that.

**The Hon. DANIEL MOOKHEY:** Secretary, I ask because there is a very formal, well-defined process for Cabinet that requires Cabinet submissions to be produced, logged, put into an IT system, allow other people to view it, allow the Premier and the office—the Cabinet office with DPC to decide the agenda. That's accurate. Correct?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** Do any of those procedures apply to StratCo that you are aware of?

**AMY BROWN:** Not that I'm aware of. I assume that some level of minutes might be taken but nothing that involves submissions or decisions.

**The Hon. DANIEL MOOKHEY:** Just to be clear, you say that there was a reference to a meeting of the StratCo in which Minister Ayres had made some form of a disclosure. Is that correct? Did I hear you correctly when you said that?

**AMY BROWN:** Yes, that's what I was told.

**The Hon. DANIEL MOOKHEY:** By Minister Ayres?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Did he tell you what he disclosed?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** What did he say?

**AMY BROWN:** I think he just said they had a conversation and now the relevant Ministers are aware.

**The Hon. DANIEL MOOKHEY:** Aware of what?

**AMY BROWN:** That Mr Barilaro will be appointed to the position of STIC Americas.

**The Hon. DANIEL MOOKHEY:** Presumably, that must have taken place sometime—well, when did you have that conversation with Minister Ayres?

**AMY BROWN:** I can't be certain other than to say somewhere between 4 May and 12 May I felt like any conversations that needed to be had to ensure that I was comfortable in confidently making my decision had

occurred, and that's when I instructed Ms Bell to commence contract negotiations with Mr Barilaro—on twenty-third.

**The Hon. DANIEL MOOKHEY:** So your decision to instruct Ms Bell to commence the contract negotiations arose after you were confident that something called a StratCo, or a strategy committee, that consisted of the senior-most members of the Government was told that John Barilaro was likely to be this preferred candidate?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** The fact that Minister Ayres then came back to you and didn't express—well, did he express or indicate to you that any member of the StratCo opposed that decision?

**AMY BROWN:** He didn't go into any detail. I think he just said, "Good to go."

**The Hon. DANIEL MOOKHEY:** He said, "Good to go," or words to that effect—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** —sometime between 4 May and 12 May?

**AMY BROWN:** I think so, yes.

**The Hon. DANIEL MOOKHEY:** With Minister Ayres telling you that it was "good to go", that's what gave you confidence to instruct your subordinate to commence the contract negotiations?

**AMY BROWN:** Yes, to enact my decision to appoint Mr Barilaro.

**The Hon. DANIEL MOOKHEY:** So you were keeping your decision open in the event that opposition had emerged anywhere within the Government to what you anticipated could be a decision associated with some controversy?

**AMY BROWN:** It's more that if Minister Ayres had informed me that when he raised the decision it was particularly controversial or caused material negative reaction amongst his colleagues, that would then have some level of influence on my ability to make that decision because, as I said, at this point the STICs were in a bit of a grey area in terms of public sector appointments versus ministerial appointments.

**The Hon. DANIEL MOOKHEY:** Secretary, do you have any idea who the members of StratCo are?

**AMY BROWN:** Not that I've ever been officially told. Like, I can guess, because I believe it's the senior Minister—yes, it would be a matter for DPC.

**The Hon. DANIEL MOOKHEY:** As to who StratCo is?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Sure, fair enough. But this wasn't a minuted discussion of any form that you're aware of?

**AMY BROWN:** Not that I had visibility of, no.

**The Hon. DANIEL MOOKHEY:** But it obviously played a key role in your decision-making because it was the final check, for want of a better term, that was required before you issued an instruction to commence contract negotiations.

**AMY BROWN:** It was my final check.

**The Hon. DANIEL MOOKHEY:** So it was the final check before you tell Ms Bell—just so I'm abundantly clear, Minister Ayres came back to you and said, "A discussion was had at StratCo. All good to go"?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I have one more matter with respect to the secretary of DPC, which we've had some allusion to earlier. On page 44 of the tender bundle, if you don't mind going back to that—

**AMY BROWN:** Sure.

**The Hon. DANIEL MOOKHEY:** —you can see there's this line that says:

Given the short list for NY I think MCT is critical ...

Those, to be fair, are not your words, Secretary Brown; those are the words of Ms Bell.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Did you have any discussions with Ms Bell about that?

**AMY BROWN:** No, that was Ms Bell's view. I had the same view, and I phoned Mr Coutts-Trotter to say, "Would you like to be on the interview panel for STIC Americas?"

**The Hon. DANIEL MOOKHEY:** Just to be clear, putting aside any issues to do with Mr Coutts-Trotter, when Tim Reardon was the secretary of DPC he certainly appeared on I think either the Tokyo or the London panel, did he not?

**AMY BROWN:** Both.

**The Hon. DANIEL MOOKHEY:** Jim Betts, who was at the time the incoming secretary, appeared on the panel that led to the recommendation of Ms West in the Americas position. Is that correct?

**AMY BROWN:** That is correct.

**The Hon. DANIEL MOOKHEY:** To some degree, it was customary and usual for the secretary of DPC to be on those panels.

**AMY BROWN:** Yes. In both those instances—

**The Hon. DANIEL MOOKHEY:** But, to be fair, Investment NSW was in the cluster. Correct?

**AMY BROWN:** That's the one.

**The Hon. DANIEL MOOKHEY:** Yes, I thought so. Why did you think it was critical that he be on that panel?

**AMY BROWN:** Because I knew that the position of STIC Americas—firstly, we'd already had a process and that hadn't worked out, so it was already a little bit controversial. Then we had an applicant who was previously a Minister and there was a high degree of interest in the outcome of the process, and I didn't want to necessarily stand behind it alone.

**The Hon. DANIEL MOOKHEY:** So you needed some cover. Is that correct, Ms Brown?

**AMY BROWN:** Some wise counsel from a colleague who has more experience than I do.

**The Hon. PENNY SHARPE:** Did you raise the issue of the lack of clarity in relation to whether these were ministerial appointments or public service—I mean, you've talked a lot about that today. Did you ever seek any clarity in relation to that from anyone?

**AMY BROWN:** I did; I can't remember where the email is. There's a reference in one of the emails where I said, "I just want to be 100 per cent sure"—that email. That's actually referring to the fact that there had been the original 27 September Cabinet decision. There had been a period of time when we weren't sure whether it was going to be implemented. Then Minister Ayres went to StratCo and I heard—so I'm told—informed them that he was going to delay implementation. But even at that point I wanted to make sure I had delegated authority to make the decision. That's quite far into the process.

**The Hon. PENNY SHARPE:** Because it was very confused, and the fact that it went to StratCo meant that it never went to Cabinet in the more formal way in which you believed—given the previous decision made by Cabinet—that it would have.

**AMY BROWN:** That's right. Being ex-Premier and Cabinet, I like to own the position of secretary and own my decisions and know that I have the right delegated authority and I'm making the right decision in the right circumstances. For example, that check-in during November was still just—I would have loved to have seen it written down.

**The Hon. DANIEL MOOKHEY:** To close out this line of questioning, you requested the participation of the secretary of DPC in the selection process. We know that he did not participate. When did you become aware that that request was declined?

**AMY BROWN:** I telephoned him—probably about the time of that email, I assume—and said, "Would you like to join the panel for STIC Americas?" I told him that Mr Barilaro had applied, for context, and he said, "Do you know who actually would be a better panel co-member is Kathrina Lo," and I agreed. So I didn't hesitate to telephone Kathrina and ask her to join me.

**The Hon. JOHN GRAHAM:** I might briefly return to an issue we were talking about before, that of the informal referees. You named Minister Ayres as one of the informal referees. The question was asked but we didn't quite conclude that discussion about whether any of this was documented, the informal referee process, other than in the one email that refers to it that we've already talked about.

**AMY BROWN:** No, no documentation was made in terms of the meeting that Ms Cole had with the Minister. I believe Ms Bell made some phone calls to her contacts in the industry and checked out a couple of things, but that's a question for her; I didn't go into too much detail with her. But nothing was documented.

**The Hon. JOHN GRAHAM:** So there are no notes of these meetings or discussions held by the agency?

**AMY BROWN:** Correct.

**The Hon. JOHN GRAHAM:** Even though this is a public sector recruitment process—and normally they would be even more tightly documented, and these formed part of that—there are no records of these discussions.

**AMY BROWN:** Yes. I mean, because these recruitment processes are exempt from a number of provisions under the Government Sector Employment Act, it places them in a slightly unusual position relative to more standard recruitment processes.

**The Hon. JOHN GRAHAM:** I agreed with your first clarification of section 10 (a), although it wouldn't exempt you from the usual public sector requirements that all of these processes are documented or all the applicants are treated equally. Would you agree with that?

**AMY BROWN:** That is a principle of ethics, so, yes, I do agree with you.

**The Hon. JOHN GRAHAM:** Were there informal referees applied to all four of the candidates who were on the short list and were interviewed?

**AMY BROWN:** It's not unusual, when you have candidates who have a lot of business and other experience and you know people who have worked with them in the past, to check in or to get unsolicited calls even from people wishing to endorse them. That's very common actually, when it comes to any role of this seniority.

**The Hon. JOHN GRAHAM:** Is there any record of the names of the informal referees who replied, separate to notes about the discussions?

**AMY BROWN:** No.

**The Hon. COURTNEY HOUSSOS:** Can I just ask, Ms Brown, did you use that informal referees process for any of the other STIC positions?

**AMY BROWN:** Yes.

**The Hon. COURTNEY HOUSSOS:** I think our time has expired.

**The CHAIR:** So we've had the first recruitment round, which identified a preferred female candidate for the role. We have the second recruitment round, which also appears to have identified a preferred candidate who was female for that process, according to the first selection report that landed on your desk, the capabilities that she was assessed by and the ranking, yet Mr Barilaro was offered the position. Are you worried about how this whole process looks to other senior women in the public service?

**AMY BROWN:** I'm worried about how this process looks more broadly in terms of the amount of inaccuracies and oversight that occurred in the documentation process. I'm concerned that that, combined with this amount of public scrutiny, will deter high-performing talent, including women from the private sector, from ever wanting to apply for public service roles, let alone internal.

**The CHAIR:** What was the manner by which, for example, Minister Ayres was informed about the fact that—obviously, there's the Government's target of increasing the proportion of women in senior leadership roles, which I assume still stands, in the New South Wales government sector to 50 per cent by 2025.

**AMY BROWN:** This is true.

**The CHAIR:** Did you speak to the Minister about that?

**AMY BROWN:** Yes. It was the subject of much discussion, and he's a big advocate of 50/50 female leadership in the public service. I think, if you look at the leadership of the Department of Enterprise, Investment and Trade and our cluster agencies, it's fairly healthy when it comes to female leaders, which is something I am very proud of. I did talk to the Minister about the fact that the first four appointments were all male. When we were short listing for STIC Americas, we wanted to make sure that the majority of the short list was female. I was really pushing—indeed, even in round one of STIC Americas, we were really pushing—for a female to be the preferred candidate. We didn't think we'd be able to get a female as STIC for Greater China; however, fortunately,

we did manage to get a preferred candidate who is female for the Greater China position. I feel that eased pressure somewhat on the gender lens for STIC Americas.

**The CHAIR:** I think lots of women who are following this would certainly be right to feel that it's very much "jobs for the boys", this whole saga. Is that how you would describe it?

**AMY BROWN:** It's not for me to express an opinion, but that is certainly the commentary I have seen in the media, yes.

**The CHAIR:** Particularly if we have an informal referee who is the Minister. Minister Ayres is an informal referee for the male candidate who didn't, in the first selection panel, seem to match the preferred female candidate's qualifications, yet his informal referee is the Minister, who the preferred female candidate, if you like, has to meet. How does that sit with you ethically? How is this process in any way independent?

**AMY BROWN:** One comment I would make is that the Minister wasn't an informal referee for Ms Cole.

**The CHAIR:** For Mr Barilaro—the Minister being an informal referee for Mr Barilaro. Was he an informal referee for Ms Cole?

**AMY BROWN:** No. Sorry, I thought you meant that the meet and greet with Ms Cole constituted an informal referee.

**The CHAIR:** No.

**AMY BROWN:** Sorry, I've caught up.

**The CHAIR:** No, I'm drawing parallels between the fact that—so Mr Ayres was for Mr Barilaro?

**AMY BROWN:** From his comments that said, "If a trade Minister can't represent New South Wales when it comes to trade, I don't know who can." Yes, that's right.

**The Hon. DANIEL MOOKHEY:** Is that actually what the Minister said?

**AMY BROWN:** When we discussed this earlier, I said that he said, given that Minister Barilaro was the trade Minister, he has a good level of skills and experience that could be very useful.

**The Hon. DANIEL MOOKHEY:** And that was the informal reference?

**AMY BROWN:** If that's how you interpret it.

**The Hon. SCOTT FARLOW:** Just to clarify, in terms of the time line, this was back in December. Is that right?

**AMY BROWN:** I think that was when we sat down and discussed it, closer to January—closer to when Mr Barilaro actually applied.

**The Hon. SCOTT FARLOW:** Closer to the January period.

**AMY BROWN:** Yes.

**The CHAIR:** In that fair process and in making sure that every applicant is treated fairly and equally in a recruitment process, did you raise with anybody your concern that Minister Ayres was clearly advocating for Mr Barilaro to you, by what you've just indicated, and then the second short-listed candidate—the female candidate—has to meet with that very person and he has to decide whether or not she is fit for the job? Personally, you must not have had much hope that she was going to pass that test.

**AMY BROWN:** Firstly, that scenario that you've just outlined would never occur on a normal recruitment process that I would be running for any public sector job—my general counsel, my chief people officer or any of the above. The STIC roles were in a very unusual category because I had chosen to take a pragmatic view that, when they became ministerial appointments, I wanted them to still stand. So it did create an unusual scenario where I wanted the person to be able to have the confidence of the Minister—I want everyone to have the confidence of the Minister—in a more explicit way than one would usually. The Minister meeting that candidate and me observing the meeting was actually really important to my decision.

**The CHAIR:** The assessment that was undertaken against this New South Wales public sector capability framework was all for show in some ways. Did it really matter what this said, ultimately? The decision was made, wasn't it?

**AMY BROWN:** No, "for show" is the wrong word. These roles are exempt from that framework, and we tried to run as robust a process as we possibly could, despite the section 10A exemption. But because of the

nature of the roles that I have been characterising throughout this evidence, it meant that there was an extra level of views inputted that are not normally.

**The CHAIR:** I will leave it there and go back to the Opposition for now.

**The Hon. DANIEL MOOKHEY:** Thank you, Chair. How much time do we have in this—

**The CHAIR:** Eleven.

**The Hon. DANIEL MOOKHEY:** Eleven. Great, that's perfect time. Can I just table some further documents, if that's possible, and provide them to the witness and committee members? I just want to spend a bit of time clearing up this issue around the conversion, if that's possible.

**AMY BROWN:** Mr Mookhey, can I just correct the record while you're doing that?

**The Hon. DANIEL MOOKHEY:** Please do.

**AMY BROWN:** With the question as to whether Mr Barilaro's appointment was discussed at the strategy committee of Cabinet, it is a formal Cabinet committee and the agenda and decisions are distributed via eCabinet. But I've been advised that Mr Barilaro's appointment did not go to the strategy committee.

**The Hon. DANIEL MOOKHEY:** But you were told by Minister Ayres that he took it there.

**AMY BROWN:** I think, on reflection, I was told by Minister Ayres that he discussed it with his colleagues, but it seems it was not part of the formal agenda or it would have been captured.

**The Hon. DANIEL MOOKHEY:** But you were clearly told around 4 to 12 May, some time in that period—

**AMY BROWN:** That some conversation occurred.

**The Hon. DANIEL MOOKHEY:** —that some conversation was had.

**The Hon. JOHN GRAHAM:** But not the formal appointment.

**The Hon. DANIEL MOOKHEY:** Not the formal appointment.

**AMY BROWN:** Not formal, yes—

**The Hon. JOHN GRAHAM:** Yes, understood.

**AMY BROWN:** —which aligns with all of our other evidence, that these appointments don't go to Cabinet.

**The Hon. DANIEL MOOKHEY:** To be very clear, you effectively inferred from that that Minister Ayres had discussed this with the most senior members of the Government and it was still good to go?

**AMY BROWN:** Something along those lines, yes.

**The Hon. DANIEL MOOKHEY:** Secretary Brown, do you have that document?

**AMY BROWN:** Which one, sorry?

**The Hon. DANIEL MOOKHEY:** I think it's that one. Do forgive us for not being able to mark this one; it's come in overnight. I think it's appropriate that we start from the bottom of page 2, if that's okay. It's probably the best place to start. In respect of this particular note, you can see that this is a series of correspondence that includes you that is from Ms Bell to you, the general counsel and your chief of staff.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I believe that's your chief operating officer.

**AMY BROWN:** Yes, Ms Braid.

**The Hon. DANIEL MOOKHEY:** I was just being careful to refer to them by their title.

**AMY BROWN:** No, she doesn't mind.

**The Hon. DANIEL MOOKHEY:** You can see here that Ms Bell says:

Hi all

I received this tonight from the Minister's office via Karla.

The Minister's office is seeking a brief on how we should implement the recent Cabinet decision to appoint the STICs via statutory appointments and is seeking our guidance on whether we would have legislation ready for the 3<sup>rd</sup> sitting week (not sure when this is).

We have not progressed this as I thought we were moving to appoint them directly via a contractual agreement while we awaited feedback from the minister on how we would like to tackle the cabinet decision (if at all).

Do you see that part?

**AMY BROWN:** Yes. I remember this.

**The Hon. DANIEL MOOKHEY:** If you go up to the next chain, you reply—to be clear to Ms Bell, that email was sent at 10.30 at night. Then you can see you're replying at 8.30 in the morning on the next day. It turns out that in the intervening 10 hours you've managed to get to the bottom of it. You say, "Hi again – right, I've gotten to the bottom of it", and, "it looks like someone was reading some notes that were two months out of date". Do you see that?

**AMY BROWN:** Yes, I do. That's exactly right.

**The Hon. DANIEL MOOKHEY:** You say that "this was discussed in Cabinet last night."

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** What do you mean by that?

**AMY BROWN:** It's basically the same scenario as I just said before.

**The Hon. PENNY SHARPE:** To be clear, StratCo as opposed to full Cabinet?

**AMY BROWN:** StratCo, yes, which is a formal subcommittee of Cabinet. No submission was taken to that committee or decision recorded with respect to this matter. It seems that perhaps it was discussed between Minister Ayres and his colleagues, but I don't know if it was part of any other business.

**The Hon. DANIEL MOOKHEY:** To be clear, the Cabinet discussion—which must have taken place on Monday 8 November because Cabinet usually, I think, at that time was meeting on Monday evenings—is probably what catalysed the Minister's office to contact Ms Bell, or at least that's an inference which one could draw. You weren't producing, or asked to produce, any Cabinet submission or update on the conversion?

**AMY BROWN:** No. I just think the notes were really out of date.

**The Hon. DANIEL MOOKHEY:** Let's go up. To be fair, Ms Brown, you do conclude by saying, "Could you please reach out to the MO"—which I assume means "ministry office"—"and set them straight?", which I think someone did.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you go back onto the first page, someone, I think it's your chief of staff, makes the comment as an example of what may arise on other issues that may be outdated or progressed. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Go up to the top, if you don't mind. This is a person who is emailing from a ministerial address.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I won't name the person but it concludes @minister.nsw.gov.au.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I presume that is a member of Mr Ayres' staff?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And I can only infer that that's probably the person who contacted Ms Bell, given that he says, "Apologies for the miscommunication". Do you see that?

**AMY BROWN:** Yes, that's right.

**The Hon. DANIEL MOOKHEY:** Here's the thing that's a bit more unusual. It says here, "The PO"—which I assume means "Premier's office"—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** —"had the proposed legislation on their list for introduction in the next couple of weeks which set the hounds running." Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Do you know why the Premier's office thought that legislation was to be introduced in the next couple of weeks, which, apparently, set the hounds running?

**AMY BROWN:** It's a question for them. But, from what I know, when the decision was made on 27 September, and there was an action to commence the drafting of legislation, it would've been put on a list. Despite the fact there was a change in direction after the Cabinet was reconstituted, it was never taken off the list. So I think it was more an administrative matter that people were saying, "What is this and why is it here?" And no-one could really answer the question because of staff turnover in that office.

**The Hon. DANIEL MOOKHEY:** In which office?

**AMY BROWN:** The Minister's office.

**The Hon. DANIEL MOOKHEY:** To be clear, Minister Ayres' office?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** That reference to staff turnover is in the next paragraph, correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** To be clear, who had the obligation to tell the Premier's office? Was that yours or the Minister's?

**AMY BROWN:** The Minister's office should have told the Premier's office about the new proposition.

**The Hon. DANIEL MOOKHEY:** So the reason the Premier's office felt—as of 9 November 2021, or until this was cleared up on 9 November 2021—that legislation was forthcoming to convert these into ministerial appointments was that the Minister had not told them otherwise. Is that fair?

**AMY BROWN:** I can't make that assertion. It's perhaps that the Minister's office may have told the Premier's office but they might not have told the right person to then delete it from the list. I don't know how their communication chain works.

**The Hon. DANIEL MOOKHEY:** For want of a better term, you can't make the assertion. But, to be very clear, I'm making a view that the reason there was this confusion was that someone representing the Minister, or the Minister himself, had failed to inform the Premier's office that legislation wasn't forthcoming.

**AMY BROWN:** Or at least that person in the Premier's office who was in charge of the list.

**The Hon. DANIEL MOOKHEY:** Yes. To be clear, you told us last time you appeared that you were having weekly or fortnightly meetings with Minister Ayres and his office—pretty regular?

**AMY BROWN:** Weekly.

**The Hon. DANIEL MOOKHEY:** Did they have a fixed agenda, by any chance?

**AMY BROWN:** We did have an agenda; we still do.

**The Hon. DANIEL MOOKHEY:** I presume that included in that agenda is compliance with Cabinet decisions?

**AMY BROWN:** It's not quite like that. It's not quite articulated like that, no.

**The Hon. DANIEL MOOKHEY:** Fair enough. The Minister was the Minister for trade from 5 October until this morning, correct?

**AMY BROWN:** Right.

**The Hon. DANIEL MOOKHEY:** So roughly 10 months.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That's 10 by four—roughly 40 weekly meetings. Is that about right? Maybe a bit less?

**AMY BROWN:** The odd public holiday; they're on a Monday.

**The Hon. DANIEL MOOKHEY:** Fair.

**The Hon. PENNY SHARPE:** Christmas.



**The Hon. DANIEL MOOKHEY:** Deducting public holidays, it's fair to say that we've had 25 to 35 weekly meetings.

**AMY BROWN:** Lots.

**The Hon. DANIEL MOOKHEY:** In how many of those 25 to 35 meetings did you have a discussion with the Minister about converting these two ministerial positions and progressing the legislation that Cabinet had expected?

**AMY BROWN:** I think once the Minister told me, shortly after 8 November, that we were going to defer implementation of that until after we'd finished tranche one of global New South Wales, which is the international footprint that you're already aware of, we didn't discuss it again because that was a standing instruction.

**The Hon. DANIEL MOOKHEY:** So discussion of the actual conversion had effectively ceased about five weeks into the Minister's tenure?

**AMY BROWN:** Is that about 9 November?

**The Hon. DANIEL MOOKHEY:** The fifth of October to 9 November works out to be about that time—rounding up, actually. About five weeks into the tenure, this proposal is all but dropped by Minister Ayres as an item of business that he wishes to pursue with you. Is that fair?

**The Hon. DANIEL MOOKHEY:** That's my impression.

**AMY BROWN:** Fair enough.

**The Hon. DANIEL MOOKHEY:** And, as a result of that failure, you were left in a state of purgatory, as I described it earlier, between at some point expecting a ministerial conversion but never knowing precisely when. Is that fair?

**AMY BROWN:** It had an element of that, yes.

**The Hon. DANIEL MOOKHEY:** To be very clear, the Minister was maintaining a close and direct interest in the process around the selection of the Americas position but he wasn't actually acquitting his responsibility to the Cabinet to implement their decisions.

**AMY BROWN:** His responsibility to the Cabinet is a matter for him. But, as far as I was impacted by it, I was continuing with GSE appointments and I was not clear when we were ever going to prepare legislation to implement the Cabinet decision.

**The Hon. DANIEL MOOKHEY:** Discussion had all but ceased on that particular question five weeks into his tenure as Minister?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** I might stop and we can go to Government time.

**The Hon. SCOTT FARLOW:** I'll just pick up on that point. Ms Brown, from that bundle that Mr Mookhey provided you with, there's an email from you, starting at the bottom of page 1 going over to page 2. You say on that—

**AMY BROWN:** Sorry, which—is it this one? The one we just got handed out?

**The Hon. SCOTT FARLOW:** Yes, the email you've just been provided by Mr Mookhey.

**The Hon. DANIEL MOOKHEY:** Point of order: At what point does the Government get time? Is it the last 15 minutes at the end? I'm not going to begrudge.

**The CHAIR:** Yes, it is supposed to be the last 15 minutes at the end.

**The Hon. SCOTT FARLOW:** How about I just ask this question and we revert back to you?

**The Hon. DANIEL MOOKHEY:** Thank you.

**The Hon. SCOTT FARLOW:** Is that alright?

**The Hon. DANIEL MOOKHEY:** That's fine. I was just checking.

**The Hon. SCOTT FARLOW:** It just sort of flows on from what you were talking about. Starting at the top of page 2, you've got:

Looks like Vicki was reading Bec's notes that are 2 months out of date (I'm worried we're going to get sent on a few wild goose chases like this because Bec wrote a handful of notes and the rest of the MO are left to try and make sense of them).

This was discussed in Cabinet last night.

The STICs are remaining as public servants, employed under the GSE Act, as per the original plan (i.e. the budget estimates note I spoke to last week is exactly right). There's no legislation to be drafted, and no briefing note to be prepared.

Isn't that pretty clear in terms of what was happening—

**AMY BROWN:** Yes.

**The Hon. SCOTT FARLOW:** —that there was actually a further determination of Cabinet that, as Cabinet had changed, the STIC appointments were to remain under the GSE Act?

**AMY BROWN:** There was no determination of Cabinet and no decision of Cabinet, or I would have been provided with it. There was so much confusion amongst my staff—my hardworking staff—and the ministerial office about this I felt I needed to say something very equivocal. So whilst perhaps to myself and Ms Bell and a few people who were senior enough to be able to follow the bouncing ball as to what's going on I would have said "The STICs are remaining public servants employed under the GSE Act for the foreseeable future, or for now, or until global tranche one has been rolled out, and so we're deferring the commencement of drafting legislation"—but there was so much confusion I just had to put a stake in the ground and say, "Can everybody please stop thinking about legislation, because we're not doing it at this point and we need to just be clear on our approval chains here."

**The Hon. SCOTT FARLOW:** Just with respect to that, while this may have popped its head up on that list within the Premier's office, it seems a little bit like the left and the right hand didn't know exactly what was going on at that stage. Did that ever appear again as a piece of legislation or something that was intended or discussed?

**AMY BROWN:** In terms of what I have visibility of, that was the last of it.

**The Hon. SCOTT FARLOW:** Thank you.

**The CHAIR:** Questions from the Opposition? Twenty minutes.

**The Hon. DANIEL MOOKHEY:** Thank you. We might ask the Secretary to please turn to page 279 of the tender bundle, if that's possible, which is the draft selection report. We have had some discussions about the draft report and the Chair was asking you about this a bit earlier. I am not planning to necessarily cover the same ground, but we can establish from this that at least the draft that was produced by NGS showed that Ms Cole, we have established, is the person who exceeds all criteria and Mr Barilaro is the person who exceeds two of them. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And then I think that there's another intervention that comes around 28 May, in which there are some changes made. Then there is a version of the report that's finally agreed to by the panel members on 15 June; that's correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** So in the process of that time, there's an evolution here. I accept, Secretary, that you have explained the factors—which is why I am not going to cover that ground again—that led to that being upgraded. But what I'm interested in is, is this the only incidence in which a candidate has had their scores upgraded in respect to any of the STIC positions?

**AMY BROWN:** Sorry, is this the only incidence where a candidate has had their scores—did you say altered?

**The Hon. DANIEL MOOKHEY:** Not altered, "adjusted"—that is probably the more neutral verb—when it comes to a STIC position, in a selection panel process?

**AMY BROWN:** I cannot be certain of that, but I would say—and I think the Chair has covered a bit of it in her questioning—because the scores were never explicitly discussed criteria by criteria or marked by each person and then pulled together to form some sort of a consensus, NGS Global sort of took it upon themselves, and I don't mean that in a bad way, to score everybody and, in my view, firstly, send me versions of a report that I never asked for and document scores that we never actually agreed on.

**The Hon. DANIEL MOOKHEY:** Secretary, I think I may have phrased my question wrong, so I might just rephrase it. Has there been an incidence where a person has been appointed to a STIC position who was not the preferred candidate?

**AMY BROWN:** That I've been involved with, no.

**The Hon. DANIEL MOOKHEY:** Has there been a situation in which a person has been appointed to a STIC position who wasn't a short-listed candidate?

**AMY BROWN:** I believe—I don't have visibility of the process that occurred inside NSW Treasury for the first two appointments, for example. But I understand that they had to have a couple of goes at one of those processes as well, so that's why I don't want to, hand on heart, say that's never happened before.

**The Hon. DANIEL MOOKHEY:** So which process are you aware that NSW Treasury had to have a couple of goes about?

**AMY BROWN:** I believe it was the Agent General.

**The Hon. DANIEL MOOKHEY:** The Agent General in London?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Just to be very clear here, I think we went over this—it must have been at a budget estimates hearing—as to why we call that person an Agent General.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I don't want to repeat that because, I'm not going to lie, I like the British honours system but it's a bit vague to me.

**The Hon. SCOTT FARLOW:** Hear, hear.

**The Hon. DANIEL MOOKHEY:** But, nevertheless, they're called the Agent General—

**The Hon. PENNY SHARPE:** But they're STICs.

**The Hon. DANIEL MOOKHEY:** —but they're a STIC. They are a Senior Trade and Investment Commissioner as well, correct?

**AMY BROWN:** Yes, other than some sort of reciprocity between Australia and the UK that elevates them to Agent General, in terms of their job description they're a STIC.

**The Hon. DANIEL MOOKHEY:** Okay, got it. So we call them an Agent General but their job description is a STIC?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Thank you. Who is the Agent General?

**AMY BROWN:** Mr Stephen Cartwright.

**The Hon. DANIEL MOOKHEY:** Fair enough. You say that you are aware that in the process that was undertaken by Treasury he may not have been the preferred candidate. Is that—

**AMY BROWN:** My understanding is that they had a first go at the short-listing and interview process. There was a front-running candidate and a view was taken that that person was not acceptable for the Agent General role. They ended up taking another job with us, actually, and they're very good, so it was a good outcome in the end. But they had to then seek recommendations for the Agent General.

**The Hon. PENNY SHARPE:** The view was taken by whom?

**AMY BROWN:** I'm not sure, precisely. Secretary Pratt was running the process, so I don't know what discussions he had between himself—

**The Hon. DANIEL MOOKHEY:** Just to be clear in time, this process was being undertaken sometime in Q1, 2021. Is that fair?

**AMY BROWN:** So it commenced—it recommenced in late 2020. It was led by Ms West, but Mr Pratt was the secretary and was on the panel as well.

**The Hon. DANIEL MOOKHEY:** So the first process for the Agent General position wraps up and there's no suitable candidate found. Is that fair?

**AMY BROWN:** I can't—I'm not able to give very much detail because I wasn't involved. The process was transferred to me once Mr Cartwright had been identified as the preferred candidate and reference checks were underway and contract negotiations.

**The Hon. DANIEL MOOKHEY:** How was Mr Cartwright identified? I can't see any repeat of a process. There are no ads calling for it; it's not reopened.

**AMY BROWN:** I do believe he was added to the process late, after interviews had been conducted.

**The Hon. DANIEL MOOKHEY:** Okay. How was he added to the process?

**AMY BROWN:** I'm not entirely sure of the process. I just know that he was recommended into the process by Secretary Pratt and considered late and then was the preferred candidate or the successful candidate.

**The Hon. PENNY SHARPE:** So, Secretary Pratt, at that point, in terms of who had responsibility for this. Mr Perrottet is the Treasurer and the cluster lead?

**AMY BROWN:** Yes.

**The Hon. PENNY SHARPE:** And Mr Barilaro is the Deputy Premier and Trade Minister. Is that correct?

**AMY BROWN:** That's right.

**The Hon. PENNY SHARPE:** Do you believe that Mr Pratt would have had conversations with those two Ministers in relation to this appointment?

**AMY BROWN:** I can't provide any knowledge or understanding on that. The only bit I was privy to was that, just in contract negotiations with Mr Cartwright, I got the impression that he felt that he had some sort of an elevated status.

**The Hon. DANIEL MOOKHEY:** Sorry, let me just go through this step by step. So the process transfers to you upon the formation of Investment NSW, correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Investment NSW is announced, I think—because I remember I was in a budget estimates hearing. It must have been in February. It was at the AFR Business Summit.

**The Hon. PENNY SHARPE:** March? What was the date that you were created?

**AMY BROWN:** 29 March 2021.

**The Hon. DANIEL MOOKHEY:** But you were announced earlier, correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** But you were formally created on 29 March, correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And then, upon the creation, you took staff from Treasury who were previously involved, correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** That included Ms West, correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** Therefore, you then took responsibility for the selection process of the Agent General at that point in time?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And it was your job to finish off the negotiations?

**AMY BROWN:** Yes. Ms West had carriage of negotiations, but I was an escalation point, so to speak.

**The Hon. DANIEL MOOKHEY:** But you end up being the employer, like you were for the other positions?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** At this point, Mr Cartwright had already been identified as the preferred candidate?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** But he didn't go through the application process—or, at least, at the same time as others did?

**AMY BROWN:** There was just some—he was considered. He applied. He was the successful candidate. There was just a—

**The Hon. PENNY SHARPE:** He was considered by whom, and when?

**AMY BROWN:** By the hiring panel. I just know that they conducted a round of interviews, someone was first ranked candidate and then Mr Cartwright got considered later.

**The Hon. DANIEL MOOKHEY:** And then you have to commence or complete contract negotiations, correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** And then, sometime in that process, you reached the conclusion that Mr Cartwright felt he had an elevated status, did you say?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Okay. So what do you mean by "elevated status"?

**AMY BROWN:** NGS Global was still involved at this point. The contract negotiations with him as to his base salary package and cost-of-living allowance and so on was quite difficult. That's why it kept being escalated to me as CEO at that time.

**The Hon. DANIEL MOOKHEY:** We've established that Mr Cartwright got a cost-of-living allowance to the tune of about 112—and, in fact, we had quite a lot of discussions because we thought that the New York position may have been on a similar line, and you clarified that last time.

**AMY BROWN:** Yes, that's right.

**The Hon. DANIEL MOOKHEY:** So they were the two issues that were the difficult contract issues to be resolved, were they?

**AMY BROWN:** Predominantly, yes—what's the base salary and what's the cost of living.

**The Hon. DANIEL MOOKHEY:** And, sorry, I'd interrupted you while you—

**The Hon. PENNY SHARPE:** And super arrangements as well.

**AMY BROWN:** Yes. There's a lot of compliance—I mean, trying to do any international contract negotiations are difficult because everybody has different tax rules, super and so on. This one just seemed particularly heightened and protracted.

**The Hon. DANIEL MOOKHEY:** Okay. Heightened, protracted and in part because, perhaps—certainly you had the view, as his counterparty, that Mr Cartwright had a sense of elevated status. I did rudely interrupt you when you were explaining what else gave you the impression of elevated status.

**The Hon. WES FANG:** It's not the first time.

**AMY BROWN:** If things were getting too difficult, he seemed to find it a bit of a go-to statement to say that he would go to the Deputy Premier or the Premier.

**The Hon. DANIEL MOOKHEY:** Sorry?

**AMY BROWN:** When negotiations got particularly difficult, he said, "Well, I'll just escalate this to the Deputy Premier or the Premier."

**The Hon. DANIEL MOOKHEY:** So he pulled rank on you—or he tried to—is what you're describing, Secretary Brown.

**AMY BROWN:** He didn't succeed.

**The Hon. DANIEL MOOKHEY:** I'm sure he didn't. But, hang on, let me just—sorry. He told you—well, did he tell you? Email you? He told you, "If things get too difficult, I'm going to go see the Deputy Premier or the Premier."

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

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

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

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

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

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

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

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

**The Hon. COURTNEY HOUSSOS:** You can try.

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

**AMY BROWN:** Certainly.

**The Hon. DANIEL MOOKHEY:** In the course of these protracted negotiations—and when you say "protracted", what do you mean by protracted?

**AMY BROWN:** Whenever we felt we had the contract settled, there would be more disputes raised as to whether or not the package was sufficient.

**The Hon. DANIEL MOOKHEY:** You said that he—I'm going to use the verb "threatened". Is that an unreasonable verb to use?

**AMY BROWN:** Sorry, I—

**The Hon. DANIEL MOOKHEY:** Or "suggested", or "said", probably?

**AMY BROWN:** Let's say "said".

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

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

**The Hon. DANIEL MOOKHEY:** It has.

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

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

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

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Okay. Sorry, I didn't hear that, Secretary Brown. When you say "protracted", over how many months was this negotiation with the Agent General candidate taking place?

**AMY BROWN:** I believe the contract negotiations took many months. It was a bit confusing because he started in the role on Monday 26 July, he was announced on 1 October and then he went offshore sometime after that. I believe some of the contention was around what entitlements he was entitled to while he was still living here in Australia, and which parts of his package that relate to his overseas status are payable or not payable depending on where he's living.

**The Hon. DANIEL MOOKHEY:** And it took many months to resolve this to a position that was at least satisfactory to him?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Was the final position satisfactory to you?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Was it your preferred position?

**The Hon. WES FANG:** That's not really a fair question, is it?

**The Hon. DANIEL MOOKHEY:** Well, no, it's in contract negotiations—

**AMY BROWN:** I think we have an aligned understanding.

**The Hon. DANIEL MOOKHEY:** Okay. But, at some point in that protracted conversations or negotiations, he says to you, "I will take it to the Deputy Premier or the Premier", or words to that effect?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** How did you respond?

**AMY BROWN:** I think I said, "Good luck, but it's not going to change my mind."

**The Hon. COURTNEY HOUSSOS:** Did he ever escalate it to the Premier or the Deputy Premier?

**AMY BROWN:** Not that I know of.

**The Hon. DANIEL MOOKHEY:** Did you infer from that that there was a possibility that he had already had conversations with the Deputy Premier or the Premier?

**AMY BROWN:** Possibility, but I can't conclude.

**The Hon. DANIEL MOOKHEY:** Did you have to alter your behaviour in any way, shape or form to account for that possibility?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** Do you think it was a display of ego on behalf of the Agent General candidate, or was it something which was highly unusual, that in a job interview—put it this way: Has any of the other candidates for STIC positions, in any negotiations, ever said to you that they, in the matter of a dispute, would seek the intervention of the Deputy Premier or the Premier?

**AMY BROWN:** Absolutely not.

**The Hon. DANIEL MOOKHEY:** So the only time this has happened in respect to any of the six successful STIC candidates was in respect to Mr Cartwright, is that fair? He is the only person who said words to that effect?

**AMY BROWN:** In my experience.

**The Hon. WES FANG:** Can I just seek some clarification? I don't want to interrupt your questioning.

**The Hon. DANIEL MOOKHEY:** It's all right, Wes. I'm fine for that.

**The Hon. WES FANG:** Noting, obviously, that we have terms of reference, I'm not quite sure—

**The CHAIR:** Is this a point of order through me, Wes, as opposed to a conversation with Mr Mookhey? Maybe it's best just to direct it through the Chair, if you can.

**The Hon. WES FANG:** In that respect then, Chair, yes. The point of order is I'm not quite sure how this relates to the terms of reference for the inquiry.

**The CHAIR:** There is no point of order, Mr Fang. I know where you are going. This is absolutely relevant to what we are examining.

**The Hon. WES FANG:** We're well outside the terms of reference, now, I think.

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

**The Hon. DANIEL MOOKHEY:** Thank you, Chair. I think where I was at was the only incidence in which such a comment was ever made to you was by Mr Cartwright, correct?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** I may have already asked you this, but I might just ask you again. Did you infer from that that Mr Cartwright did have a sense that he had a direct relationship with the Deputy Premier and the Premier?

**AMY BROWN:** Yes, I got that sense.

**The Hon. DANIEL MOOKHEY:** What was Mr Cartwright's role before—or as he was the applicant?

**AMY BROWN:** He was CEO of Business NSW. I think it was called the NSW Business Chamber then.

**The Hon. DANIEL MOOKHEY:** Is it the case that there's a reasonable likelihood that his relationship with those two figures arose from that particular role?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** To be fair to Mr Cartwright, and to the Deputy Premier and Premier, I have a relationship with Business NSW. We all do—they're a prominent organisation in the State. Just to be clear, at this point had he stepped down from that role?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** So he was ex-Business NSW at this point in time.

**AMY BROWN:** Yes, that's right.

**The Hon. DANIEL MOOKHEY:** So he wasn't the serving CEO.

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** But, at that point, it was clear that there was an impression being formed that the relationship that he had in, presumably, a professional capacity had been carried over?

**AMY BROWN:** That was inferred.

**The Hon. DANIEL MOOKHEY:** Therefore, he felt that he had the ability to call up or otherwise seek their intervention?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** How did that make you feel?

**AMY BROWN:** It's not unusual for people to throw their toys out of the pram and threaten to go to a Minister. For me, when I know I'm on solid ground, that something is my decision and I am the employer—I hold the employee functions for these roles—then I don't get too rattled by the fact that people can complain to people at the ministerial level, because, as per the point of all this, they can't direct me.

**The Hon. DANIEL MOOKHEY:** This was all witnessed by other members of your staff.

**AMY BROWN:** Some of them were, yes.

**The Hon. DANIEL MOOKHEY:** Did this particular conversation perhaps leave you with the impression that to proceed with Mr Cartwright's employment might create some difficulties for you as his manager or his leader?

**AMY BROWN:** I would just take it all in my stride. I think, when you have this portfolio, you have very senior people around the world. Sometimes they seem a bit ambassadorial in nature. They're mixing with people from other States, who perhaps are ministerial appointments. It's a very different space, and I'm getting used to it fairly quickly.

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

**AMY BROWN:** Yes.

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

**AMY BROWN:** Yes.

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

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

**The Hon. DANIEL MOOKHEY:** But it's fair to say it's well above. Correct?

**AMY BROWN:** It's the highest.

**The Hon. DANIEL MOOKHEY:** You had to trigger some form of a—is it a SOORT determination? We went through some of this, I think, in estimates.



**AMY BROWN:** Yes. We did. The base salary is within band 3 for SOORT and—

**The Hon. DANIEL MOOKHEY:** We probably should spell out the acronym, Secretary Brown. I don't know what it is. Is it "senior officers' remuneration tribunal"?

**AMY BROWN:** It's got "remuneration" in it.

**The Hon. SCOTT FARLOW:** Here we are. We're guessing acronyms. That's great.

**The CHAIR:** I think everybody was struggling with that.

**The Hon. DANIEL MOOKHEY:** We've sorted that one out. So, Secretary, you had to seek a SOORT determination.

**AMY BROWN:** No. I did not seek a SOORT determination, because the base salary was within band 3.

**The Hon. DANIEL MOOKHEY:** What was SOORT's role?

**AMY BROWN:** SOORT didn't have a role.

**The Hon. DANIEL MOOKHEY:** You had authority to agree to that package on your own?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You benchmarked it to the Mercer thing? I think we established this last time.

**AMY BROWN:** Yes. There was Mercer benchmarking undertaken with respect to cost of living. But the Agent General role is a little different. The others have a Mercer benchmark with respect to different cost differentials between the two locations, such as what we discussed in the last hearing around Americas, and then reimbursement for relocation, whereas this has actual certain living costs essentially paid for by the New South Wales Government.

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

**AMY BROWN:** Yes.

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

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

**The CHAIR:** Can I just jump in with a question on this as well? The person that ranked highly to begin with, that was identified as potentially the best out of the initial recruitment process for this—what gender were they?

**AMY BROWN:** Male.

**The Hon. DANIEL MOOKHEY:** The day that it's announced that Mr Cartwright is the Agent General is 1 October. Is that correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** 1 October is the day Gladys Berejiklian resigns, is it not?

**AMY BROWN:** Yes. And the Trade Statement was launched.

**The Hon. DANIEL MOOKHEY:** Yes. We went through that before.

**AMY BROWN:** Don't forget.

**The Hon. PENNY SHARPE:** It's a sad day.

**The Hon. SCOTT FARLOW:** Just in the morning. I remember it.

**The Hon. DANIEL MOOKHEY:** Was there a Minister present at the announcement of Mr Cartwright?

**AMY BROWN:** Yes. I was there—Mr Cartwright, Treasurer Perrottet and Deputy Premier Barilaro.

**The Hon. DANIEL MOOKHEY:** At that point, had the negotiations been wrapped up?

**AMY BROWN:** Yes, the negotiations had been wrapped up, but there was still some contention around interpretation of the contract, so it was still live.

**The Hon. DANIEL MOOKHEY:** It was still live. In respect to the issues surrounding the Agent General, did you ever have a conversation with Secretary Pratt in which he indicated to you why is it he came to the view that he was the preferred person?

**AMY BROWN:** No, I didn't.

**The Hon. DANIEL MOOKHEY:** Did you ever get any explanation from Treasury as to why or how Mr Cartwright became live in the process and successful at the end of it?

**AMY BROWN:** No. The only person who relayed the happenings to me was Ms West, who said he was a late entrant, and suddenly here we are.

**The Hon. DANIEL MOOKHEY:** You say that the process was being run by Mr Pratt. To be fair to Mr Pratt, he was also the secretary of the department. Correct?

**AMY BROWN:** Yes. It was being run by Ms West, and Mr Pratt was her secretary.

**The Hon. DANIEL MOOKHEY:** He was also, in effect, acting as the formal employer, as you were, as secretary now. Correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** It was probable that perhaps he was relying on other members of the Treasury to assist him in this process?

**AMY BROWN:** Yes, that's understandable.

**The Hon. DANIEL MOOKHEY:** But, equally, the whole development of a Global NSW strategy took place at the commencement of this Government's current term. Correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** In fact, the process, the white paper—I'm not even sure you call it a white paper. It's not really the right way of technically describing it. But the strategy was developed in 2019 by Treasury. Correct?

**AMY BROWN:** Beg your pardon. Sorry?

**The Hon. DANIEL MOOKHEY:** The actual Global NSW strategy was commissioned by Treasurer Perrottet? Was that correct? To be fair, he said he did. There's a press release announcing it.

**AMY BROWN:** Great. Yes. It was announced by former—

**The Hon. WES FANG:** So you're asking questions you already know the answers to.

**The Hon. DANIEL MOOKHEY:** Yes. It's remarkable. I recall asking Secretary Pratt, with my colleague Mr Secord, about this at the 2019 estimates—proud highlights. But it was quite clear that the Global NSW strategy was being developed by Treasury. That's a fair statement?

**AMY BROWN:** That's a fair statement.

**The Hon. DANIEL MOOKHEY:** Specifically, the recruitment by Treasury of these positions in London and Japan, I think, were the two that were decided to be the lead positions? Correct? The first positions to be recruited?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That decision was made by Treasury?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** At any point did Secretary Pratt tell you that he was having discussions with the then Treasurer about these appointments?

**AMY BROWN:** No. I was part of Premier and Cabinet and had quite a different mandate. So I wasn't really engaging with Secretary Pratt very much on it, basically, until Premier Berejiklian decided to establish Investment NSW and we were having talks about which parts of Treasury would come across. That's when I became involved.

**The Hon. DANIEL MOOKHEY:** But it wouldn't be unusual that Secretary Pratt and the Treasurer or, to be fair, whoever his Minister was—it would be reasonable to infer that they're likely to have had at least some discussions about the process and the role. Correct? That would be standard.

**AMY BROWN:** I assume so.

**The Hon. DANIEL MOOKHEY:** At this point in time, prior to the formation of Investment NSW, there was a trade Minister, wasn't there? That was Mr Barilaro.

**AMY BROWN:** Yes. That's right.

**The Hon. DANIEL MOOKHEY:** Which department was supporting him?

**AMY BROWN:** Treasury.

**The Hon. DANIEL MOOKHEY:** So he was at this point supported by the Treasury.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** It's also the possibility that Secretary Pratt was also talking to then Deputy Premier and trade Minister Barilaro at that same point in time. Correct?

**AMY BROWN:** That makes sense.

**The Hon. DANIEL MOOKHEY:** Is it entirely possible that the then Deputy Premier told Secretary Pratt that Stephen Cartwright could be a good person for this job?

**AMY BROWN:** It's not for me to opine.

**The Hon. PENNY SHARPE:** Has anyone ever said that to you?

**AMY BROWN:** No.

**The Hon. COURTNEY HOUSSOS:** Has anyone ever suggested how he got onto that list?

**The Hon. DANIEL MOOKHEY:** Secretary, you have to verbally respond.

**The Hon. COURTNEY HOUSSOS:** Has anyone ever suggested to you how Mr Cartwright became a late entrant onto the list?

**AMY BROWN:** No. You could potentially ask Ms Bell, who was in Treasury at the time.

**The Hon. DANIEL MOOKHEY:** Okay, but just to be clear, do you know whether or not he was a captain's pick by either the Treasurer or the Deputy Premier?

**AMY BROWN:** I can't know that; I can't say.

**(Short adjournment)**

**The CHAIR:** Welcome back. We are kicking off this last afternoon session with questions from the Opposition.

**The Hon. COURTNEY HOUSSOS:** I'm just tabling a newspaper article. While it's brought to you, I just wanted to ask another follow-up question on this informal reference process. You did say you used it in the other STIC appointments. Did you go to any Ministers when you used it in the other STIC appointments?

**AMY BROWN:** I did not.

**The Hon. COURTNEY HOUSSOS:** So just to be clear, the only time you went for an informal reference check to a Minister was for the New York posting.

**AMY BROWN:** Yes, for the others it was just people in the business community.

**The Hon. COURTNEY HOUSSOS:** I've just tabled a copy of an article in *The Daily Telegraph*, which talked about Kerry Chikarovski to be considered for the New York trade commissioner role. Did Ms Chikarovski apply for the role?

**AMY BROWN:** I'm reluctant to confirm details of applicants for jobs, particularly where they were not ultimately offered the job, for fear of deterring other people from applying for public sector roles. I don't know if I'm obliged to answer, but that's my position.

**The Hon. WES FANG:** You can probably take that on notice.

**The Hon. COURTNEY HOUSSOS:** No, I think you are obliged to provide an answer. This was obviously publicly reported.

**AMY BROWN:** We've provided the documents to the LC already that have the details of the candidates, so—

**The Hon. COURTNEY HOUSSOS:** I'm not asking you about those documents; I'm asking you about this report in the newspaper, which said that Ms Chikarovski was considered for the role.

**AMY BROWN:** Am I able to take it on notice or seek advice as to whether or not I can answer?

**The Hon. WES FANG:** Point of order: Ms Brown is able to take a question on notice, and so if she's unclear as to her responsibilities to privacy et cetera then it's obviously annotated by her the reasons why she's taking it on notice and that she will have the procedural fairness of providing an answer within 21 days.

**The CHAIR:** The witness can take the question on notice if she doesn't have anything that she is able to give the Committee now in terms of your response to the question.

**AMY BROWN:** That's correct.

**The Hon. DANIEL MOOKHEY:** Can we then perhaps ask some additional questions?

**The CHAIR:** Yes, rephrase the question and see.

**The Hon. DANIEL MOOKHEY:** Let's just work through the article, if that's possible. Just to be clear, this is an article that was published on 23 July, which is no longer this month, so it's about 10 days ago. It's from the Saturday Telegraph. The lead sentence is:

Senior NSW government ministers secretly floated having former Liberal leader Kerry Chikarovski "or someone of her calibre" appointed to the now infamous New York trade commissioner role.

Firstly, did any senior Government Minister secretly float that with you?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** It says here:

The discussions occurred prior to former deputy premier John Barilaro bringing to cabinet a submission to change the state's new ... roles ...

Secretary Brown, to be fair, this is my statement. But to be very clear, one of the obvious questions which I think we do look forward to asking Minister Barilaro is, if he wanted to change it to a political appointment, who did he want to appoint? And then here it says that this discussion took place prior to Ms Chikarovski. The natural implication of that was that the reason why there was a change was in order to facilitate the appointment of someone like Kerry Chikarovski or of her calibre, to be clear. That's part of the reason we're asking the questions.

**The Hon. WES FANG:** Are we going to get to the point where you—

**The Hon. DANIEL MOOKHEY:** Yes. The question is at the time that you were having conversations with the Deputy Premier's office about the conversion of the role, was Kerry Chikarovski's name mentioned at any point?

**AMY BROWN:** Mentioned to me as someone who would—

**The Hon. DANIEL MOOKHEY:** To you or to anyone you're aware of who's a part of your agency, department, cluster?

**AMY BROWN:** No.

**The Hon. COURTNEY HOUSSOS:** Was it discussed? Were there specific individuals who were discussed as people who may be appointed under the new regime?

**AMY BROWN:** No.

**The Hon. WES FANG:** Are you going to turn to the page where you blocked me from having Barra?

**The CHAIR:** Order!

**The Hon. DANIEL MOOKHEY:** To the extent to which discussion was had about converting them to political appointments, did it occur to anybody in your department or agency to ask does the Government have a view as to who they would like to be appointing if it was to become a political appointment?

**AMY BROWN:** No, it was the Minister for Trade's submission that he took to Cabinet and I didn't have much interaction with him, so it wasn't something that I tested with him on the way to walking to a meeting or something. We had very little interaction, so there wasn't the opportunity for me to test that, even if I wanted to. His office didn't mention any particular individual.

**The Hon. DANIEL MOOKHEY:** So—

**The Hon. WES FANG:** Don't jump over that page. No, go back to that page.

**The Hon. DANIEL MOOKHEY:** As the Deputy President has just pointed out, the next paragraph of this says—or at least one of the additional paragraphs says—"There is no suggestion Ms Chikarovski was aware that she was a prospective candidate", which is fair, at this point in time.

**AMY BROWN:** Right.

**The Hon. WES FANG:** Not quite the paragraph I was talking about.

**The Hon. DANIEL MOOKHEY:** But I think part of the reason there are some inquiries now about whether or not she did apply is that it would raise questions as to whether or not anyone in the Government had a conversation with her to encourage her to apply. Are you aware of any member of the Government soliciting candidates to put forward to the process you had to run?

**AMY BROWN:** No, not that anyone told me.

**The Hon. DANIEL MOOKHEY:** In any application that may or may not have been made by this particular "prospective candidate", as it is described here, was there any reference made to any such discussions that you're aware of?

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

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

**AMY BROWN:** No.

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

**AMY BROWN:** Yes.

**The Hon. COURTNEY HOUSSOS:** Ms Brown, you said earlier that then Minister Ayres had said to you that he had text messaged the application to Mr Barilaro like he would for anyone.

**AMY BROWN:** Yes.

**The Hon. COURTNEY HOUSSOS:** Did he raise any other names with you that he had texted it to?

**AMY BROWN:** No.

**The Hon. COURTNEY HOUSSOS:** Did he raise any other names with you about people to give you a heads-up that they might be applying?

**AMY BROWN:** No.

**The Hon. COURTNEY HOUSSOS:** So it's only Mr Barilaro that he raised.

**AMY BROWN:** Yes.

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

**AMY BROWN:** I'll take it on notice.

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

**AMY BROWN:** I'll take it on notice.

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

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

**The Hon. PENNY SHARPE:** I want to ask you about referees. I note in the selection reports for Mr Barilaro that there's reference to the referee checks, and there are also emails that have talked about the referees being important. Can I just confirm who the referees for Mr Barilaro were? Are you able to tell me that?

**AMY BROWN:** I took that on notice last time. Did we provide an answer?

**The Hon. PENNY SHARPE:** Yes, that's right. That's why I'm coming back to it.

**AMY BROWN:** It would be captured with the documents that we have already provided in relation to the recruitment process.

**The Hon. PENNY SHARPE:** Sure, but let's be clear: There are documents here that, for example, say that there was a referee check done with the Australian ambassador—that would be Mr Arthur Sinodinos—so that's already public.

**AMY BROWN:** Okay.

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

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

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

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

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

**AMY BROWN:** Yes.

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

**AMY BROWN:** Yes.

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

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

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

**AMY BROWN:** I know.

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

**The Hon. DANIEL MOOKHEY:** Secretary, you make the point that Investment NSW has furnished the upper House with many documents. Did I hear you correctly?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** One of those documents shows that Gary Barnes was interviewed as a referee check. I haven't got the document to hand—it's a diary extract—but it confirms that he was interviewed.

**The Hon. PENNY SHARPE:** It was provided by Mr Barnes to the Committee.

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

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

**The Hon. DANIEL MOOKHEY:** Can I ask you to turn to page 216 of the tender bundle. This is the selection report of 28 May 2022. Do you see that at the top?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Just to be very clear, the selection report of 28 May 2022 is my addition to the document just to identify it by time, because it's not disclosed otherwise. But if you align the number with the next return you will see that that is the date that it has been produced.

**AMY BROWN:** Okay.

**The Hon. DANIEL MOOKHEY:** You see here that this is the first version of the selection report in which Mr Barilaro's rating is upgraded compared to the draft report that was produced in March. Do you see that right at the top?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** The highlighted part is the thing that's changed.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you go down to the bottom you will see another highlighted section.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You will have to strain your eyes but it states:

The Panel came to the view that following a review of references John did have some relevant capabilities and experience for the role ...

It also states, "While he had not worked internationally and would have a learning curve, he had a strong track record of building teams as well as operating in dynamic environment and deep understanding of the NSW Trade and Investment environment." Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** To be very clear here, that is a very different statement to the statement that's contained at the bottom of the 25 March version. It is markedly different. Nevertheless it does say here that the panel came to the view, following a review of references, that John had relevant capabilities. Clearly, I presume, the references had some weight in the panel's deliberations?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** In fact, that's unsurprising given that one of the references we have established is from the Australian high commissioner to the Americas—

**The Hon. PENNY SHARPE:** No, Australian ambassador.

**The Hon. DANIEL MOOKHEY:** —or the ambassador to the United States, Arthur Sinodinos, whose name would carry some weight, I presume, for an Americas position?

**AMY BROWN:** Precisely.

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

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

**The Hon. PENNY SHARPE:** Yes, that's fine. When you are seeking references for people, I assume that you are looking for different categories of people: people who have perhaps been their boss or people they have worked with. Can you explain that, without identifying people, who you identify?

**AMY BROWN:** Sure. It's exactly as you have articulated, Ms Sharpe. It's a 360-degree referee check. So that involves, kind of, colleagues or peers: people who have reported to that person and people who that person, I don't know, has—

**The Hon. PENNY SHARPE:** Worked with or managed or perhaps been the boss of—

**AMY BROWN:** Yes, worked with, worked for or managed, close colleague, business—it's varied and that's part of the point, yes.

**The Hon. DANIEL MOOKHEY:** Some additional information has come to light which may assist, Secretary Brown. Unfortunately, I only have one copy of it so I might read it and then pass it to you, if you don't mind.

**AMY BROWN:** Okay.

**The Hon. DANIEL MOOKHEY:** This is an email between a representative or an executive officer of NGS Global, a Mr Gary Barnes, that is dated Thursday 17 March 2022 at 1.27 p.m. The subject is "referee check time?" It states:

Good afternoon Gary,

You have been nominated as a referee for John Barilaro. I am hoping that you may be available for **15 minutes via phone** for a referee check with Dr Marianne Broadbent—

at NGS Global. It goes on, and then you can see a reply from Mr Barnes at 2.30—so an hour and two minutes and five seconds later: "Thanks, Lynne," a person "will be able to find a time that works". It turns out they do find a time that works. The referee check for Mr Barilaro took place on 22 March 2022 for 15 minutes. I will provide the witness with those documents so she can see for herself.

**AMY BROWN:** Thank you. Is there a question?

**The Hon. DANIEL MOOKHEY:** The question is would you like five seconds to read the documents?

**AMY BROWN:** No, I'm sorry. No, I'm good, thank you.

**The Hon. DANIEL MOOKHEY:** This clarifies, to be very clear, precisely where we are getting this information from. So it is not privileged; that is returned.

**AMY BROWN:** And this has been returned?

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

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

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

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

**The Hon. PENNY SHARPE:** When you signed off on Mr Barilaro did you read the reference reports? In the selection panel it is very clear that references were very important.

**AMY BROWN:** Yes.

**The Hon. PENNY SHARPE:** They're part of the process. Do you read the full referee reports?

**AMY BROWN:** We do read the referee reports, yes.

**The Hon. PENNY SHARPE:** When you say "we", who do you mean?

**AMY BROWN:** As in all members of the panel. They get distributed.

**The Hon. PENNY SHARPE:** I accept where you are at in terms of not wanting to identify them and that you are getting advice about that. Are you able to tell us the indications of the referees about why they were so influential and why they convinced you that Mr Barilaro was an important person for the job?

**AMY BROWN:** I think it is what has been articulated in the panel report itself around—

**The Hon. PENNY SHARPE:** To be fair, there were about six versions of that.

**AMY BROWN:** Yes, that's right. We will go with the final one. They attested to his superior knowledge of New South Wales's industry strengths and capabilities; extensive network within government, business that can be used to facilitate trade and investment. His referees attested to that experience, knowledge and networks. It was all backed up by the reference checks, yes.

**The Hon. DANIEL MOOKHEY:** The thing is that in that line that I read to you from the 28 May version, the panel came to the view, following a review of references, that John had relevant capabilities. That certainly seems to be the principal basis upon which Mr Barilaro has his ratings upgraded.

**AMY BROWN:** Mm.

**The Hon. DANIEL MOOKHEY:** But that actual line, "the panel came to the view following a review of references", is omitted from the final report. It is not in the final report. It has been taken out. Was that a change that you sought?

**AMY BROWN:** That was a change that I didn't seek, and it wasn't drawn to my attention. The final panel reports were settled between Kylie Bell and NGS Global.



**The Hon. DANIEL MOOKHEY:** Indeed, but this is where it gets a bit more interesting. If you don't mind, I might just take you to page 294, if you don't mind. I will be very clear here, Secretary Brown, that I am not making any inferences but there is a bit of confusion about all this. On page 294—this takes place just down the bottom—can you see there is a highlighted section?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Can you see that the date of that email is Friday 10 June?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That's a day after Mr Barilaro signs his contract—correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You can see here that this is what catalyses the process that leads to the panel member signing the final report. You see here that someone by the name of—I don't think that person identifies their title, so I'm just going to have to read out their name, but someone like—

**AMY BROWN:** Chief people officer.

**The Hon. DANIEL MOOKHEY:** Right, the chief people officer of Investment NSW contacts the lead recruiter at NGS Global and says:

Is there an updated panel report following John now being preferred?

Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you go up, you see up that the recruiter replies to the chief people officer:

Yes ... this is the one sent to Amy previously.

Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Then if you go up to the attachments, "Selection Panel Report – STIC\_Americas\_2204\_Draft\_v2", do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That's not the 28 May report; that's actually the March report. The version that is sent to everybody from the tenth onwards isn't the one that contains the reference reports. It's actually the one that you've now said was basically prepared in error, and that's the version that gets sent. If you go over the page, you can see that what the lead recruiter has done—sorry, down the bottom of 294 is probably the right way of saying it. She has forwarded the email—

**AMY BROWN:** Yes, she's forwarded the wrong email.

**The Hon. DANIEL MOOKHEY:** —to the chief people officer—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** —from the March report. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And you can see over the page on page 295—

**AMY BROWN:** Yes, I can see it.

**The Hon. DANIEL MOOKHEY:** It says:

Attached is the draft Selection Panel Report for the Americas role ...

**AMY BROWN:** Yes, and she forwarded the one that was unauthorised and did not reflect the interview deliberations to my chief people officer as if it was the final one when it's not even the final one; it's not even the updated one.

**The Hon. DANIEL MOOKHEY:** At this point what I inferred from this, Secretary Brown, was that that was what the recruiter thought was the most recent version of the report and that's the one that they sent. To be fair, as you were saying, they probably have done this in error.

**AMY BROWN:** I think she just mixed up the reports, because she sent me one on 28 May.

**The Hon. DANIEL MOOKHEY:** But that 28 May report—

**The Hon. SCOTT FARLOW:** She says that "this is the one sent to Amy previously".

**AMY BROWN:** Yes, exactly.

**The Hon. DANIEL MOOKHEY:** And you can see that, right? She has clearly forwarded you a version. The problem is there is no evidence that the 28 May report ever goes to any other member of the panel. There is none. There is no correspondence whatsoever that has been produced to the House that shows anyone had forwarded the 28 May report to the panel members.

**AMY BROWN:** Yes, and the one that was sent around was the 15 June report.

**The Hon. DANIEL MOOKHEY:** The one that contains the references that apparently leads to the upgrading of Mr Barilaro's score.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** The issue is that on the 28 May report there is a report that says, "As a result of the reference check, Mr Barilaro is effectively a good candidate," and on that basis, it's upgraded.

**AMY BROWN:** Okay.

**The Hon. DANIEL MOOKHEY:** It says that that is the view of the panel, but there's no evidence whatsoever to suggest that that report was ever actually sent to the panel.

**AMY BROWN:** That report I gave to Kylie Bell and I said, "Could you please check that this reflects the discussions we've been having about Mr Barilaro and factors in his reference checks and informal reference checks so that we can finalise it and get it around to the panel?" I left it with Ms Bell and she felt that it didn't quite reflect everything, and so she was then left to settle the report with NGS Global and then it ended up being the report that was 15 June that got sent around to everyone.

**The Hon. DANIEL MOOKHEY:** Indeed.

**AMY BROWN:** So you're correct.

**The Hon. DANIEL MOOKHEY:** Just to be very clear, are you aware of whether or not the 28 May report was ever sent to the other panel members?

**AMY BROWN:** I was never told that it was.

**The Hon. DANIEL MOOKHEY:** So it's a bit of an orphan report?

**AMY BROWN:** It's an orphan report, yes.

**The Hon. DANIEL MOOKHEY:** I mean, if we were to ask Ms Lo, as she appears, whether she saw it, it's not fair to Ms Lo to suggest that she hadn't because she may never have been sent it—that's fair?

**AMY BROWN:** That's fair. I expect she'd say she hasn't seen it.

**The Hon. DANIEL MOOKHEY:** Indeed. If we can just go forward to page 298, this is the email in which you confirm the final version of the report. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you go forward to the next page, page 299, this is an email from Ms Lo in which she confirms she agrees to the final report. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you go to page 302, you can see this is from the independent member of the panel, which is the Hon. Warwick Smith. If you go down—and I'm sorry if it's not highlighted—it says:

Thanks fir chat ...

I have read the summation

I agree that J Barilaro is the preferred candidate of those the panel interviewed ...

Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Do you know what was the chat that was had with Mr Smith that day?

**AMY BROWN:** I believe that the executive officer of NGS Global was just phoning him to chase him up on whether or not he was satisfied with its contents and happy to sign it. There was no conversation that day about the substance of the report. It was an admin assistant.

**The Hon. DANIEL MOOKHEY:** The issue is that—the 25 March report, was that ever sent to Mr Smith?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** And the 28 May report was never sent to him either.

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** So the only time that he sees the report is on 15 June. Is that correct? That's the only time that we can see that it was sent to him.

**AMY BROWN:** That's my understanding. It might be worth just confirming with Ms Bell that she didn't send him anything that I was unaware of, but—

**The Hon. DANIEL MOOKHEY:** So the only time Mr Warwick—actually, let me first ask the same questions of Ms Lo. Was Ms Lo ever sent the draft report?

**AMY BROWN:** Not that I'm aware.

**The Hon. DANIEL MOOKHEY:** And she wasn't, to the best of your knowledge, sent the 28 May report.

**AMY BROWN:** Not that I'm aware.

**The Hon. DANIEL MOOKHEY:** So the only report she's sent is the final report.

**AMY BROWN:** That's my understanding.

**The Hon. DANIEL MOOKHEY:** Well, what becomes the final report is probably the better way of putting it.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That is sent to the two of them five days after Mr Barilaro had signed his contract—correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And two days before it's publicly announced?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Can I just say then, as a result, the panel members never really saw a report in which the criticisms were contained of—yes, I would say "criticisms". The negative reflections on Mr Barilaro's candidacy were contained in the March report. They never saw those words, did they?

**AMY BROWN:** No, because I didn't feel they were an accurate reflection of the discussion.

**The Hon. DANIEL MOOKHEY:** Yes, that's fair. And you've established that throughout today, Secretary Brown.

**AMY BROWN:** Thank you.

**The Hon. DANIEL MOOKHEY:** But, equally, they never saw the reference in the 28 May report in which the referees, which apparently was a key reason for the ratings change—they never saw that either, correct?

**AMY BROWN:** They never saw the referees or they never saw the— they saw the referees. Are you saying they never saw that version of the report that referred to the referees?

**The Hon. DANIEL MOOKHEY:** Yes.

**AMY BROWN:** Yes, that's my understanding.

**The Hon. DANIEL MOOKHEY:** And then, equally, they are asked to sign the final report five days after Mr Barilaro has signed his contract, correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** What would've happened if they said, "No, we don't like the report"?

**AMY BROWN:** We'd had multiple conversations that they were satisfied with Mr Barilaro as the preferred candidate for the Americas, so I was not expecting anyone to not sign the report. It was a matter of the paperwork catching up with the reality. At this time, the department's paperwork left something to be desired.

**The Hon. WES FANG:** Daniel, do you mind if I just ask what I think is the obvious follow-up question to that?

**The Hon. DANIEL MOOKHEY:** Yes, I have no issues with that. I should just point out, before you do, Mr Deputy President, I am just now reading the attachment. It does say—the version that was sent to Ms Lo does contain the language that was contained on the 28 May report, "Following the review of references, John had relevant capabilities for the role." That's not the exact language, but it is similar language, just to be clear for the record.

**AMY BROWN:** Thank you. That's helpful.

**The Hon. WES FANG:** Ms Brown, if Mr Smith and Ms Lo did not see the previous draft reports but were only provided the final report—

**AMY BROWN:** That's right.

**The Hon. WES FANG:** —if what was contained within those reports did not reflect the deliberations of the committee prior to that point and the decision that was made, they would've had no hesitation in sighting that and objecting to not only signing the report but actually saying the report was not a reflection of the panel and the subsequent deliberations, correct?

**AMY BROWN:** They're strong professionals and I put them on the panel for a reason. Yes.

**The Hon. PENNY SHARPE:** Just to be clear, they didn't see the original report that had Mr Barilaro as number two and the changes in relation to the capabilities. They never saw that. They only saw the final worked-through version.

**AMY BROWN:** I understand. NGS Global, though, should never have sent me a report without my instruction or meeting with me to discuss how the conversations unfolded. That's not how these recruitment processes are normally undertaken. That was a unilateral decision by a recruitment firm to send me a report I didn't ask for.

**The Hon. SCOTT FARLOW:** And it's still your evidence as well that that did not reflect what the panel discussion was?

**AMY BROWN:** That's how I felt. That's why I didn't send it anywhere. I don't know why they—

**The Hon. WES FANG:** And Mr Smith—

**The Hon. DANIEL MOOKHEY:** But it was then circulated—

**The CHAIR:** Order! We've actually got—

**The Hon. PENNY SHARPE:** You guys can come back to this in 15 minutes.

**The CHAIR:** Yes. Government members, this is going beyond one or two questions.

**The Hon. WES FANG:** I did ask permission to actually—

**The CHAIR:** Yes, but you said one. You said a "follow-up question". Let's go back to the Opposition.

**The Hon. DANIEL MOOKHEY:** Ultimately, Secretary, the version that catalyses on 10 June that is sent from the recruiter to Ms Bell is the draft from the 25 March version. We've established that. We've now established that has been an error.

**AMY BROWN:** Yes, I think so.

**The Hon. DANIEL MOOKHEY:** Just to be clear, asking the panel members to potentially—and when I say "asking", I don't mean you personally—for the agency to be asking panel members to be signing a report five days after a person had already entered into a contract would've put them into a real position of difficulty, wouldn't it? It would've certainly heightened the consequences of their refusal.

**AMY BROWN:** It was not ideal.

**The Hon. DANIEL MOOKHEY:** So what had happened?

**AMY BROWN:** The initial delay, which I suggested in my last evidence, was Kathrina was on leave for the entirety of May, so that takes us up to June. To be honest, there was just a high degree of disorganisation around it.

**The Hon. DANIEL MOOKHEY:** Fair enough. Just to be clear, this report was produced on 28 May, so presumably two days before Ms Lo's leave ended, but you would say it's basically disorganisation?

**AMY BROWN:** A combination, yes.

**The Hon. DANIEL MOOKHEY:** I'm going to move to another matter, if you don't mind—just some minor matters arising from what some witnesses who have come and seen us have told us previously. Can we go to page 257 of the tender bundle? Ms Brown, you might recall previously we were asking you questions around the then Deputy Premier's office seeking a brief urgently as to the role of the Americas office.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** I'm not going to repeat that from earlier rounds because that evidence is now on the record. Firstly, you can see on page 257 that you approve a brief for the Deputy Premier on 5 August 2021, which I think is a Friday.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That is the one that is sent, and you can see what the attachments are.

**AMY BROWN:** Yes, that's right.

**The Hon. DANIEL MOOKHEY:** If you just go forward to page 259—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Sorry, I was wrong on my days. It was Thursday the fifth. On Friday the sixth, you see now that I think it's your chief of staff at that time—

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** —sends the actual brief to Mr Brayford in the Deputy Premier's office. Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** We can establish that Mr Brayford got it on Friday 6 August at 9.05 a.m.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Equally, just going forward, can we go to page 268? You can see that's where the Deputy Premier signs the brief.

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** Was there a kerfuffle over that brief?

**AMY BROWN:** Not that I'm aware of. It is my chief of staff engaging with the Deputy Premier's office directly. I had phoned the Deputy Premier to give him a head's up that it was on its way.

**The Hon. DANIEL MOOKHEY:** Can you go to page 263? Are you there?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** We will start at the bottom. You can see Mr Brayford emails your chief of staff on 11 August at 9.25 a.m., "The Deputy Premier has approved the briefing attached." Do you see that?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Can you just go up? Your chief of staff replies at 1.27:

Hi Joseph,

Confirming, as per our phone conversation, that this brief is now nullified and we will delete all copies in our records.

A new brief will come through today with amended wording.

Do you know why the brief was nullified and why all copies were to be deleted?

**AMY BROWN:** No, but I will seek advice. That's the first time I've seen that.

**The Hon. DANIEL MOOKHEY:** Can we go forward to page 262?

**AMY BROWN:** Sorry, I do know, I beg your pardon, Mr Mookhey. I remember this now.

**The Hon. DANIEL MOOKHEY:** We'll get there—just so you can give the answer at the appropriate time. But you can see that a revised brief is attached and is re-sent at 6.46 p.m.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** If you just go up—I don't know who this person is. It's an executive officer in your office, I think. It says:

Apologies - I've just seen that Amy has already spoken to your office and this is no longer necessary given the DP's approval of the previous version.

You can see there that's a correspondence from an executive officer in your office to Mr Brayford again, and your chief of staff is cc'd. Clearly, on the course of the same day, some other brief is created and sent, which is then itself set aside and your executive officer apologises for the kerfuffle. Do you want to shed some light? What was this all about? What was going on?

**AMY BROWN:** Yes, I do know. You'll recall that when the regime was originally established, the process that Treasury had set up that we inherited had the senior trade investment commissioner approvals going to Cabinet.

**The Hon. DANIEL MOOKHEY:** Yes.

**AMY BROWN:** And then I received advice from one of my learned colleagues in Premier and Cabinet that that was not necessary. In fact, it was inappropriate. So I halted that and the brief was revised to correct that error so that it removed the reference to the approval going to Cabinet.

**The Hon. DANIEL MOOKHEY:** Okay. Can you go to page 267?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** When you say there was an error in that it incorrectly reported to the Deputy Premier and that it was meant to go to Cabinet, you're referring to the bit at the top, are you, where it says, "The Deputy Premier is now invited to endorse the preferred candidate prior to submission to Cabinet"?

**AMY BROWN:** Yes. It's those words "prior to submission to Cabinet".

**The Hon. DANIEL MOOKHEY:** Did you call the Deputy Premier to discuss this with him?

**AMY BROWN:** No.

**The Hon. DANIEL MOOKHEY:** Did you call people in—

**AMY BROWN:** Not the change or anything like that, no.

**The Hon. DANIEL MOOKHEY:** Did you speak to anyone in the office about this?

**AMY BROWN:** In the Deputy Premier's office?

**The Hon. DANIEL MOOKHEY:** Yes.

**AMY BROWN:** Yes. I think it may have been my chief of staff, but we would have relayed to the Deputy Premier's office that we'd now received advice that it was inappropriate for these appointments to go to Cabinet.

**The Hon. DANIEL MOOKHEY:** Okay. Just really quickly, can you go to page 270?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** This is an email from you to [dpcdocs@dpc.nsw.gov.au](mailto:dpcdocs@dpc.nsw.gov.au). Is that an IT system or is—

**AMY BROWN:** Yes, we were still on their document management system for ages.

**The Hon. DANIEL MOOKHEY:** Basically, that leads to a note being put on the record. Is that correct?

**AMY BROWN:** Yes, that's right.

**The Hon. DANIEL MOOKHEY:** It says here:

I spoke to the DP's office and he doesn't want another brief to sign — let's assume he's 'noted' the appointment, on the basis that he signed the other brief.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That's just because you had a conversation with someone in the office and they said, "It's a minor difficulty and, therefore, let's move on with our lives."

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** After this, we heard from Mr Brayford that he gets a text message from the Deputy Premier asking him urgently to prepare a Cabinet submission to change the appointment process.

**AMY BROWN:** That is true.

**The Hon. DANIEL MOOKHEY:** Previously, you would recall that we were having a conversation at your last appearance about the urgent request for a brief. We've now seen from Mr Brayford that the urgent request for a brief results in an urgent text to him to prepare a Cabinet submission that he says he then operationalised with you. Do you recall the conversations that you had with him?

**AMY BROWN:** When he sought advice on Friday 3 September?

**The Hon. DANIEL MOOKHEY:** Yes.

**AMY BROWN:** That's the conversation you're referring to? I referred to it in my first evidence, but I stated that I don't know the chain of how Chris Carr was instructed. Is that the part you're referring to?

**The Hon. DANIEL MOOKHEY:** Yes, in part that is what I was referring to.

**AMY BROWN:** Yes, I recall that conversation.

**The Hon. DANIEL MOOKHEY:** At that point, did Mr Brayford ever indicate to you why it was so urgent?

**AMY BROWN:** He didn't indicate why it was urgent. Everything is urgent with ministerial officers. He simply said, "The boss wants to know why these are public sector employees rather than appointed by a Minister"—perhaps not those exact words but that sentiment—

**The Hon. DANIEL MOOKHEY:** Words to that effect.

**AMY BROWN:** —and, "Could you get me some advice on that?" I said "Certainly", and my wonderful general counsel prepared advice over the weekend.

**The Hon. DANIEL MOOKHEY:** That Cabinet submission was then produced by the department, correct? I'm not asking you to comment on the contents of it, but it was the case that you guys then produced a Cabinet submission.

**AMY BROWN:** We produced the first draft of the Cabinet submission, yes.

**The Hon. DANIEL MOOKHEY:** Did you produce the final draft?

**AMY BROWN:** We produced the first draft and then it's an iterative process between us and the office, suggesting changes. Chris Carr inputted, the chief operating officer inputted. The submission itself is then finalised and signed off on by the responsible Minister, which was the Deputy Premier at the time.

**The Hon. DANIEL MOOKHEY:** Again, without necessarily going into the nature of the contents, did that iterative process go back and forth? Was it a particularly complex one or was it the case that you sent the first draft and they took it from there?

**AMY BROWN:** I think there was a level of back and forth. Again, it was my chief of staff with the Deputy Premier's office staffer. I don't know how many iterations there were, but not too many. It was a fairly simple submission.

**The Hon. PENNY SHARPE:** Where in the process does the consultation occur in relation to that minute that either you or your department did or with other Ministers' offices? There's normally a process through Cabinet where minutes are circulated and there's input. Because it was a very fast process.

**AMY BROWN:** It was a fast process. Mr Carr prepared the brief. That indicated that the status quo and the reasons for it are clear and changing it is fraught. That brief was provided to the Deputy Premier's office and also to Tim Reardon, who was the secretary. We were in the DPC cluster at the time. The submission was lodged

to Cabinet. I think I have a note somewhere as to whether it had just one round of comments rather than two rounds of comments; I think it was under that accelerated process. Then the Department of Premier and Cabinet prepared what's called a "blue"—you're probably familiar with that term—which is an advice that is provided to the Premier to essentially have in front of her, at that time, on the public service's position on the issue.

**The Hon. DANIEL MOOKHEY:** Is it the case that ordinarily Cabinet submissions are registered in some form of IT system?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** And that gives the opportunity for other departments to see what's being proposed?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** And that then gives those departments the opportunity to develop their own thinking, if they wish to make any comments on that?

**AMY BROWN:** That is accurate.

**The Hon. DANIEL MOOKHEY:** And those comments are then logged into the Cabinet system?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** That is then considered by DPC as they prepare a "blue", as you describe it?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Then ultimately it's scheduled by the Premier as to when it comes to Cabinet?

**AMY BROWN:** Yes. The Premier approves items coming on the agenda.

**The Hon. DANIEL MOOKHEY:** There are always items that go through quickly. Is that correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** And there are other items which can stay on the table for a while. Is that correct?

**AMY BROWN:** That's right too.

**The Hon. DANIEL MOOKHEY:** Is it the case that ordinarily, even we would say, a median length of a Cabinet submission is at least a couple of weeks?

**AMY BROWN:** Yes, at least.

**The Hon. DANIEL MOOKHEY:** Is it unusual for a Cabinet position to go from a proposal to passage in 10 days—sorry, not "is it unusual". If a proposal goes from proposal to passage in 10 days, then clearly there's been a decision by Government to treat it as an urgent matter. Is that a fair inference?

**AMY BROWN:** Yes. Urgent or highly sensitive.

**The Hon. DANIEL MOOKHEY:** Ordinarily the dialogue about what can get onto Cabinet or not usually takes place between Ministers. That's correct?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** So in order for this to go from proposal to passage in 10 days, it's fair that the Minister would have had to agreed or recommended to the Premier that it be treated that way?

**AMY BROWN:** As in Minister Barilaro? Yes.

**The Hon. DANIEL MOOKHEY:** Did you at any point ever provide advice to the Premier's office that it was required to consider this Cabinet submission in 10 days?

**AMY BROWN:** No, I didn't provide advice on time frames.

**The Hon. DANIEL MOOKHEY:** That's because it's the prerogative of the Minister usually, correct?

**AMY BROWN:** Yes.



**The Hon. PENNY SHARPE:** Did you provide other advice to the Premier's office in relation to this minute?

**AMY BROWN:** Yes.

**The Hon. PENNY SHARPE:** What was that?

**AMY BROWN:** Because we were in the DPC cluster, so we were in the Premier and Cabinet cluster, which meant that we were inputting advice both into the blue but we also, I believe, had a conversation with the Premier's office just to explain the issues to them. They're a little difficult to grasp if you're not familiar with the—

**The Hon. PENNY SHARPE:** You suggested that this was a fraught process in your original drafting, yet in the end Cabinet made a different decision?

**AMY BROWN:** Correct.

**The Hon. DANIEL MOOKHEY:** To be clear, at this point the General Counsel of the Department of Premier and Cabinet had already, much earlier than this, surfaced issues to do with the choice to bring the Agent-General and Tokyo positions to Cabinet's attention, correct?

**AMY BROWN:** As in she had verbally expressed—

**The Hon. DANIEL MOOKHEY:** I think she may well have emailed saying that that wasn't necessarily in accordance with the law and at that point in time they should've been treated as public service appointments that were at best noted by Cabinet but not discussed by Cabinet.

**AMY BROWN:** I sought that advice from her on 11 August. Whether she'd raised it prior to that in verbal interactions, I'm not sure.

**The Hon. DANIEL MOOKHEY:** At this point DPC's leadership is aware that there are complexities to do with the law as it applies to this proposal, correct?

**AMY BROWN:** That is certainly the case.

**The Hon. DANIEL MOOKHEY:** And it's the case that you would have had discussions with the then secretary of DPC at the time?

**AMY BROWN:** I did.

**The Hon. DANIEL MOOKHEY:** There is a lot of change in personnel, but Mr Reardon was the secretary.

**AMY BROWN:** Mr Reardon, yes.

**The Hon. DANIEL MOOKHEY:** At this point he had announced his departure but he was still serving in the role, correct?

**AMY BROWN:** That's right.

**The Hon. DANIEL MOOKHEY:** So you had a discussion with him. Did you flag with him a concern about this particular Cabinet submission?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** What was your concern?

**AMY BROWN:** It was essentially the content of the advice. I believe I actually had a Teams call with him with my general counsel just so that we could set it out as comprehensively as possible. It's all around—you're aware of these issues—the practical and legal implications of conversion in particular to statutory officers, foreign relations issues and the fact that if they're statutory officers, they're not subject to the direction and control of the secretary. That makes it very hard to monitor KPIs. It means their staff are on a different arrangement from them, so that creates work health and safety and gives rise to visa issues and other kinds of—

**The Hon. DANIEL MOOKHEY:** And requires advice about its accordance with the Constitution of New South Wales, correct?

**AMY BROWN:** All of those things, yes.

**The Hon. DANIEL MOOKHEY:** So it's fair to say it's complicated.

**AMY BROWN:** Really complicated. And we are also concerned about compensation claims for unwinding contracts as well.

**The Hon. DANIEL MOOKHEY:** Ordinarily such proposals that require or present such complicated issues, it's fair to say that the ordinary practice of governments is to work through those issues prior to considering them in Cabinet. Is that fair?

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** You raised those concerns with the secretary of DPC at the time, Mr Reardon. Did he say anything in reply?

**AMY BROWN:** I think he appreciated the issues. But it was for him to brief then Premier Berejiklian, if she wished to be briefed.

**The Hon. DANIEL MOOKHEY:** Are you aware of any such briefing taking place?

**AMY BROWN:** No. I was never confirmed either way as to whether she was briefed.

**The Hon. DANIEL MOOKHEY:** But you certainly registered the complexity of the issues with Mr Reardon in a Teams call.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Which meant you went out of your way to cause that call to take place.

**AMY BROWN:** Yes. I was quite concerned about it.

**The Hon. DANIEL MOOKHEY:** Do you recall when you sought that meeting and when you got that meeting?

**AMY BROWN:** Potentially not.

**The Hon. DANIEL MOOKHEY:** I presume it was sometime in September, between 11 August and 17 September.

**AMY BROWN:** Yes.

**The Hon. DANIEL MOOKHEY:** Because that's the period in which the Cabinet submission is created, proposed and passed.

**AMY BROWN:** It was around that time, yes.

**The Hon. DANIEL MOOKHEY:** Have you ever sought such a meeting before in your time as secretary—you weren't secretary at the time; you were at Investment NSW.

**AMY BROWN:** No, I was CEO.

**The Hon. DANIEL MOOKHEY:** At this point you were CEO of Investment NSW for maybe four or five months?

**AMY BROWN:** Yes.

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

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

**The Hon. DANIEL MOOKHEY:** With the indulgence of the Government, can I just have one more minute to finish this?

**The Hon. SCOTT FARLOW:** One minute.

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

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

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

**AMY BROWN:** Yes, sure.

**The Hon. DANIEL MOOKHEY:** My final question in this matter, as I round out my final 30 seconds, is at any point did you ask the Deputy Premier why it was so urgent for Cabinet to debate this proposal in 10 days?

**AMY BROWN:** I never asked that question.

**The CHAIR:** Thank you. Questions from Government members?

**The Hon. SCOTT FARLOW:** Thank you very much. Ms Brown, the questions put to you by Mr Mookhey with respect to Mr Cartwright and some of the answers you provided in response to that in terms of the Premier and the Deputy Premier and his intention to go to them—I know you took it on notice as to which Premier or Deputy Premier it was at the time but, can I ask, after his posturing, did you ever have any contact from the Premier, Deputy Premier or from their offices?

**AMY BROWN:** With regards to Mr Cartwright's contract?

**The Hon. SCOTT FARLOW:** With regards to Mr Cartwright's employment contract?

**AMY BROWN:** No, I did not. The meeting where he said that he would be going to the Premier was toward the end of October, basically because there was an aspect of his employment contract he was unhappy about, so he sought to renegotiate it. It was in that meeting with me and my general counsel that he threatened to go to the Premier.

**The Hon. SCOTT FARLOW:** So in him saying that he was going to the Premier on it, you never received any communication from the Premier or his office with respect to his contract?

**AMY BROWN:** I did not.

**The Hon. SCOTT FARLOW:** Thank you.

**The Hon. WES FANG:** And at the end of October that wouldn't have been Mr Barilaro, would it, because he resigned on the fourth?

**AMY BROWN:** Correct. It was—well, he was referring to Premier Perrottet.

**The Hon. WES FANG:** Thank you.

**The Hon. DANIEL MOOKHEY:** Sorry, can you just repeat that? I didn't hear that properly.

**The Hon. WES FANG:** I was just saying that if it was the end of October it wouldn't have been Mr Barilaro in the role, because he resigned on the fourth.

**The Hon. DANIEL MOOKHEY:** Yes. And, sorry, the witness' reply was?

**AMY BROWN:** When Mr Cartwright threatened to go to the Premier—when I was in a meeting with my general counsel and we were attending to a contractual dispute, he threatened to go to the Premier, and it was the end of October so it was Premier Perrottet. But I never received any contact from the Premier or his office about it.

**The Hon. WES FANG:** I know you took a lot of these questions on notice for a number of reasons, and I'm happy if you do the same with mine.

**AMY BROWN:** Okay.

**The Hon. WES FANG:** There were some questions from the Opposition about people who might have provided referee testimony for witnesses. Would it be unusual for a secretary or deputy secretary to provide references to people that they have worked with for a senior role, like a band 3 role, in a normal situation?

**AMY BROWN:** Do you mean for people to provide references of people they've worked with closely?

**The Hon. WES FANG:** Yes.

**AMY BROWN:** Yes, that's usual. That's normal.

**The Hon. WES FANG:** That's pretty normal?

**AMY BROWN:** Yes.

**The Hon. WES FANG:** In relation to the previous preferred candidate in round one, Ms West, would her referees have likely come from a similar group? That is, did she have, perhaps, a secretary or deputy secretary providing a reference for her?

**AMY BROWN:** Yes, she did.

**The Hon. WES FANG:** So the inference that I can take from the questioning of the Opposition that it is somehow inappropriate to be providing referees—

**The Hon. PENNY SHARPE:** We're making no inferences, just for the record.

**The Hon. WES FANG:** I think you are. But, anyway, I—

**The Hon. PENNY SHARPE:** We are certainly not.

**The Hon. DANIEL MOOKHEY:** We are, but not at that.

**The Hon. WES FANG:** Okay. It is not unusual for a member to seek to have perhaps a secretary or deputy secretary provide references and, in fact, Ms West herself had a secretary or deputy secretary, or a number of them, listed as referees for her in her application to the STIC role?

**AMY BROWN:** Referees of that nature, yes.

**The Hon. WES FANG:** Can I turn to the person unnamed—and I don't know who it is—who was added to the short list?

**AMY BROWN:** Yes.

**The Hon. WES FANG:** There's been much talk about gender. Are you able to tell us the gender of that person—was it a male or female?

**AMY BROWN:** They were female.

**The Hon. WES FANG:** So it was, in effect, the Minister greenlighting a female to be added to the—or indicating to you that it's less of an issue to have that person's departure from their previous role—

**AMY BROWN:** Yes.

**The Hon. WES FANG:** It was a female that was being asked to be—well, not asked to be short-listed, but you decided to short-list that person?

**AMY BROWN:** I think he cited the fact that they were female as an additional reason to put them on the short list.

**The Hon. SCOTT FARLOW:** Just to pick up from that point as well—sorry, Mr Fang—and because it has been provided to us and on publication, can I just clarify that that person was not Kerry Chikarovski?

**AMY BROWN:** It was not Kerry Chikarovski.

**The Hon. SCOTT FARLOW:** Thank you.

**The Hon. WES FANG:** Okay. I'm just trying to see what else I need to touch on. I'm just going to turn now to the reports that were circulated or not circulated, as we have gone through chapter and verse with Mr Mookhey. The final report that was circulated for signature with the panel members—and I touched on this point without getting to finish the line of questioning earlier—there's obviously been some discussion as to which reports Ms Lo might have seen, which reports Mr Smith might have seen et cetera, et cetera. But if the final report that was presented to them for signature was not representative of the discussions that were had at the panel level, you don't believe either of them would have had a hesitation in articulating that to you or to NGS Global and refused to have signed that report?

**AMY BROWN:** Yes, I believe they would have objected in no uncertain terms.

**The Hon. WES FANG:** Noting that there was—I'll say, in the first version—a ranking structure that had the other candidate ranked above Mr Barilaro, whereas the final report obviously had the situation more equalised and, in fact, reversed, if they were of the opinion that that other candidate had been preferred through the panel phase and the subsequent discussion phase, reference check phase, they would not have signed the report. Is that correct?

**AMY BROWN:** Correct.

**The Hon. WES FANG:** If they felt that the other candidate was the preferred candidate, they would not be signing the report?

**AMY BROWN:** Yes, if they felt that the panel report had the candidates the wrong way around, so to speak, they wouldn't have signed it.

**The Hon. WES FANG:** Again, one of the inferences that I take from the way that it's been presented through the media and through this inquiry that somehow the report has been changed in order to favour Mr Barilaro—

**The Hon. PENNY SHARPE:** I think it did.

**The Hon. DANIEL MOOKHEY:** It did favour him.

**The Hon. WES FANG:** I've been very good at not interjecting—

**The CHAIR:** Order! Don't respond. Just continue, Mr Fang.

**The Hon. PENNY SHARPE:** Sorry.

**The CHAIR:** Just continue, we have—what is it?

**The Hon. WES FANG:** Well, it's very hard to do so when I've got—

**The Hon. PENNY SHARPE:** I withdraw.

**The CHAIR:** It's not hard to do. There's seven minutes—let's go.

**The Hon. WES FANG:** It really is hard. Thank you, Chair. If it was, in fact, this circumstance that the first report was indeed reflective of the panel discussions as they existed at the time and there was another preferred candidate, they would have insisted that the report be reversed and that the other candidate be preferred; they would not have signed it. That would be a fair assumption to make?

**AMY BROWN:** That's my expectation and the reason why I had them on the panel.

**The Hon. WES FANG:** So the assumption that's been, I guess, progressed in the media and through the inquiry from the Opposition that the report has been changed in order to preference Mr Barilaro over another candidate is not reflected in the fact that the other panel members signed the final report not having seen the other report, because it indeed reflected what was being discussed at the time and then subsequent to that at the referee checking process?

**AMY BROWN:** It reflected the reality of the recruitment process, yes.

**The Hon. WES FANG:** So we can infer from the evidence that we've now got in front of us and also the context that's been provided that the report previously from NGS Global that was sent to you was incorrect and did not reflect the discussions that were had and, therefore, was not accurate, as perhaps has been portrayed in a number of other areas, such as the media, such as within press conferences and the like, that it was not the reflective view of the committee.

**AMY BROWN:** I gave no instructions to the external recruitment firm to (a) prepare, (b) circulate to me a report at that time without me having a conversation with them about it, and I certainly didn't instruct them to prepare a report with those ratings.

**The Hon. WES FANG:** Do you believe if Mr Smith or Ms Lo was asked or instructed or requested to prefer one candidate over another that they would do so?

**AMY BROWN:** Ms Lo's the Public Service Commissioner. So that is not within the realms of reality that she would do that, in my view.

**The Hon. WES FANG:** So, in that circumstance, the inference that has been applied to not only yourself, as the lead on the committee, but also the other members of the committee that they've all been complicit in trying to preference one candidate over another would impact their standing within the community, given that they are highly respected and would not have complied with any request that was outside the law or natural fairness that would be given to all candidates for the role.

**AMY BROWN:** That's right. They have the highest standard of integrity.

**The Hon. PETER POULOS:** To that point, Ms Brown, noting both recruitment processes—phase one, if I could describe it that way, and phase two—and recognising the eminent individuals involved in both iterations, is it plausible that anyone could suggest, as has been put in the public domain, that the selection process was effectively rigged and there's been a month-long cover-up? Is that possible, in your view?

**The Hon. PENNY SHARPE:** Minister Ayres did resign today.

**The CHAIR:** We did just have a Minister resign.

**The Hon. PETER POULOS:** Could the selection process have been rigged?

**AMY BROWN:** My selection reports reflect the reality of the recruitment process for both round one and round two. For particular reasons, I deemed that there was no suitable candidate in round one, as we've discussed, and then in round two the first ranked candidate, Mr John Barilaro, reflects the reality of the recruitment process.

**The Hon. WES FANG:** I'm just going to draw some parallels quickly. How much time do I have left, Chair?

**The CHAIR:** You have two minutes, 30 seconds.

**The Hon. WES FANG:** Perfect. That should be just about enough time. I'm going to draw some parallels, Ms Brown—

**The CHAIR:** You're coming to a question though, Mr Fang?

**The Hon. WES FANG:** I'm going to be coming to a question, Ms Faehrmann. In the first round of the recruitment, there was somebody who was involved in developing the position descriptions, advertising the role, was aware of all of the people who applied for the role and who was on the short list, then subsequently decided to apply for the role, after they were aware of who the short-listed candidates were and their strengths and weaknesses, had a number or at least a secretary or deputy secretary as a referee for them and was subsequently provided the role. In the second round the former Deputy Premier applied and wasn't aware of who was applying, was not aware of the short list, obviously had a number of referees, official, unofficial, and won the role. Given that the Deputy Premier has been so maligned about his role in this, why should it not be the case that the person who was in charge of developing the role, writing the position descriptions, advertising the role and who was aware of who was on the short list, their strengths and weaknesses, should be equally as maligned, given they also won the role?

**AMY BROWN:** I don't think it's for me to express an opinion.

**The Hon. WES FANG:** That's the end of my questioning.

**The CHAIR:** Thank you very much, Ms Brown, for attending today. That is the end of our questions and our session. Committee members may have additional questions for you after the hearing. This Committee has resolved that questions on notice along with any answers to questions on notice taken today will need to get back within 21 days upon receipt of the transcript. The secretariat will contact you in relation to these questions. Just to inform you as well, however, that because there has been a bundle of documents once again released, you may be contacted again by the Committee to appear again. I did just want to float that with you, in all transparency, as much as we can. Thank you very much. That is the end of today's hearing.

**AMY BROWN:** Thanks for having me.

**(The witness withdrew.)**

**The Committee adjourned at 16:31.**